



City of Oregon City

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

Meeting Agenda - Final-revised Planning Commission

Monday, July 11, 2016

7:00 PM

Commission Chambers

Public Open House - Marijuana Regulations

3:30 - 5:30 pm

Work Session - Marijuana Regulations

5:30 - 7:00 pm

Planning Commission Worksession - Marijuana Regulations (Planning File LE-16-0001)

Sponsors: Pete Walter

Attachments: [Commission Report](#)

[Marijuana Business Draft Code All Chapters 07.01.2016.pdf](#)

[Marijuana Business Zoning Quick Reference Table](#)

[Oregon City Zoning Map](#)

[Retailer Permitted Zone Map](#)

[Producer Permitted Zone Map](#)

[Processor Permitted Zone Map](#)

[Wholesaler Permitted Zone Map](#)

Regular Meeting

Starts at 7:00 pm

1. **Call to Order**

2. **Public Comments**

3. **Public Hearing**

3a. Planning Files US 16-02 / NR 16-04 / SP 16-04 / VR 16-01: Retaining Wall to Mitigate a Landslide at Berryhill Apartments.

Sponsors: Pete Walter

Attachments: [Commission Report](#)

[Staff Report with Findings and Recommendation](#)

[Exhibits 1a. through 1j. US 16-02 Application](#)

[Exhibit 2a. Completeness Review Transmittal](#)

[Exhibit 2b. Geologic Hazards application completeness review, Foundation Engineering, dated June 2, 2016.](#)

[Exhibit 2c. NROD completeness review, David Evans and Associates.](#)

[dated June 3, 2016.](#)
[Exhibit 3a. Revised retaining wall plans, dated June 7, 2016.](#)
[Exhibit 3b. Geohazard completeness review response letter, dated June 9, 2016.](#)
[Exhibit 3c. Narrative and Code Criteria Response, dated June 10, 2016.](#)
[Exhibit 4. Determination of Completeness, dated June 10, 2016](#)
[Exhibit 5. Public Notices](#)
[Exhibit 6. Applicant's email regarding tree removal, dated June 24, 2016.](#)
[Exhibit 7. DEA comments, dated June 16, 2016](#)
[Exhibit 8. Applicant's narrative and code responses, describing modifications to wall design, dated July 1, 2016.](#)
[Exhibit 9. Applicant's photographs of the site indicating existing screening of wall from below, dated July 1, 2016.](#)
[Exhibit 10. Vicinity Map](#)

3b. AN-16-0001: Annexation of one property of 0.5 acres into the City Limits.

Sponsors: Pete Walter

Attachments: [Commission Report](#)

[AN 16-01 Recommended Findings](#)

[AN 16-01 Application Form](#)

[AN 16-01 Petition](#)

[AN 16-01 Vicinity Map with Utilities](#)

[AN 16-01 Clackamas River Water letter](#)

[2000 OC CRW IGA South End](#)

[City Engineer Email re AN 16-01 ACRW IGA Question](#)

[Hazel Grove Westling Farms Neighborhood Association Meeting Summary](#)

[Tom O'Brien Email re HGWF Meeting](#)

[HGWF NA Sign Sheets](#)

[June 13 PC Continuance Staff Report](#)

[AN 16-01 Replinger Comments](#)

[AN 16-01 First Public Notice](#)

[AN 16-01 Second Public Notices](#)

4. Adoption of the Minutes

4a. Approval of Planning Commission minutes for 11/30/2015, 12/14/2015, 01/11/2016, and 02/22/2016.

Sponsors: Pete Walter

Attachments: [02-22-2016 Draft PC minutes](#)

[01-11-2016 Draft PC minutes](#)

[12-14-2015 Draft PC minutes](#)

[11-30-2015 Draft PC minutes](#)**5. Communications****6. Adjournment**

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

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

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

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

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



City of Oregon City

625 Center Street
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503-657-0891

Staff Report

File Number: 16-413

Agenda Date: 7/11/2016

Status: Agenda Ready

To: Planning Commission

Agenda #:

From: Pete Walter

File Type: Report

SUBJECT:

Planning Commission Worksession - Marijuana Regulations (Planning File LE-16-0001)

RECOMMENDED ACTION (Motion):

Work Session.

BACKGROUND:

Staff has completed the first work session draft of time, place and manner regulations for marijuana businesses (attached). The code revisions are based on extensive public outreach, staff research, and input from a variety of sources including the Oregon Liquor Control Commission, League of Oregon Cities, reviews of various other municipal regulations, and City Attorney legal analysis.

At the worksession, staff will present the results of the public outreach, surveys and mapping that will illustrate how the regulations will be implemented in the various zones. Revisions to each of the zone districts clearly indicate whether marijuana businesses will be prohibited, permitted or subject to existing use limitations. Staff will supplement the worksession information with a matrix to explain how certain OLCC rules and regulations already govern aspects of marijuana business at the state level.

Please refer to the Marijuana Business Zoning Quick Reference Table for a summary of how each of the five types of marijuana businesses will be regulated in the various zone districts. A copy of the official zoning map of Oregon City is attached for reference.

The principal new code section that contains operational and site standards will be OCMC 17.54.110. The proposed code will treat medical and recreational marijuana businesses similarly.

Marijuana production (i.e. "grows") will be only be permitted in the GI - General Industrial Zone.

Retail uses and dispensaries, as proposed, are prohibited:

- Within 250 feet of any public parks, licensed child care and day care facilities, and public transit centers.
- Within 1000 feet of a public, private or parochial elementary and secondary school.
- Abutting a residential zone unless the zone that permits the retail use or dispensary abuts a

freeway, expressway, major arterial, minor arterial, or collector functional road (as shown on Figure 8, Multi-Modal Street System, of the Oregon City Transportation System Plan).

Personal cultivation of marijuana for medical and recreational use will be exempt from the regulations provided it is indoors.

The first planning commission public hearing for consideration of these regulations will be held on July 25, 2016, at 7:00 P.M. at City Hall.

BUDGET IMPACT: N/A

Amount:

FY(s):

Funding Source:

Definitions

Chapter 17.04 - Definitions

(Note – The following definitions will added to Chapter 17.04 and the sections will be renumbered following adoption)

Marijuana Licensee means a person who holds a business license issued by the city to engage in a marijuana business in accordance with this chapter.

Licensee representative means an owner, director, officer, manager, employee, agent or other representative of a licensee, to the extent that the person acts in a representative capacity.

Marijuana means the plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae. “Marijuana” does not include industrial hemp, as defined in state law.

Marijuana business means (1) any business licensed by the Oregon Liquor Control Commission or Oregon Health Authority to engage in a business of a laboratory or producing, processing, wholesaling, retailing marijuana or marijuana items.

Marijuana items means marijuana, cannabinoid products, cannabinoid concentrates and cannabinoid extracts.

Marijuana processor (processing) means an entity licensed by the Oregon Liquor Control Commission or Oregon Health Authority to process marijuana. This includes the manufacture of concentrates, extracts, edibles and or topicals.

Marijuana producer (production) means an entity licensed by the Oregon Liquor Control Commission or the Oregon Health Authority to manufacture, plant, cultivate, grow or harvest marijuana. This is the only license able to cultivate marijuana.

Marijuana laboratory (labotories) means an entity which tests or researches marijuana products for THC levels, pesticides, mold, etc. pursuant to applicable Oregon Administrative Rules.

Marijuana retailer means an entity licensed by the Oregon Liquor Control Commission or Oregon Health Authority to sell marijuana items to a consumer in this state.

Marijuana wholesaler means an entity licensed by the Oregon Liquor Control Commission or Oregon Health Authority to purchase items in this state for resale to a person other than a consumer. This means an entity that buys and sells at wholesale.

Medical Marijuana dispensary means an entity registered with the Oregon Liquor Control Commission or Oregon Health Authority to transfer marijuana.

Chapter 17.08 - R-10 SINGLE-FAMILY DWELLING DISTRICT

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.

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.

17.08.035 – Prohibited uses.

Prohibited uses in the R-10 district are:

A. Any use not expressly listed in Sections 17.08.020 or 17.08.030.

B. Marijuana businesses.

17.08.040 - Dimensional standards.

Dimensional standards in the R-10 district are:

- A. Minimum lot areas, ten thousand square feet;
- B. Minimum lot width, sixty-five feet;
- C. Minimum lot depth, eighty feet;
- D. Maximum building height, two and one-half stories, not to exceed thirty-five feet;
- E. Minimum required setbacks:
 - 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.
- 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.

Chapter 17.10 - R-8 SINGLE-FAMILY DWELLING DISTRICT

17.10.010 - Designated.

This residential district is designed for areas of single-family homes on lot sizes of approximately eight thousand square feet.

17.10.020 - Permitted uses.

Permitted uses in the R-8 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.

17.10.030 - 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.

17.10.035 – Prohibited uses.

Prohibited uses in the R-8 district are:

A. Any use not expressly listed in 17.10.020 or 17.10.030.

B. Marijuana businesses.

17.10.040 - Dimensional standards.

Dimensional Standards in the R-8 District are:

- A. Minimum lot areas, eight thousand square feet;
- B. Minimum lot width, sixty feet;
- C. Minimum lot depth, seventy-five feet;
- D. Maximum building height, two and one-half stories, not to exceed thirty-five feet;
- E. Minimum Required Setbacks:
 - 1. Front yard fifteen feet minimum setback;
 - 2. Front porch, ten feet minimum setback;
 - 2. Attached and detached garage, twenty feet minimum setback from the public right-of-way where access is taken, except for alleys. Detached garages on an alley shall be setback a minimum of five feet in residential areas;
 - 3. Interior side yard, nine feet minimum setback for at least one side yard, seven feet minimum setback for the other side yard;
 - 4. Corner side yard, fifteen feet minimum setback;
 - 5. Rear yard, twenty feet minimum setback;
 - 6. Rear porch, fifteen feet minimum setback.
- F. Garage Standards: See 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.

Chapter 17.12 - R-6 SINGLE-FAMILY DWELLING DISTRICT

17.12.010 - Designated.

This residential district is designed for single-family homes on lot sizes of approximately six thousand square feet.

17.12.020 - Permitted uses.

Permitted uses in the R-6 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.

17.12.030 - 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.

17.12.035 – Prohibited uses.

Prohibited uses in the R-8 district are:

A. Any use not expressly listed in 17.12.020 or 17.12.030.

B. Marijuana businesses.

17.12.040 - Dimensional standards.

Dimensional standards in the R-6 district are:

- A. Minimum lot areas, six thousand square feet;
- B. Minimum lot width, fifty feet;
- C. Minimum lot depth, seventy feet;
- D. Maximum building height, two and one-half stories, not to exceed thirty-five feet;
- 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.

Chapter 17.14 - R-5 SINGLE-FAMILY DWELLING DISTRICT

17.14.010 - Designated.

This residential district is designed for single-family homes on lot sizes of approximately five thousand square feet.

17.14.020 - Permitted uses.

Permitted uses in the R-5 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.

17.14.030 - 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.

17.14.035 – Prohibited uses.

Prohibited uses in the R-5 district are:

- A. Any use not expressly listed in 17.14.020 or 17.14.030.
B. Marijuana businesses.

17.14.040 - Dimensional standards.

Dimensional standards in the R-5 district are:

- A. Minimum lot areas, five thousand square feet;
- B. Minimum lot width, thirty-five feet;
- C. Minimum lot depth, seventy feet;
- D. Maximum building height, two and one-half stories, not to exceed thirty-five feet;
- 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, seven feet minimum setback for at least one side yard; five feet minimum setback for the other side yard,
 - 5. Corner side yard, ten feet minimum setback,
 - 6. Rear yard, twenty feet minimum setback,
 - 7. Rear porch, fifteen feet minimum setback.
- F. Garage standards: See Chapter 17.21—Residential Design Standards.
- G. Maximum building coverage: The footprint of all structures two hundred square-feet or greater shall cover a maximum of fifty percent of the lot area.

Chapter 17.16 - R-3.5 DWELLING DISTRICT

17.16.010 - Designated.

This residential district is designed for single-family attached and detached residential units and two-family dwellings on lot sizes of approximately three thousand five hundred square feet per dwelling.

17.16.020 - Permitted uses.

Uses permitted in the R-3.5 district are:

- A. Two-family dwellings (duplex);
- B. Single-family detached residential units;
- C. Single-family attached residential units (Row houses with no more than six dwelling units may be attached in a row);
- D. Parks, playgrounds, playfields and community or neighborhood centers;
- E. Home occupations;
- F. 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);
- G. 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;
- H. Accessory uses, buildings and dwellings;
- I. Family day care provider, subject to the provisions of Section 17.54.050;
- J. Residential home per ORS 443.400;
- K. Transportation facilities.

17.16.030 - 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;
- K. Live/work units.

17.16.035 - Master plans.

The following are permitted in this district when authorized by and in accordance with the standards contained in Chapter 17.65.

- A. Multi-family residential units.
- B. Cottage housing.

17.16.037 – Prohibited uses.

Uses prohibited in the R-3.5 district are:

A. Any use not expressly listed in 17.16.020, 17.16.030 or 17.16.035.

B. Marijuana businesses.

17.16.040 - Dimensional standards.

Dimensional standards in the R-3.5 district are:

- A. Minimum Lot Areas.
 - 1. Residential uses, three thousand five hundred square feet per unit.
 - 2. Non-residential uses, zero minimum;
- B. Minimum lot width, twenty-five feet;
- C. Minimum lot depth, seventy feet;
- D. Maximum building height, two and one-half stories, not to exceed thirty-five feet;
- E. Minimum Required Setbacks:
 - 1. Front yard, five feet minimum setback,
 - 2. Front porch, zero feet minimum setback,
 - 3. Interior side yard,
 - Detached unit, five feet minimum setback
 - Attached unit, seven feet minimum setback on the side that does not abut a common property line.
 - 4. Corner side yard, ten-foot minimum setback,
 - 5. Rear yard, fifteen-foot minimum setback,
 - 6. Rear porch, ten-foot minimum setback.

- 7. 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.
- F. Garage standards: See Chapter 17.21—Residential Design Standards.
- G. Maximum lot coverage: The footprint of all structures two hundred square feet or greater shall cover a maximum of fifty-five percent of the lot area.

17.16.050 - Single-family attached residential units and duplex units.

The following standards apply to single-family dwellings, in addition to the standards in Section 17.16.040.

- A. Maintenance Easement. Prior to building permit approval, the applicant shall submit a recorded mutual easement that runs along the common property line. This easement shall be ten feet in width. A lesser width may be approved by the community development director if it is found to be sufficient to guarantee rights for maintenance purposes of structure and yard.
- B. Conversion of Existing Duplexes. Any conversion of an existing duplex unit into two single-family attached dwellings shall be reviewed for compliance with the requirements in Title 16 for partitions, Chapter 17.16 and the State of Oregon One- and Two- Family Dwelling Specialty Code prior to final recordation of the land division replat.

Chapter 17.18 - R-2 MULTI-FAMILY DWELLING DISTRICT

17.18.010 - Designated.

The purpose of this residential district is designed for multi-family residential units on lot sizes of approximately two thousand square feet per dwelling.

17.18.020 - Permitted uses.

Permitted uses in the R-2 district are:

- A. Residential units, multi-family;
- B. Parks, playgrounds, playfields and community or neighborhood centers;
- C. Home occupations;
- D. 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;
- E. Accessory buildings;
- F. Family day care provider, subject to the provisions of Section 17.54.050. (Prior code §11-3-7(A));
- G. Management and associated offices and building necessary for the operations of a multi-family residential development;
- H. Residential care facility per ORS 443.400;
- I. Transportation facilities;
- J. Live/work units, pursuant to Section 17.54.105—Live/work units.

17.18.030 - 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. Private and/or public educational or training facilities;
- G. Public utilities, including sub-stations (such as buildings, plants and other structures);
- H. Religious institutions;
- I. Assisted living facilities; nursing homes and group homes for over fifteen patients;

J. Live/work units.

17.18.035 - Pre-existing industrial use.

Tax Lot 11200, located on Clackamas County Map #32E16BA has a special provision to permit the current industrial use and the existing incidental sale of the products created and associated with the current industrial use on the site. This property may only maintain and expand the current use, which are the manufacturing of aluminum boats and the fabrication of radio and satellite equipment, internet and data systems and antennas.

17.18.037 – Prohibited uses.

Prohibited uses in the R-2 district are:

A. Any use not expressly listed in 17.18.020, 17.18.030 or 17.18.035.

B. Marijuana Businesses

17.18.040 - Dimensional standards.

Dimensional standards in the R-2 district are:

- A. Minimum lot areas: Two thousand square feet per unit.
- B. Minimum lot width, fifty feet;
- C. Minimum lot depth, seventy-five feet;
- D. Maximum building height, four stories, not to exceed fifty-five feet;
- E. Minimum required setbacks:
 - 1. Front yard, five feet minimum setback (May be reduced to zero through Site Plan and Design Review)
 - 2. Side yard, five feet minimum setback,
 - 3. Corner side yard, ten feet minimum setback,
 - 4. Rear yard, ten feet minimum setback,
 - 5. Buffer area. If a multi-family residential unit in this district abuts R-10, R-8, or R-6 use, there shall be required a landscaped yard of ten feet on the side abutting the adjacent zone in order to provide a buffer area and landscaping thereof shall be subject to site plan review. The community development director may waive any of the foregoing requirements if it is found that the requirement is unnecessary on a case-by-case basis.
 - 6. 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.
- F. Design criteria: See Site Plan and Design Review requirements in Chapters 17.62 and 17.52.

Chapter 17.24 - NC NEIGHBORHOOD COMMERCIAL DISTRICT

17.24.010 - Designated.

The Neighborhood Commercial District is designed for small-scale commercial and mixed-uses designed to serve a convenience need for residents in the surrounding low-density neighborhood. Land uses consist of small and moderate sized retail, service, office, multi-family residential uses or similar. This district may be applied where it is appropriate to reduce reliance on the automobile for the provision of routine retail and service amenities, and to promote walking and bicycling within comfortable distances of adjacent residential infill neighborhoods, such as within the Park Place and South End Concept Plan areas. Approval of a site plan and design review application pursuant to OCMC 17.62 is required.

17.24.020 - Permitted Uses—NC.

The following uses are permitted within the Neighborhood Commercial District:

- A. Any use permitted in the Mixed-Use Corridor, provided the maximum footprint for a stand alone building with a single store or multiple buildings with the same business does not exceed ten thousand square feet, unless otherwise restricted in this chapter.
- B. Grocery stores, provided the maximum footprint for a stand alone building with a single store or multiple buildings with the same business does not exceed forty thousand square feet.
- C. Live/work units, pursuant to Section 17.54.105—Live/work units.
- D. Multi-family, single-family attached or two-family residential, when proposed along with any nonresidential allowed use in the NC district in a single development application and not exceeding fifty percent of the total building square feet in said application.
- E. Outdoor sales that are ancillary to a permitted use on the same or abutting property under the same ownership.

17.24.025 - Conditional uses.

The following conditional uses may be permitted when approved in accordance with the process and standards contained in Chapter 17.56:

- A. Any use permitted in the Neighborhood Commercial District that has a building footprint in excess of ten thousand square feet.
- B. Emergency and ambulance services;
- C. Drive-thru facilities;
- D. Outdoor markets that are operated before six p.m. on weekdays;
- E. Public utilities and services such as pump stations and sub-stations;
- F. Religious institutions;
- G. Public and or private educational or training facilities;
- H. Gas stations;

- I. Hotels and motels, commercial lodging;
- J. Vet clinic or pet hospital.

17.24.035 - Prohibited uses.

The following uses are prohibited in the NC District:

- A. Distributing, wholesaling and warehousing;
- B. Outdoor storage;
- C. Outdoor sales that are not ancillary to a permitted use on the same or abutting property under the same ownership;
- D. Hospitals;
- E. Kennels;
- F. Motor vehicle sales and incidental service;
- G. Motor vehicle repair and service;
- H. Self-service storage facilities;
- I. Heavy equipment service, repair, sales, storage or rental (including but not limited to construction equipment and machinery and farming equipment).
- J. Marijuana production, processing, wholesaling, research, testing, and laboratories.

17.24.040 - Dimensional standards.

Dimensional standards in the NC district are:

- A. Maximum building height: Forty feet or three stories, whichever is less.
- B. Maximum building footprint: Ten thousand square feet.
- C. Minimum required setbacks if not abutting a residential zone: None.
- D. Minimum required interior and rear yard setbacks if abutting a residential zone: Ten feet plus one foot additional yard setback for every one foot of building height over thirty-five feet.
- E. Maximum Allowed Setback.
 - 1. Front yard setback: Five feet (may be extended with Site Plan and Design Review, Section 17.62.055).
 - 2. Interior yard setback: None.
 - 3. Corner side yard setback abutting a street: Thirty feet, provided the site plan and design review requirements of Section 17.62.055 are met.
 - 4. Rear yard setback: None.

Chapter 17.26 - HC HISTORIC COMMERCIAL DISTRICT

17.26.010 - Designated.

The Historic Commercial District is designed for limited commercial use. Allowed uses should facilitate the re-use and preservation of existing buildings and the construction of new architecturally compatible structures. Land uses are characterized by high-volume establishments such as retail, service, office, residential, lodging, recreation and meeting facilities, or a similar use as defined by the community development director.

17.26.020 - Permitted uses.

- A. Uses permitted in the MUC-1 Mixed-Use Corridor District.
- B. Residential units, single-family detached.
- C. Residential units, duplex.
- D. Accessory uses, buildings and dwellings.

17.26.030 - Conditional uses.

The following conditional uses and their accessory uses are permitted in this district when authorized by and in accordance with the standards contained in Chapter 17.56:

- A. Conditional uses listed in the MUC Mixed-Use Corridor District.

17.26.035 - Prohibited uses.

- A. Single-family attached
- B. Marijuana production, processing, wholesaling, research, testing, and laboratories.

17.26.040 - Historic building preservation.

Existing historic buildings (defined as primary, secondary or compatible buildings in a National Register Historic district or are in Oregon City's inventory of Historic Buildings) shall be used for historic commercial or residential use. If, however, the owner can demonstrate to the planning commission that no economically feasible return can be gained for a particular structure, and that such structure cannot be rehabilitated to render such an economic return, the planning commission may grant an exception to the historic building preservation policy. Such an exception shall be the minimum necessary to allow for an economic return for the land, while preserving the integrity of the historic building preservation policy in other structures in the area. The planning commission may condition the grant of any such application to

these ends. The members of the historic review board shall be notified of the application and may request a delay in the decision or the planning commission, of its own volition, may delay a decision on such an application subject to consideration by the historic review board as provided in Chapter 17.40.

17.26.050 - Dimensional standards.

A. Residential unit, single-family detached:

1. Dimensional standards required for the R-6 Single-Family Dwelling District.

B. All other uses:

1. Minimum lot area: None.
2. Maximum building height: Thirty-five feet or three stories, whichever is less.
3. Minimum required setbacks if not abutting a residential zone: None.
4. Minimum required rear yard setback if abutting a residential zone: Twenty feet.
5. Minimum required side yard setbacks if abutting a single-family residential use: Five feet.
6. Maximum front yard setback: Five feet (May be extended with Site Plan and Design Review Section 17.62.055).
7. Maximum interior side yard: None.
8. Maximum rear yard: None.
9. Minimum required landscaping (including landscaping within a parking lot): Twenty percent.

Chapter 17.29 - "MUC"—MIXED-USE CORRIDOR DISTRICT

17.29.010 - Designated.

The Mixed-Use Corridor (MUC) District is designed to apply along selected sections of transportation corridors such as Molalla Avenue, 7th Street and Beavercreek Road, and along Warner-Milne Road. Land uses are characterized by high-volume establishments such as retail, service, office, multi-family residential, lodging, recreation and meeting facilities, or a similar use as defined by the community development director. A mix of high-density residential, office, and small-scale retail uses are encouraged in this District. Moderate density (MUC-1) and high density (MUC-2) options are available within the MUC zoning district. The area along 7th Street is an example of MUC-1, and the area along Warner-Milne Road is an example of MUC-2.

17.29.020 - Permitted uses—MUC-1 and MUC-2.

- A. Banquet, conference facilities and meeting rooms;
- B. Bed and breakfast and other lodging facilities for up to ten guests per night;
- C. Child care centers and/or nursery schools;
- D. Indoor entertainment centers and arcades;
- E. Health and fitness clubs;
- F. Medical and dental clinics, outpatient; infirmary services;
- G. Museums, libraries and cultural facilities;
- H. Offices, including finance, insurance, real estate and government;
- I. Outdoor markets, such as produce stands, craft markets and farmers markets that are operated on the weekends and after six p.m. during the weekday;
- J. Postal services;
- K. Parks, playgrounds, play fields and community or neighborhood centers;
- L. Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoes and small appliances and equipment;
- N. Residential units, multi-family;
- O. Restaurants, eating and drinking establishments without a drive through;
- P. Services, including personal, professional, educational and financial services; laundry and dry-cleaning;
- Q. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores, [marijuana pursuant to 17.54.110](#), and similar, provided the maximum footprint for a stand alone building with a single store or multiple buildings with the same business does not exceed sixty thousand square feet;
- R. Seasonal sales, subject to OCMC Section 17.54.060;
- S. Assisted living facilities; nursing homes and group homes for over fifteen patients;

- T. Studios and galleries, including dance, art, photography, music and other arts;
- U. Utilities: Basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers;
- V. Veterinary clinics or pet hospitals, pet day care;
- W. Home occupations;
- X. Research and development activities;
- Y. Temporary real estate offices in model dwellings located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
- Z. Residential care facility;
- AA. Transportation facilities;
- BB. Live/work units, pursuant to Section 17.54.105—Live/work units.

17.29.030 - Conditional uses—MUC-1 and MUC-2 zones.

The following uses are permitted in this district when authorized and in accordance with the process and standards contained in Chapter 17.56:

- A. Ancillary drive-in or drive-through facilities;
- B. Emergency service facilities (police and fire), excluding correctional facilities;
- C. Gas stations;
- D. Outdoor markets that do not meet the criteria of Section 17.29.020H.;
- E. Public utilities and services including sub-stations (such as buildings, plants and other structures);
- F. Public and/or private educational or training facilities;
- G. Religious institutions;
- H. Retail trade, including gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores and any other use permitted in the neighborhood, historic or limited commercial districts that have a footprint for a stand alone building with a single store in excess of sixty thousand square feet in the MUC-1 or MUC-2 zone;
- I. Hotels and motels, commercial lodging;
- J. Hospitals;
- K. Parking structures and lots not in conjunction with a primary use;
- L. Passenger terminals (water, auto, bus, train).

17.29.040 - Prohibited uses in the MUC-1 and MUC-2 zones.

The following uses are prohibited in the MUC district:

- A. Distributing, wholesaling and warehousing;

- B. Outdoor storage;
- C. Outdoor sales that are not ancillary to a permitted use on the same or abutting property under the same ownership;
- D. Correctional facilities;
- E. Heavy equipment service, repair, sales, storage or rentals (including but not limited to construction equipment and machinery and farming equipment);
- F. Kennels;
- G. Motor vehicle and recreational vehicle sales and incidental service;
- H. Motor vehicle and recreational vehicle repair/service;
- I. Self-service storage facilities.
- J. [Marijuana production, processing, wholesaling, research, testing, and laboratories, pursuant to 17.54.110.](#)

17.29.050 - Dimensional standards—MUC-1.

- A. Minimum lot areas: None.
- B. Maximum building height: Forty feet or three stories, whichever is less.
- C. Minimum required setbacks if not abutting a residential zone: None.
- D. Minimum required interior and rear yard setbacks if abutting a residential zone: Twenty feet, plus one foot additional yard setback for every one foot of building height over thirty-five feet.
- E. Maximum allowed setbacks.
 - 1. Front yard: Five feet (may be extended with Site Plan and Design Review (Section 17.62.055)).
 - 2. Interior side yard: None.
 - 3. Corner side setback abutting street: Thirty feet provided the Site Plan and Design Review requirements of Section 17.62.055 are met.
 - 4. Rear yard: None.
- F. Maximum lot coverage of the building and parking lot: Eighty percent.
- G. Minimum required landscaping (including landscaping within a parking lot): Twenty percent.

17.29.060 - Dimensional standards—MUC-2.

- A. Minimum lot area: None.
- B. Minimum floor area ratio: 0.25.
- C. Minimum building height: Twenty-five feet or two stories except for accessory structures or buildings under one thousand square feet.
- D. Maximum building height: Sixty feet.
- E. Minimum required setbacks if not abutting a residential zone: None.

- F. Minimum required interior and rear yard setbacks if abutting a residential zone: Twenty feet, plus one foot additional yard setback for every two feet of building height over thirty-five feet.
- G. Maximum Allowed Setbacks.
 - 1. Front yard: Five feet (may be expanded with Site Plan and Design Review Section 17.62.055).
 - 2. Interior side yard: None.
 - 3. Corner side yard abutting street: Twenty feet provided the site plan and design review requirements of Section 17.62.055 are met.
 - 4. Rear yard: None.
- H. Maximum site coverage of building and parking lot: Ninety percent.
- I. Minimum landscaping requirement (including parking lot): Ten percent.

17.29.070 - Floor area ratio (FAR).

Floor area ratios are a tool for regulating the intensity of development. Minimum FARs help to achieve more intensive forms of building development in areas appropriate for larger-scale buildings and higher residential densities.

- A. Standards.
 - 1. The minimum floor area ratios contained in 17.29.050 and 17.29.060 apply to all non-residential and mixed-use building development, except stand-alone commercial buildings less than ten thousand square feet in floor area.
 - 2. Required minimum FARs shall be calculated on a project-by-project basis and may include multiple contiguous blocks. In mixed-use developments, residential floor space will be included in the calculations of floor area ratio to determine conformance with minimum FARs.
 - 3. An individual phase of a project shall be permitted to develop below the required minimum floor area ratio provided the applicant demonstrates, through covenants applied to the remainder of the site or project or through other binding legal mechanism, that the required density for the project will be achieved at project build out.

Chapter 17.31 - "MUE"—MIXED-USE EMPLOYMENT DISTRICT

17.31.10 - Designated.

The MUE zone is designed for employment-intensive uses such as large offices and research and development complexes or similar as defined by the community development director. Some commercial uses are allowed, within limits. The county offices and Willamette Falls Hospital are examples of such employment-intensive uses.

17.31.020 - Permitted uses.

Permitted uses in the MUE district are defined as:

- A. Banquet, conference facilities and meeting rooms;
- B. Child care centers, nursery schools;
- C. Medical and dental clinics, outpatient; infirmary services;
- D. Distributing, wholesaling and warehousing;
- E. Health and fitness clubs;
- F. Hospitals;
- H. Emergency service facilities (police and fire), excluding correctional facilities;
- I. Industrial uses limited to the design, light manufacturing, processing, assembly, packaging, fabrication and treatment of products made from previously prepared or semi-finished materials;
- J. Offices;
- K. Outdoor markets, such as produce stands, craft markets and farmers markets that are operated on the weekends and after six p.m. during the weekday;
- L. Postal services;
- M. Parks, play fields and community or neighborhood centers;
- N. Research and development offices and laboratories, related to scientific, educational, electronics and communications endeavors;
- O. Passenger terminals (water, auto, bus, train);
- P. Utilities. Basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, water tanks, telephone exchange and cell towers;
- Q. Transportation facilities.
- R. Marijuana processors, processing sites, wholesaling and laboratories, pursuant to 17.54.110 – Marijuana businesses.

17.31.030 - Limited uses.

The following permitted uses, alone or in combination, shall not exceed twenty percent of the total gross floor area of all of the other permitted and conditional uses within the MUE development site or complex. The total gross floor area of two or more buildings may be used, even if the buildings are not all on the same parcel or owned by the same property owner, as long as they are part of the same development site, as determined by the community development director.

- A. Retail services, including but not limited to personal, professional, educational and financial services, marijuana pursuant to 17.54.110, laundry and dry cleaning;
- B. Restaurants, eating and drinking establishments;
- C. Retail shops, provided the maximum footprint for a stand alone building with a single store does not exceed sixty thousand square feet;
- D. Public and/or private educational or training facilities;
- E. Custom or specialized vehicle alterations or repair wholly within a building.
- ~~F. Marijuana retail, pursuant to Section 17.54.110 — Marijuana businesses.~~

17.31.040 - Conditional uses.

The following conditional uses are permitted when authorized and in accordance with the process and standards contained in Chapter 17.56.

- A. Correctional, detention and work release facilities;
- B. Drive-in or drive-through facilities;
- C. Hotels, motels and commercial lodging;
- D. Outdoor markets that do not meet the criteria of Section 17.31.020.M;
- E. Public utilities and services such as pump stations and sub-stations;
- F. Religious institutions;
- G. Veterinary or pet hospital, dog day care.

17.31.050 - Prohibited uses.

The following uses are prohibited in the MUE district:

- A. Outdoor sales or storage;
- B. Kennels;
- C. Gas/Convenience stations;
- D. Motor vehicle parts stores;
- E. Motor vehicle sales and incidental service;
- F. Heavy equipment service, repair, sales, storage or rental² (including but not limited to construction equipment and machinery and farming equipment);
- G. Recreation vehicle, travel trailer, motorcycle, truck, manufactured home, leasing, rental or storage;
- H. Self-storage facilities.

I. Marijuana production.

17.31.060 - Dimensional standards.

- A. Minimum lot areas: None.
- B. Minimum Floor Area Ratio: 0.25.
- C. Maximum building height: except as otherwise provided in subsection C.1. of this section building height shall not exceed sixty feet.
 - 1. In that area bounded by Leland Road, Warner Milne Road and Molalla Avenue, and located in this zoning district, the maximum building height shall not exceed eighty-five feet in height.
- D. Minimum required interior and rear yard setbacks if abutting a residential zone: twenty feet, plus one foot additional yard setback for every one foot of building height over thirty-five feet.
- E. Maximum allowed setbacks: No maximum limit provided the Site Plan and Design Review requirements of Section 17.62.055 are met. Development of a campus with an approved Master Plan in the MUE zone is exempt from Section 17.62.055D.1 of Site Plan and Design Review. All other standards are applicable.
- F. Maximum site coverage of the building and parking lot: Eighty percent.
- G. Minimum landscape requirement (including the parking lot): Twenty Percent.

The design and development of the landscaping in this district shall:

- 1. Enhance the appearance of the site internally and from a distance;
- 2. Include street trees and street side landscaping;
- 3. Provide an integrated open space and pedestrian way system within the development with appropriate connections to surrounding properties;
- 4. Include, as appropriate, a bikeway walkway or jogging trail;
- 5. Provide buffering or transitions between uses;
- 6. Encourage outdoor eating areas appropriate to serve all the uses within the development;
- 7. Encourage outdoor recreation areas appropriate to serve all the uses within the development.

17.31.070 - Floor area ratio (FAR).

Floor area ratios are a tool for regulating the intensity of development. Minimum FARs help to achieve more intensive forms of building development in areas appropriate for larger-scale buildings and higher residential densities.

A. Standards.

- 1. The minimum floor area ratios contained in 17.29.050 and 17.29.060 apply to all non-residential and mixed-use building development, except stand-alone commercial buildings less than ten thousand square feet in floor area.
- 2. Required minimum FARs shall be calculated on a project-by-project basis and may include multiple contiguous blocks. In mixed-use developments, residential floor space will be

included in the calculations of floor area ratio to determine conformance with minimum FARs.

3. An individual phase of a project shall be permitted to develop below the required minimum floor area ratio provided the applicant demonstrates, through covenants applied to the remainder of the site or project or through other binding legal mechanism, that the required density for the project will be achieved at project build out.

Chapter 17.32 - C GENERAL COMMERCIAL DISTRICT

17.32.010 - Designated.

Uses in the general commercial district are designed to serve the city and the surrounding area. Land uses are characterized by a wide variety of establishments such as retail, service, office, multi-family residential, lodging, recreation and meeting facilities or a similar use as defined by the community development director.

17.32.020 - Permitted uses.

- A. Any use permitted in the MUC - Mixed Use Corridor zone with no maximum footprint size, unless otherwise restricted in Sections 17.24.020, 17.24.030 or 17.24.040;
- B. Hotels and motels;
- C. Drive-in or drove through facilities;
- D. Passenger terminals (water, auto, bus, train);
- E. Gas stations;
- F. Outdoor markets that do not meet Section 17.29.020.H;
- G. Motor vehicle and recreational vehicle sales and/or incidental service;
- H. Motor vehicle and recreational vehicle repair and/or service;
- I. Custom or specialized vehicle alterations or repair wholly within a building.

17.32.030 - Conditional uses.

The following conditional uses are permitted when authorized and in accordance with the standards contained in Chapter 17.56:

- A. Religious institutions;
- B. Hospitals;
- C. Self service storage facilities;
- D. Public utilities, including sub-stations (such as buildings, plants and other structures);
- E. Public and/or private educational or training facilities;
- F. Parking structures and lots not in conjunction with a primary use;
- G. Emergency service facilities (police and fire), excluding correctional facilities.

17.32.040 - Prohibited uses in the General Commercial District.

The following uses are prohibited in the General Commercial District:

- A. Distribution, wholesaling and warehousing.
- B. Outdoor sales or storage (Except secured areas for overnight parking or temporary parking of vehicles used in the business. Sales of products not located under a roof may be allowed if they are located in an area that is architecturally connected to the primary structure, is an ancillary use and is approved through the Site Plan and Design Review process. This area may not exceed fifteen percent of the building footprint of the primary building).
- C. General manufacturing or fabrication.
- D. Heavy equipment service, repair, sales, storage or rental (including but not limited to construction equipment and machinery and farming equipment).
- E. Marijuana production, processing, wholesaling, research, testing, and laboratories.

17.32.050 - Dimensional standards.

- A. Minimum lot area: None.
- B. Maximum building height: Sixty feet.
- C. Minimum required setbacks if not abutting a residential zone: None.
- D. Minimum required interior and rear yard setbacks if abutting a residential zone: twenty feet, plus one foot additional yard setback for every two feet of building height over thirty-five feet.
- E. Maximum Allowed Setbacks.
 - 1. Front yard setback: Five feet (may be expanded with Site Plan and Design Review Section 17.62.055).
 - 2. Interior side yard setback: None.
 - 3. Corner side yard setback abutting street: None
 - 4. Rear yard setback: None.
- F. Maximum site coverage of building and parking lot: Eighty-five percent
- G. Minimum landscaping requirement (including parking lot): Fifteen percent.

Chapter 17.34 - "MUD"—MIXED-USE DOWNTOWN DISTRICT

17.34.010 - Designated.

The mixed-use downtown (MUD) district is designed to apply within the traditional downtown core along Main Street and includes the "north-end" area, generally between 5th Street and Abernethy Street, and some of the area bordering McLoughlin Boulevard. Land uses are characterized by high-volume establishments constructed at the human scale such as retail, service, office, multi-family residential, lodging or similar as defined by the community development director. A mix of high-density residential, office and retail uses are encouraged in this district, with retail and service uses on the ground floor and office and residential uses on the upper floors. The emphasis is on those uses that encourage pedestrian and transit use. This district includes a Downtown Design District overlay for the historic downtown area. Retail and service uses on the ground floor and office and residential uses on the upper floors are encouraged in this district. The design standards for this sub-district require a continuous storefront façade featuring streetscape amenities to enhance the active and attractive pedestrian environment.

17.34.020 - Permitted uses.

Permitted uses in the MUD district are defined as:

- A. Any use permitted in the mixed-use corridor without a size limitation, unless otherwise restricted in Sections 17.34.020, 17.34.030 or 17.34.040;
- B. Hotel and motel, commercial lodging;
- C. Marinas;
- D. Religious institutions;
- E. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores provided the maximum footprint of a freestanding building with a single store does not exceed sixty thousand square feet (a freestanding building over sixty thousand square feet is allowed as long as the building contains multiple stores);
- F. Live/work units.

17.34.030 - Conditional uses.

The following uses are permitted in this district when authorized and in accordance with the process and standards contained in Chapter 17.56.

- A. Ancillary drive-in or drive-through facilities;
- B. Emergency services;
- C. Hospitals;
- D. Outdoor markets that do not meet the criteria of Section 17.34.020;
- E. Parks, playgrounds, play fields and community or neighborhood centers;
- F. Parking structures and lots not in conjunction with a primary use;

- G. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies and specialty stores in a freestanding building with a single store exceeding a foot print of sixty thousand square feet;
- H. Public facilities such as sewage and water treatment plants, water towers and recycling and resource recovery centers;
- I. Public utilities and services such as pump stations and sub-stations;
- J. Distributing, wholesaling and warehousing;
- K. Gas stations;
- L. Public and or private educational or training facilities;
- M. Stadiums and arenas;
- N. Passenger terminals (water, auto, bus, train);
- O. Recycling center and/or solid waste facility.

17.34.040 - Prohibited uses.

The following uses are prohibited in the MUD district:

- A. Kennels;
- B. Outdoor storage and sales, not including outdoor markets allowed in Section 17.34.030;
- C. Self-service storage;
- D. Single-Family and two-family residential units;
- E. Motor vehicle and recreational vehicle repair/service;
- F. Motor vehicle and recreational vehicle sales and incidental service;
- G. Heavy equipment service, repair, sales, storage or rental² (including but not limited to construction equipment and machinery and farming equipment);
- H. Marijuana production, processing, wholesaling, research, testing, and laboratories, pursuant to Section 17.54.110.

17.34.050 - Pre-existing industrial uses.

Tax lot 5400 located at Clackamas County Tax Assessors Map #22E20DD, Tax Lots 100 and two hundred located on Clackamas County Tax Assessors Map #22E30DD and Tax Lot 700 located on Clackamas County Tax Assessors Map #22E29CB have special provisions for industrial uses. These properties may maintain and expand their industrial uses on existing tax lots. A change in use is allowed as long as there is no greater impact on the area than the existing use.

17.34.060 - Mixed-use downtown dimensional standards—For properties located outside of the downtown design district.

- A. Minimum lot area: None.

- B. Minimum floor area ratio: 0.30.
- C. Minimum building height: Twenty-five feet or two stories except for accessory structures or buildings under one thousand square feet.
- D. Maximum building height: Seventy-five feet, except for the following locations where the maximum building height shall be forty-five feet:
 - 1. Properties between Main Street and McLoughlin Boulevard and 11th and 16th streets;
 - 2. Property within five hundred feet of the End of the Oregon Trail Center property; and
 - 3. Property within one hundred feet of single-family detached or detached units.
- E. Minimum required setbacks, if not abutting a residential zone: None.
- F. Minimum required interior side yard and rear yard setback if abutting a residential zone: Fifteen feet, plus one additional foot in yard setback for every two feet in height over thirty-five feet.
- G. Maximum Allowed Setbacks.
 - 1. Front yard: Twenty feet provided the site plan and design review requirements of Section 17.62.055 are met.
 - 2. Interior side yard: No maximum.
 - 3. Corner side yard abutting street: Twenty feet provided the site plan and design review requirements of Section 17.62.055 are met.
 - 4. Rear yard: No maximum.
 - 5. Rear yard abutting street: Twenty feet provided the site plan and design review requirements of Section 17.62.055 are met.
- H. Maximum site coverage including the building and parking lot: Ninety percent.
- I. Minimum landscape requirement (including parking lot): Ten percent.

17.34.070 - Mixed-use downtown dimensional standards—For properties located within the downtown design district.

- A. Minimum lot area: None.
- B. Minimum floor area ratio: 0.5.
- C. Minimum building height: Twenty-five feet or two stories except for accessory structures or buildings under one thousand square feet.
- D. Maximum building height: Fifty-eight feet.
- E. Minimum required setbacks, if not abutting a residential zone: None.
- F. Minimum required interior and rear yard setback if abutting a residential zone: Twenty feet, plus one foot additional yard setback for every three feet in building height over thirty-five feet.
- G. Maximum Allowed Setbacks.
 - 1. Front yard setback: Ten feet provided the site plan and design review requirements of Section 17.62.055 are met.
 - 2. Interior side yard setback: No maximum.

3. Corner side yard setback abutting street: Ten feet provided the site plan and design review requirements of Section 17.62.055 are met.
 4. Rear yard setback: No maximum.
 5. Rear yard setback abutting street: Ten feet provided the site plan and design review requirements of Section 17.62.055 are met.
- H. Maximum site coverage of the building and parking lot: One hundred percent.
- I. Minimum Landscape Requirement. Development within the downtown design district overlay is exempt from required landscaping standards in Section 17.62.050A.1. However, landscaping features or other amenities are required, which may be in the form of planters, hanging baskets and architectural features such as benches and water fountains that are supportive of the pedestrian environment. Where possible, landscaped areas are encouraged to facilitate continuity of landscape design. Street trees and parking lot trees are required and shall be provided per the standards of Chapter 12.08 and Chapter 17.52.

17.34.080 - Explanation of certain standards.

A. Floor Area Ratio (FAR).

1. Purpose. Floor area ratios are a tool for regulating the intensity of development. Minimum FARs help to achieve more intensive forms of building development in areas appropriate for larger-scale buildings and higher residential densities.
2. Standards.
 - a. The minimum floor area ratios contained in sections 17.34.060 and 17.34.070 apply to all non-residential and mixed-use building developments.
 - b. Required minimum FARs shall be calculated on a project-by-project basis and may include multiple contiguous blocks. In mixed-use developments, residential floor space will be included in the calculations of floor area ratio to determine conformance with minimum FARs.
 - c. An individual phase of a project shall be permitted to develop below the required minimum floor area ratio provided the applicant demonstrates, through covenants applied to the remainder of the site or project or through other binding legal mechanism, that the required density for the project will be achieved at project build out.

B. Building height.

1. Purpose.
 - a. The Masonic Hall is currently the tallest building in downtown Oregon City, with a height of fifty-eight feet measured from Main Street. The maximum building height limit of fifty-eight feet will ensure that no new building will be taller than the Masonic Hall.
 - b. A minimum two-story (twenty-five feet) building height is established for the Downtown Design District Overlay sub-district to ensure that the traditional building scale for the downtown area is maintained.

Chapter 17.35 - WILLAMETTE FALLS DOWNTOWN DISTRICT

17.35.010 - Designated.

The Willamette Falls Downtown (WFD) District applies to the historic Willamette Falls site, bordered by 99E to the north and east, and the Willamette River to the west and south. This area was formerly an industrial site occupied by the Blue Heron Paper Mill and is the location of Oregon City's founding. A mix of open space, retail, high-density residential, office, and compatible light industrial uses are encouraged in this district, with retail, service, and light industrial uses on the ground floor and office and residential uses on upper floors. Allowed uses in the district will encourage pedestrian and transit activity. This district includes a downtown design overlay for the historic downtown area. Design guidelines for this subdistrict require storefront facades along designated public streets featuring amenities to enhance the active and attractive pedestrian environment.

17.35.020 - Permitted uses.

Permitted uses in the WFD district are defined as:

- A. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, marijuana pursuant to 17.54.110, and specialty stores provided the maximum footprint of a freestanding building with a single store does not exceed forty thousand square feet (a freestanding building over forty thousand square feet is allowed as long as the building contains multiple tenant spaces or uses).
- B. Industrial uses including food and beverage production, limited to the design, light manufacturing, processing, assembly, packaging, fabrication and treatment of products made from previously prepared or semi-finished materials, and not to exceed sixty thousand square feet.
- C. Research and development activities.
- D. Offices, including finance, insurance, real estate, software, engineering, design, and government.
- E. Restaurants, eating and drinking establishments without a drive through, and mobile food carts.
- F. Parks, playgrounds, outdoor entertainment space, and community or neighborhood centers.
- G. Museums, libraries, and interpretive/education facilities.
- H. Outdoor markets, such as produce stands, craft markets and farmers markets.
- I. Indoor entertainment centers and arcades.
- J. Studios and galleries, including dance, art, film and film production, photography, and music.
- K. Hotel and motel, commercial lodging.
- L. Conference facilities and meeting rooms.
- M. Public and/or private educational or training facilities.
- N. Child care centers and/or nursery schools.
- O. Health and fitness clubs.
- P. Medical and dental clinics, outpatient; infirmary services.

- Q. Repair shops, except automotive or heavy equipment repair.
- R. Residential units—Multi-family.
- S. Services, including personal, professional, educational and financial services; laundry and dry cleaning.
- T. Seasonal sales, subject to Oregon City Municipal Code Section 17.54.060.
- U. Utilities: Basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers.
- V. Veterinary clinics or pet hospitals, pet day care.
- W. Home occupations.
- X. Religious institutions.
- Y. Live/work units, including an individual residential unit in association with a permitted use.
- Z. Water-dependent uses, such as boat docks.
- AA. Passenger terminals (water, auto, bus, train).
- BB. Existing parking and loading areas, as an interim use, to support open space/recreational uses.

17.35.030 - Conditional uses.

The following uses are permitted in this district when authorized and in accordance with the process and standards contained in Chapter 17.56:

- A. Emergency services.
- B. Hospitals.
- C. Assisted living facilities; nursing homes, residential care facilities and group homes for over fifteen patients.
- D. Parking structures and lots not in conjunction with a primary use.
- E. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies and specialty stores in a freestanding building with a single store exceeding forty thousand square feet.
- F. Public facilities such as sewage and water treatment plants, water towers and recycling and resource recovery centers.
- G. Industrial uses including food and beverage production, design, light manufacturing, processing, assembly, packaging, fabrication and treatment of products made from previously prepared or semi-finished materials, that exceed sixty thousand square feet.
- H. Public utilities and services such as pump stations and sub-stations.
- I. Stadiums and arenas.

17.35.040 - Prohibited uses.

The following uses are prohibited in the WFD district:

- A. Kennels.
- B. Outdoor sales or storage that is not accessory to a retail use allowed in Section 17.35.020 or 17.35.030.
- C. Self-service storage.
- D. Distributing, wholesaling and warehousing not in association with a permitted use.
- E. Single-family and two-family residential units.
- F. Motor vehicle and recreational vehicle repair/service.
- G. Motor vehicle and recreational vehicle sales and incidental service.
- H. Heavy equipment service, repair, sales, storage or rental (including but not limited to construction equipment and machinery and farming equipment).
- J. [Marijuana production, processing, wholesaling, research, testing, and laboratories.](#)

17.35.050 - Temporary uses.

- A. Temporary activities are short-term or seasonal nature and do not fundamentally change the site. Examples of temporary activities include: movie and TV filming, construction and film staging, and general warehousing. Temporary activities are not considered primary or accessory uses and require a temporary use permit be obtained from the city. The city has a right to deny or condition any temporary use permit if it feels the proposal conflicts with the purpose of the district or to ensure that health and safety requirements are met. Temporary use permits are processed as a type II land use action.
- B. The following uses may be allowed in the district on a temporary basis, subject to permit approval:
 - 1. Outdoor storage or warehousing not accessory to a use allowed in Section 17.35.020 or 17.35.030.
 - 2. Movie and television filming. On-site filming and activities accessory to on-site filming that exceed two weeks on the site are allowed with a city temporary use permit. Activities accessory to on-site filming may be allowed on site, and include administrative functions such as payroll and scheduling, and the use of campers, truck trailers, or catering/craft services. Accessory activities do not include otherwise long-term uses such as marketing, distribution, editing facilities, or other activities that require construction of new buildings or create new habitable space. Uses permitted in the district and not part of the temporary use permit shall meet the development standards of the district.
- C. General Regulations for Temporary Uses.
 - 1. The temporary use permit is good for one year and can be renewed for a total of three years.
 - 2. Temporary activities that exceed time limits in the city permit are subject to the applicable use and development standards of the district.
 - 3. These regulations do not exempt the operator from any other required permits such as sanitation permits, erosion control, building or electrical permits.

17.35.060 - Willamette Falls Downtown District dimensional standards.

- A. Minimum lot area: None.
- B. Minimum floor area ratio (as defined in Section 17.34.080): 1.0.
- C. Minimum building height: Two entire stories and twenty-five feet, except for:
 - 1. Accessory structures or buildings under one thousand square feet; and
 - 2. Buildings to serve open space or public assembly uses.
- D. Maximum building height: Eighty feet.
- E. Minimum required setbacks: None.
- F. Maximum allowed setbacks: Ten feet, provided site plan and design review requirements are met.
- G. Maximum site coverage: One hundred percent.
- H. Minimum landscape requirement: None for buildings. Landscaping for parking areas required per Chapter 17.52.
- I. Street standards: Per Section 12.04, except where modified by a master plan.
- J. Parking: Per Chapter 17.52, Off-Street Parking and Loading. The Willamette Falls Downtown District is within the Downtown Parking Overlay District.

Chapter 17.36 - "GI"—GENERAL INDUSTRIAL DISTRICT

17.36.010 - Designated.

The general industrial district is designed to allow uses relating to manufacturing, processing, production, storage, fabrication and distribution of goods or similar as defined by the community development director. The uses permitted in the general industrial district are intended to protect existing industrial and employment lands to improve the region's economic climate and protect the supply of sites for employment by limiting new and expanded retail commercial uses to those appropriate in type and size to serve the needs of businesses, employees, and residents of the industrial areas.

17.36.020 - Permitted uses.

In the GI district, the following uses are permitted if enclosed within a building:

- A. Manufacturing and/or fabrication;
- B. Distributing, wholesaling and warehousing, excluding explosives and substances which cause an undue hazard to the public health, welfare and safety;
- C. Heavy equipment service, repair, sales, rental or storage (includes but is not limited to construction equipment and machinery and farming equipment);
- D. Veterinary or pet hospital, kennel;
- E. Necessary dwellings for caretakers and watchmen (all other residential uses are prohibited);
- F. Retail sales and services, including but not limited to eating establishments for employees (i.e. a cafe or sandwich shop) or marijuana pursuant to 17.54.110, located in a single building or in multiple buildings that are part of the same development shall be limited to a maximum of twenty thousand square feet or five percent of the building square footage, whichever is less and the retail sales and services shall not occupy more than ten percent of the net developable portion of all contiguous industrial lands;
- G. Emergency service facilities (police and fire), excluding correctional facilities;
- H. Outdoor sales and storage;
- I. Recycling center and solid waste facility;
- J. Wrecking yards;
- K. Public utilities, including sub-stations (such as buildings, plants and other structures);
- L. Utilities: basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers;
- M. Kennels;
- N. Storage facilities;
- O. Transportation facilities.
- P. Marijuana production, processing, wholesaling, and laboratories pursuant to 17.54.110.

17.36.030 - Conditional uses.

The following conditional uses are permitted in this district when authorized and in accordance with the standards contained in Chapter 17.56:

- A. Any use in which more than half of the business is conducted outdoors.
- B. Hospitals.

17.36.040 - Dimensional standards.

Dimensional standards in the GI district are:

- A. Minimum lot area, minimum not required;
- B. Maximum building height, three stories, not to exceed forty feet;
- C. Minimum required setbacks:
 - 1. Front yard, ten feet minimum setback;
 - 2. Interior side yard, no minimum setback;
 - 3. Corner side yard, ten feet minimum setback;
 - 4. Rear yard, ten feet minimum setback;
- D. Buffer Zone. If a use in this zone abuts or faces a residential or commercial use, a yard of at least twenty-five feet shall be required on the side abutting or facing the adjacent residential use and commercial uses in order to provide a buffer area, and sight obscuring landscaping thereof shall be subject to site plan review. The community development director may waive any of the foregoing requirements if he/she determines that the requirement is unnecessary in the particular case.
- E. Outdoor storage within building or yard space other than required setbacks and such occupied yard space shall be enclosed by a sight-obscuring wall or fence of sturdy construction and uniform color or an evergreen hedge not less than six feet in height located outside the required yard, further provided that such wall or fence shall not be used for advertising purposes.

Chapter 17.37 - (CI) CAMPUS INDUSTRIAL DISTRICT

17.37.010 - Designated.

The campus industrial district is designed for a mix of clean, employee-intensive industries, and offices serving industrial needs. These areas provide jobs that strengthen and diversify the economy. The uses permitted on campus industrial lands are intended to improve the region's economic climate and to protect the supply of sites for employment by limiting incompatible uses within industrial and employment areas and promoting industrial uses, uses accessory to industrial uses, offices for industrial research and development and large corporate headquarters.

17.37.020 - Permitted uses.

The following uses may occupy up to one hundred percent of the total floor area of the development, unless otherwise described:

- A. Experimental or testing laboratories;
- B. Industrial uses limited to the design, light manufacturing, processing, assembly, packaging, fabrication and treatment of products made from previously prepared or semi-finished materials;
- C. Public and/or private educational or training facilities;
- D. Corporate or government headquarters or regional offices with fifty or more employees;
- E. Computer component assembly plants;
- F. Information and data processing centers;
- G. Software and hardware development;
- H. Engineering, architectural and surveying services;
- I. Non-commercial, educational, scientific and research organizations;
- J. Research and development activities;
- K. Industrial and professional equipment and supply stores, which may include service and repair of the same;
- L. Retail sales and services, including but not limited to eating establishments for employees (i.e. a cafe or sandwich shop) or retail sales of marijuana pursuant to 17.54.110, located in a single building or in multiple buildings that are part of the same development shall be limited to a maximum of twenty thousand square feet or five percent of the building square footage, whichever is less, and the retail sales and services shall not occupy more than ten percent of the net developable portion of all contiguous industrial lands.
- M. Financial, insurance, real estate, or other professional offices, as an accessory use to a permitted use, located in the same building as the permitted use and limited to ten percent of the total floor area of the development. Financial institutions shall primarily serve the needs of businesses and employees within the development, and drive-through features are prohibited;
- N. Utilities: basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers;

O. Transportation facilities.

P. Marijuana processors, processing sites, wholesalers and laboratories pursuant to 17.54.110.

17.37.030 - Conditional uses.

The following conditional uses may be established in a campus industrial district subject to review and action on the specific proposal, pursuant to the criteria and review procedures in Chapters 17.50 and 17.56:

- A. Distribution or warehousing.
- B. Any other use which, in the opinion of the planning commission, is of similar character of those specified in Sections 17.37.020 and 17.37.030. In addition, the proposed conditional uses:
 - 1. Will have minimal adverse impact on the appropriate development of primary uses on abutting properties and the surrounding area considering location, size, design and operating characteristics of the use;
 - 2. Will not create odor, dust, smoke, fumes, noise, glare, heat or vibrations which are incompatible with primary uses allowed in this district;
 - 3. Will be located on a site occupied by a primary use, or, if separate, in a structure which is compatible with the character and scale or uses allowed within the district, and on a site no larger than necessary for the use and operational requirements of the use;
 - 4. Will provide vehicular and pedestrian access, circulation, parking and loading areas which are compatible with similar facilities for uses on the same site or adjacent sites.

17.37.040 - Dimensional standards.

Dimensional standards in the CI district are:

- A. Minimum lot area: No minimum required.
- B. Maximum building height: except as otherwise provided in subsection B.1. of this section building height shall not exceed forty-five feet.
 - 1. In that area bounded by Leland Road, Warner Milne Road and Molalla Avenue, and located in this zoning district, the maximum building height shall not exceed eighty-five feet in height.
- C. Minimum required setbacks:
 - 1. Front yard: Twenty feet minimum setback;
 - 2. Interior side yard: No minimum setback;
 - 3. Corner side yard: Twenty feet minimum setback;
 - 4. Rear yard: Ten feet minimum setback.
- D. Buffer zone: If a use in this zone abuts or faces a residential use, a yard of at least twenty-five feet shall be required on the side abutting or facing the adjacent residential or commercial zone in order to provide a buffer area, and landscaping thereof shall be subject to site plan review.

- E. If the height of the building exceeds forty-five feet, as provided in subsection B.1. of this section for every additional story built above forty-five feet, an additional twenty-five foot buffer shall be provided.

17.37.050 - Development standards.

All development within the CI district is subject to the review procedures and application requirements under Chapter 17.50, and the development standards under Chapter 17.62. Multiple building developments are exempt from the setback requirements of Section 17.62.055. In addition, the following specific standards, requirements and objectives shall apply to all development in this district. Where requirements conflict, the more restrictive provision shall govern:

- A. Landscaping. A minimum of fifteen percent of the developed site area shall be used for landscaping. The design and development of landscaping in this district shall:
 - 1. Enhance the appearance of the site internally and from a distance;
 - 2. Include street trees and street side landscaping;
 - 3. Provide an integrated open space and pedestrian system within the development with appropriate connections to surrounding properties;
 - 4. Include, as appropriate, a bikeway, pedestrian walkway or jogging trail;
 - 5. Provide buffering or transitions between uses;
 - 6. Encourage outdoor eating areas conveniently located for use by employees;
 - 7. Encourage outdoor recreation areas appropriate to serve all the uses within the development.
- B. Parking. No parking areas or driveways, except access driveways, shall be constructed within the front setback of any building site or within the buffer areas without approved screening and landscaping.
- C. Fences. Periphery fences shall not be allowed within this district. Decorative fences or walls may be used to screen service and loading areas, private patios or courts. Fences may be used to enclose playgrounds, tennis courts, or to secure sensitive areas or uses, including but not limited to, vehicle storage areas, drainage detention facilities, or to separate the development from adjacent properties not within the district. Fences shall not be located where they impede pedestrian or bicycle circulation or between site areas.
- D. Signs. One ground-mounted sign may be provided for a development. Other signage shall be regulated by Title 15.
- E. Outdoor storage and refuse/recycling collection areas.
 - 1. No materials, supplies or equipment, including company owned or operated trucks or motor vehicles, shall be stored in any area on a lot except inside a closed building, or behind a visual barrier screening such areas so that they are not visible from the neighboring properties or streets. No storage areas shall be maintained between a street and the front of the structure nearest the street;
 - 2. All outdoor refuse/recycling collection areas shall be visibly screened so as not to be visible from streets and neighboring property. No refuse/recycling collection areas shall be maintained between a street and the front of the structure nearest the street.

Chapter 17.39 - [I] INSTITUTIONAL DISTRICT

17.39.010 - Designated.

The purpose of this district is designed to facilitate the development of major public institutions, government facilities and parks and ensure the compatibility of these developments with surrounding areas. The I—Institutional zone is consistent with the public/quasi public and park designations on the comprehensive plan map.

17.39.020 - Permitted uses.

Permitted uses in the institutional district are:

- A. Private and/or public educational or training facilities;
- B. Parks, playgrounds, playfields and community or neighborhood community centers;
- C. Public facilities and services including courts, libraries and general government offices and maintenance facilities;
- D. Stadiums and arenas;
- E. Banquet, conference facilities and meeting rooms;
- F. Government offices;
- G. Transportation facilities.

17.39.030 - Accessory uses.

The following uses are permitted outright if they are accessory to and related to the primary institutional use:

- A. Offices;
- B. Retail (not to exceed twenty percent of total gross floor area of all building);
- C. Child care centers or nursery schools;
- D. Scientific, educational, or medical research facilities and laboratories;
- E. Religious institutions.

17.39.040 - Conditional uses.

Uses requiring conditional use permit are:

- A. Any uses listed under Section 17.39.030 that are not accessory to the primary institutional use;
- B. Boarding and lodging houses, bed and breakfast inns;
- C. Cemeteries, crematories, mausoleums, and columbariums;

- D. Correctional facilities;
- E. Helipad in conjunction with a permitted use;
- F. Parking lots not in conjunction with a primary use;
- G. Public utilities, including sub-stations (such as buildings, plants and other structures);
- H. Fire stations.

17.39.045 – Prohibited Uses

Prohibited uses in the I – Institutional District are:

A. Any use not expressly listed in Section 17.39.020, 17.39.030 or 17.39.040;

B. Marijuana businesses.

17.39.050 - Dimensional standards.

Dimensional standards in the I district are:

- A. Maximum building height: Within one hundred feet of any district boundary, not to exceed thirty-five feet; elsewhere, not to exceed seventy feet.
- B. Minimum required setbacks: Twenty-five feet from property line except when the development is adjacent to a public right-of-way. When adjacent to a public right-of-way, the minimum setback is zero feet and the maximum setback is five feet.

17.39.060 - Relationship to master plan.

- A. A master plan is required for any development within the I district on a site over ten acres in size that:
 - 1. Is for a new development on a vacant property;
 - 2. Is for the redevelopment of a property previously used as a non-institutional use; or
 - 3. Increases the floor area of the existing development by ten thousand square feet over existing conditions
- B. Master plan dimensional standards that are less restrictive than those of the Institutional district require adjustments. Adjustments will address the criteria of Section 17.65.70 and will be processed concurrently with the master plan application.
- C. Modifications to other development standards in the code may be made as part of the phased master plan adjustment process. All modifications must be in accordance with the requirements of the master plan adjustment process identified in Section 17.65.070.

Chapter 17.54 - SUPPLEMENTAL ZONING REGULATIONS AND EXCEPTIONS

NEW SECTION

17.54.110 –Marijuana Businesses

For the purpose of zoning regulation pursuant to this section, recreational and medical marijuana facilities are considered the same by Oregon City.

A. Applicability

These standards apply to all marijuana businesses in Oregon City. This section shall not apply to the following:

1. Personal cultivation and use of recreational marijuana as permitted under State Law, provided all cultivation activities are conducted indoors.
2. Personal cultivation and use of medical marijuana under the Oregon Medical Marijuana Program (OMMP), provided all activities including production are conducted indoors and subject to compliance with all Standards of Operation herein.

B. Restrictions on Location - Zoning

1. Please refer to individual zone districts elsewhere in this title to determine whether marijuana businesses including production, laboratories, processing, wholesale, and retail use are permitted, prohibited or otherwise regulated.
2. Marijuana businesses are prohibited abutting any “R” residentially zoned area, except that this provision shall not apply where the subject property abuts a road that has a freeway, expressway, major arterial, minor arterial, or collector functional classification as shown on Figure 8, Multi-Modal Street System, of the Oregon City Transportation System Plan and;
3. Home Occupation. A marijuana business may not be operated as a home occupation and;
4. The sale or distribution of marijuana is prohibited for mobile vendors and at all special events and outdoor markets.

C. Restrictions on Location: Marijuana Dispensary or Retailer. A marijuana retailer shall not locate:

1. Within 250 feet of any public parks, licensed child care and day care facilities, and public transit centers.
2. Within 1000 feet of a public, private or parochial elementary and secondary school.
3. If a new protected property or use described in (6) and (7) should be established within the aforementioned separation distance of an existing legally established marijuana dispensary or retailer, the existing marijuana dispensary or retailer may remain in place and the separation requirement shall not be applied.
4. The spacing distance specified in (7) and (8) is a straight line measurement from the closest points between property lines of the affected properties.

D. Standards of Operation

1. Compliance with Other Laws. All marijuana businesses shall comply with all applicable laws and regulations, including, but not limited to, the development, land use, zoning, building and fire codes.
2. Registration and Compliance with State Law. The marijuana business's state license or authority shall be in good standing with the Oregon Health Authority or Oregon Liquor Control Commission and the marijuana business shall comply with all applicable laws and regulations administered by the respective state agency, including, without limitation those rules that relate to labeling, packaging, testing, security, waste management, food handling, and training.
3. No portion of any marijuana business shall be conducted outside, including but not limited to outdoor storage, production, processing, wholesaling, laboratories and retail sale.
4. Hours of Operation. Operating hours for a marijuana business shall be in accordance with the applicable license issued by the OLCC or OHA.
5. Odors. A marijuana business shall use an air filtration and ventilation system that is certified by an Oregon Licensed mechanical engineer to ensure that all odors associated with the marijuana is confined to the licensed premises to the extent practicable. For the purposes of this provision, the standard for judging "objectionable odors" shall be that of an average, reasonable person with ordinary sensibilities after taking into consideration the character of the neighborhood in which the odor is made and the odor is detected.
6. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
7. Secure Disposal. The facility must provide for secure disposal of marijuana remnants or by-products; marijuana remnants or by-products shall not be placed within the marijuana business's exterior refuse containers.
8. Drive-Through, Walk-Up. A marijuana business may not have a walk-up window or a drive-through.
9. The facility shall maintain compliance with all applicable security requirements of the OLCC including alarm systems, video surveillance, and a restriction on public access to certain facilities or areas within facilities.

Marijuana Business Zoning Quick Reference Table

All marijuana businesses shall comply with OCMC 17.54.110.

Refer to OCMC 17.04 for business type definitions.

	Business Type				
Zone District	Producer	Processor	Laboratory	Wholesaler	Retailer
Residential Zones					
R-10 - Single-Family Dwelling	X	X	X	X	X
R-8 - Single-Family Dwelling	X	X	X	X	X
R-6 - Single-Family Dwelling	X	X	X	X	X
R-5 - Single-Family Dwelling	X	X	X	X	X
R-3.5 - Two-Family Dwelling	X	X	X	X	X
R-2 - Multi-Family Dwelling	X	X	X	X	X
Mixed Use and Commercial Zones					
C - General Commercial	X	X	X	X	✓
NC - Neighborhood Commercial	X	X	X	X	✓
HC – Historic Commercial	X	X	X	X	✓
MUC - Mixed Use Corridor	X	X	X	X	✓
MUD - Mixed Use Downtown	X	X	X	X	✓
WFDD - Willamette Falls Downtown	X	X	X	X	✓
Industrial and Employment Zones					
GI – General Industrial	✓	✓	✓	✓	✓*
MUE – Mixed Use Employment	X	✓	✓	✓	✓*
CI – Campus Industrial	X	✓	✓	✓	✓*
Institutional Zones					
I - Institutional	X	X	X	X	X

X = Prohibited

✓ = Permitted

✓* = Permitted subject to limitations on retail use as specified in the Zone District

City of Oregon City

GEOGRAPHIC INFORMATION SYSTEM

Zoning Map

Ordinance No. 08-1014

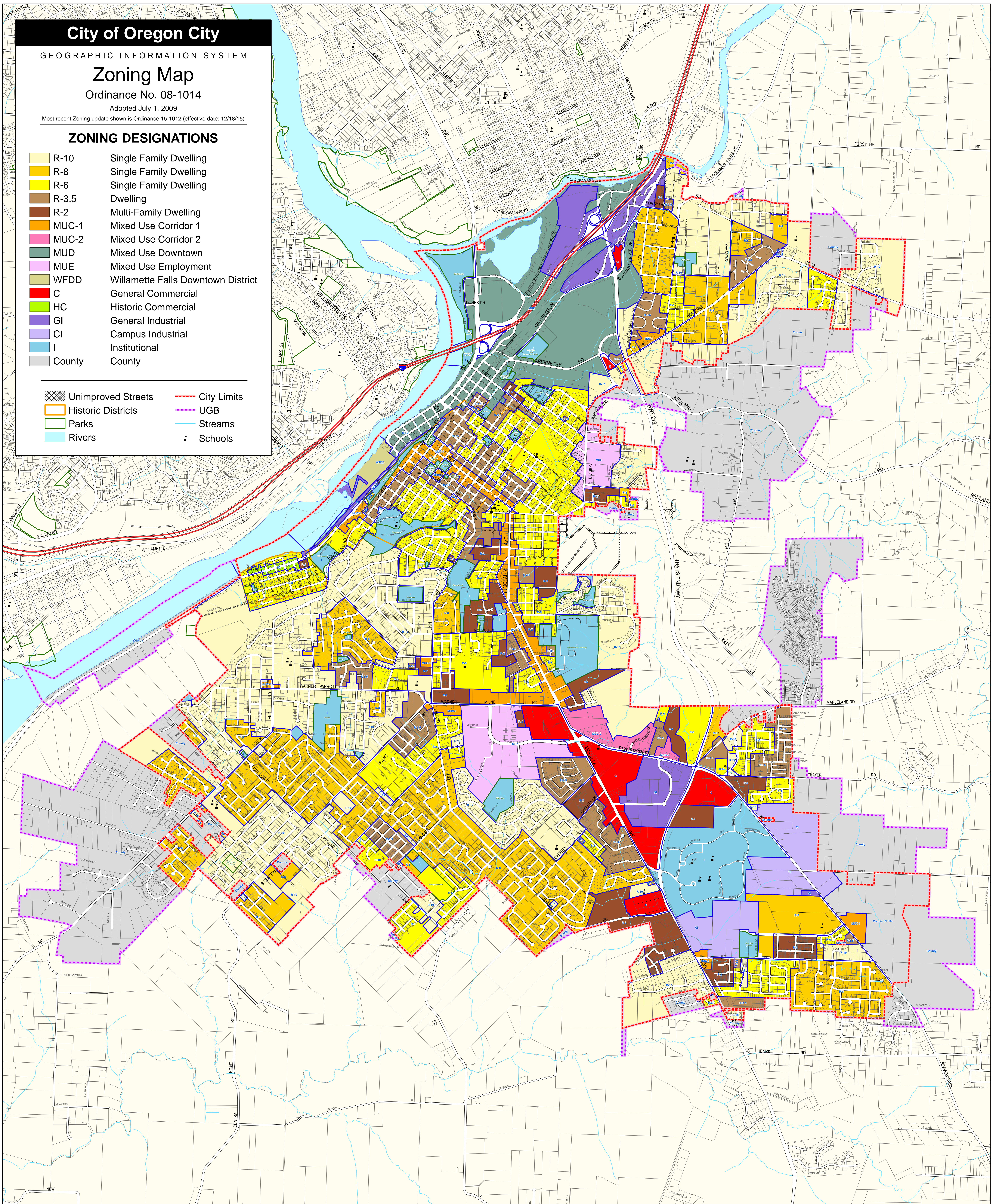
Adopted July 1, 2009

Most recent Zoning update shown is Ordinance 15-1012 (effective date: 12/18/15)

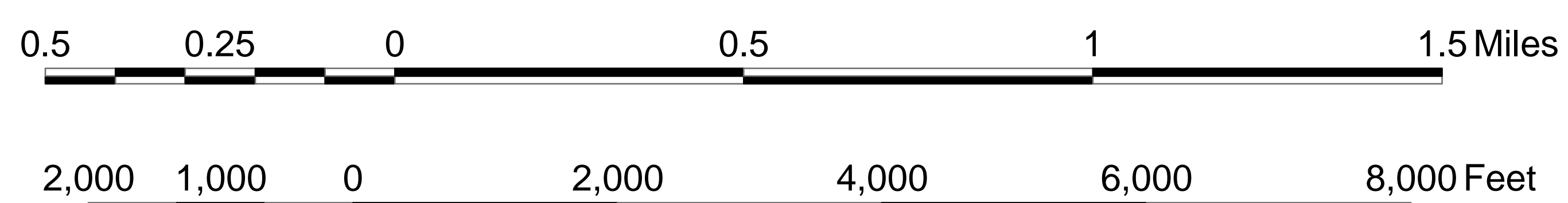
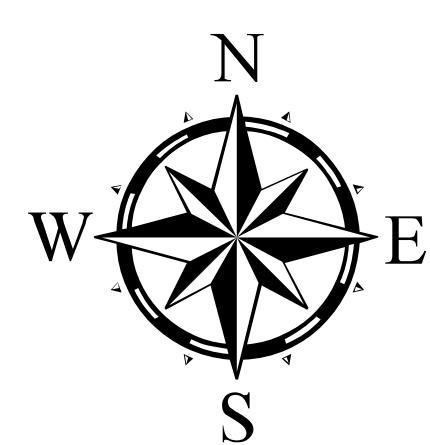
ZONING DESIGNATIONS

R-10	Single Family Dwelling
R-8	Single Family Dwelling
R-6	Single Family Dwelling
R-3.5	Dwelling
R-2	Multi-Family Dwelling
MUC-1	Mixed Use Corridor 1
MUC-2	Mixed Use Corridor 2
MUD	Mixed Use Downtown
MUE	Mixed Use Employment
WFDD	Willamette Falls Downtown District
C	General Commercial
HC	Historic Commercial
GI	General Industrial
CI	Campus Industrial
I	Institutional
County	County

Unimproved Streets	City Limits
Historic Districts	UGB
Parks	Streams
Rivers	Schools



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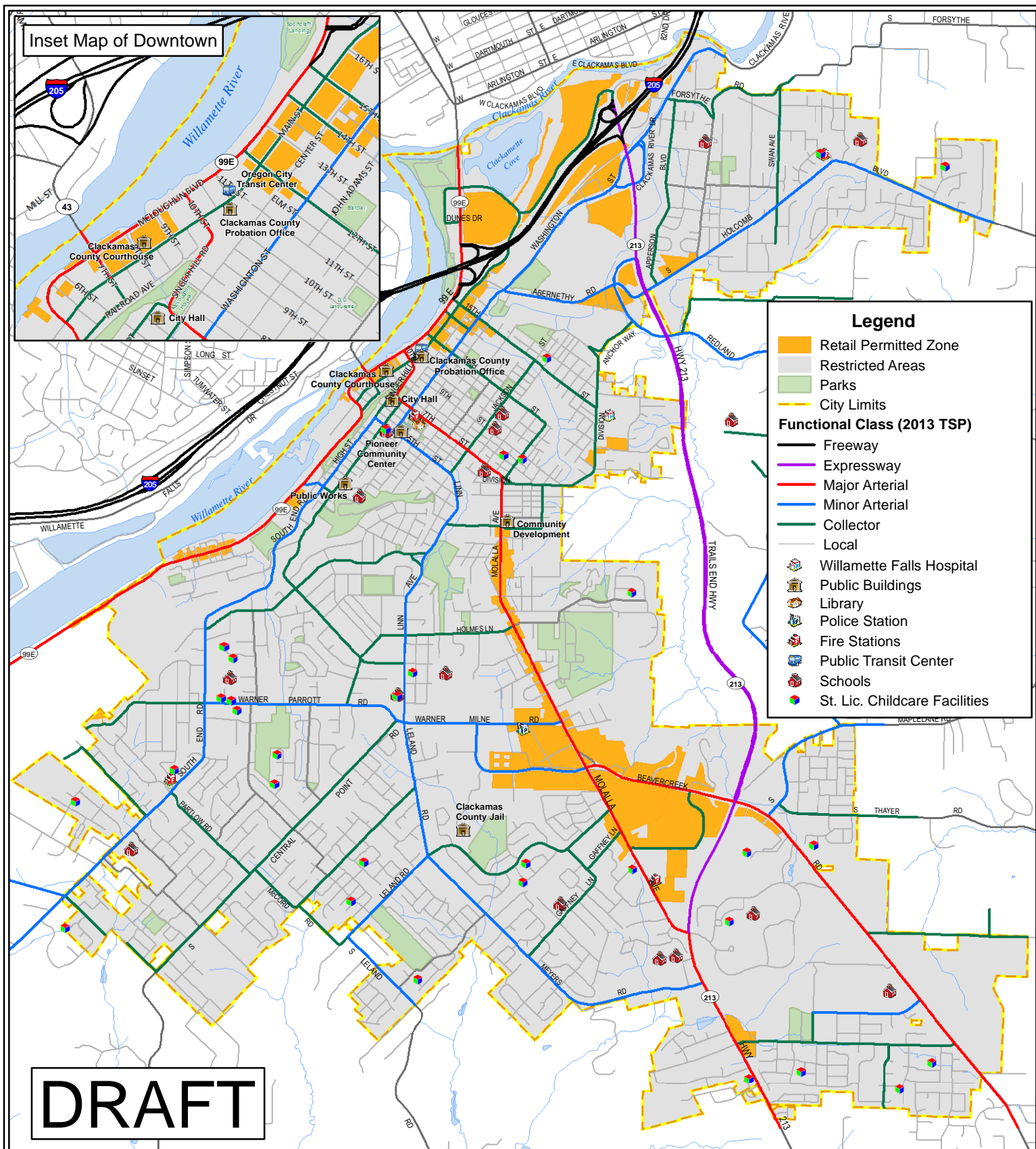


City of Oregon City
P.O. Box 3040
625 Center Street
Oregon City, OR 97045
503-657-0891 phone
503-657-7892 fax
www.orcity.org



Plot date: Feb 2, 2016
Plot name: Zoning - 36x48P - 20160202.pdf
Map name: Zoning Map - 36x48P.mxd

Please recycle with colored office grade paper.



City of Oregon City

GEOGRAPHIC INFORMATION SYSTEM

Marijuana Business Regulation Map: Dispensary or Retailer Potential Locations

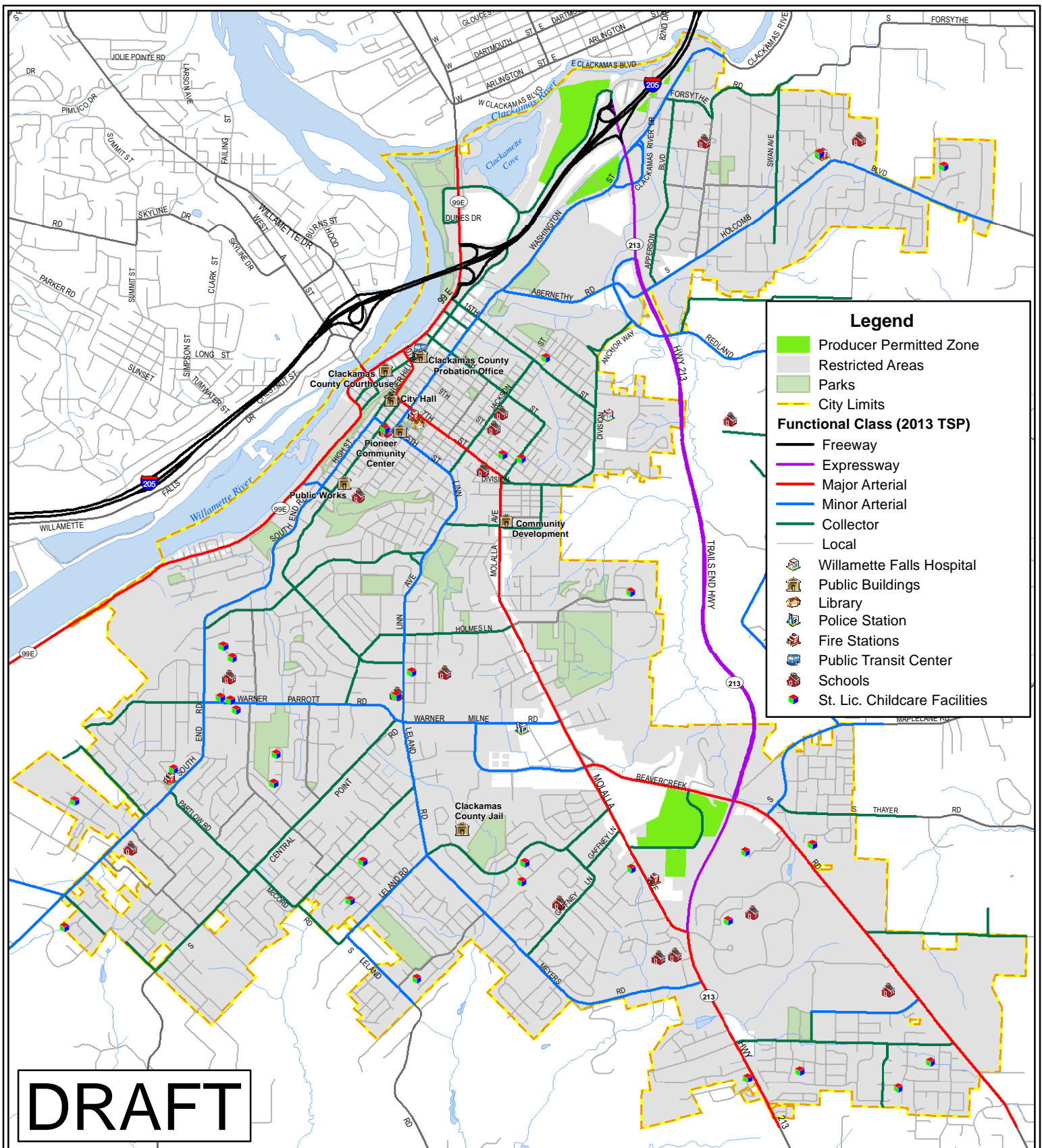
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0 1,500 3,000 6,000 Feet

City of Oregon City
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City of Oregon City

GEOGRAPHIC INFORMATION SYSTEM

Marijuana Business Regulation Map: Producer Potential Locations

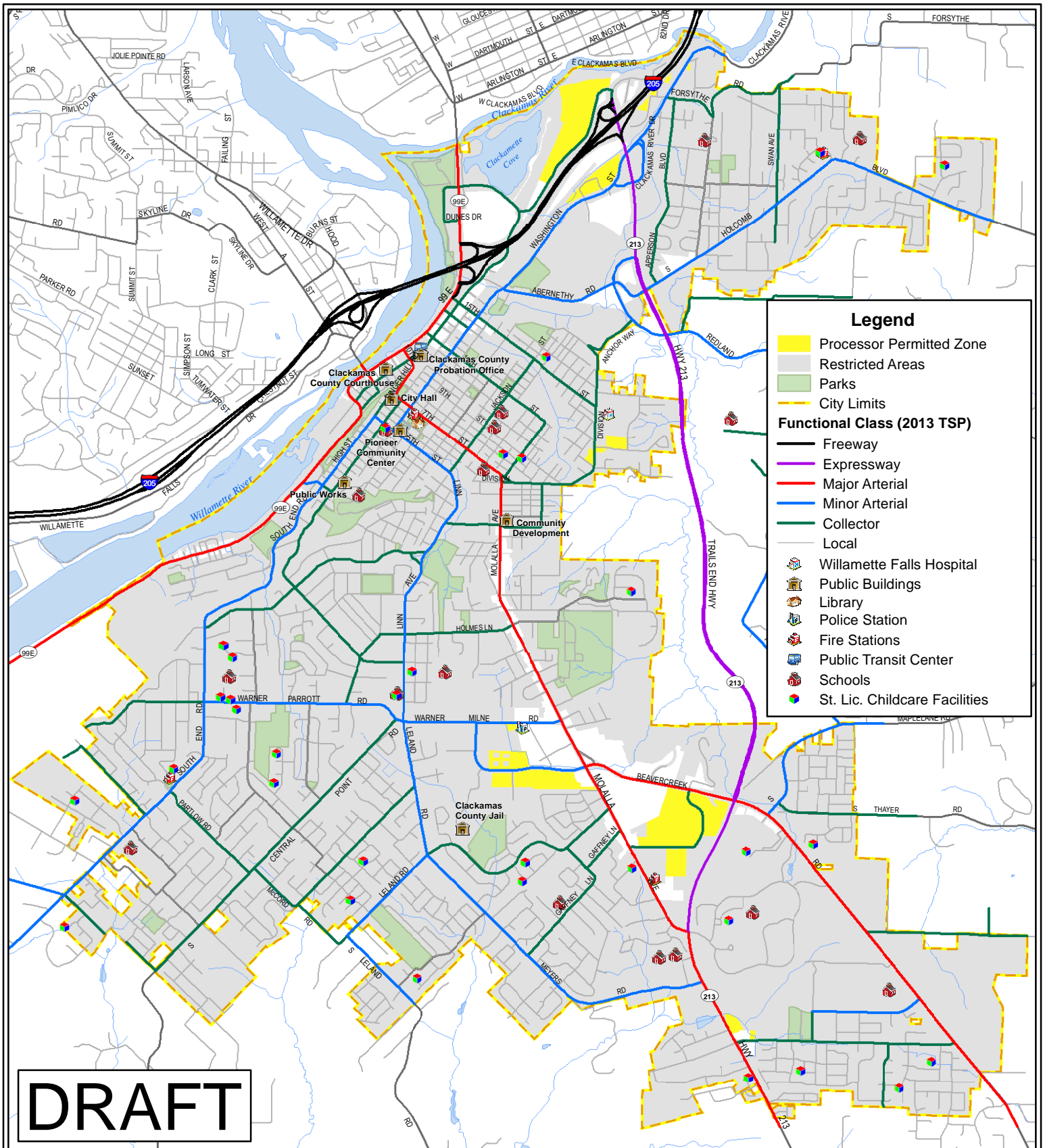
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0 1,500 3,000 6,000 Feet

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Legend

- Processor Permitted Zone
- Restricted Areas
- Parks
- City Limits

Functional Class (2013 TSP)

- Freeway
- Expressway
- Major Arterial
- Minor Arterial
- Collector
- Local

Willamette Falls Hospital
 Public Buildings
 Library
 Police Station
 Fire Stations
 Public Transit Center
 Schools
 St. Lic. Childcare Facilities

DRAFT

City of Oregon City

GEOGRAPHIC INFORMATION SYSTEM

**Marijuana Business Regulation Map:
Processor Potential Locations**

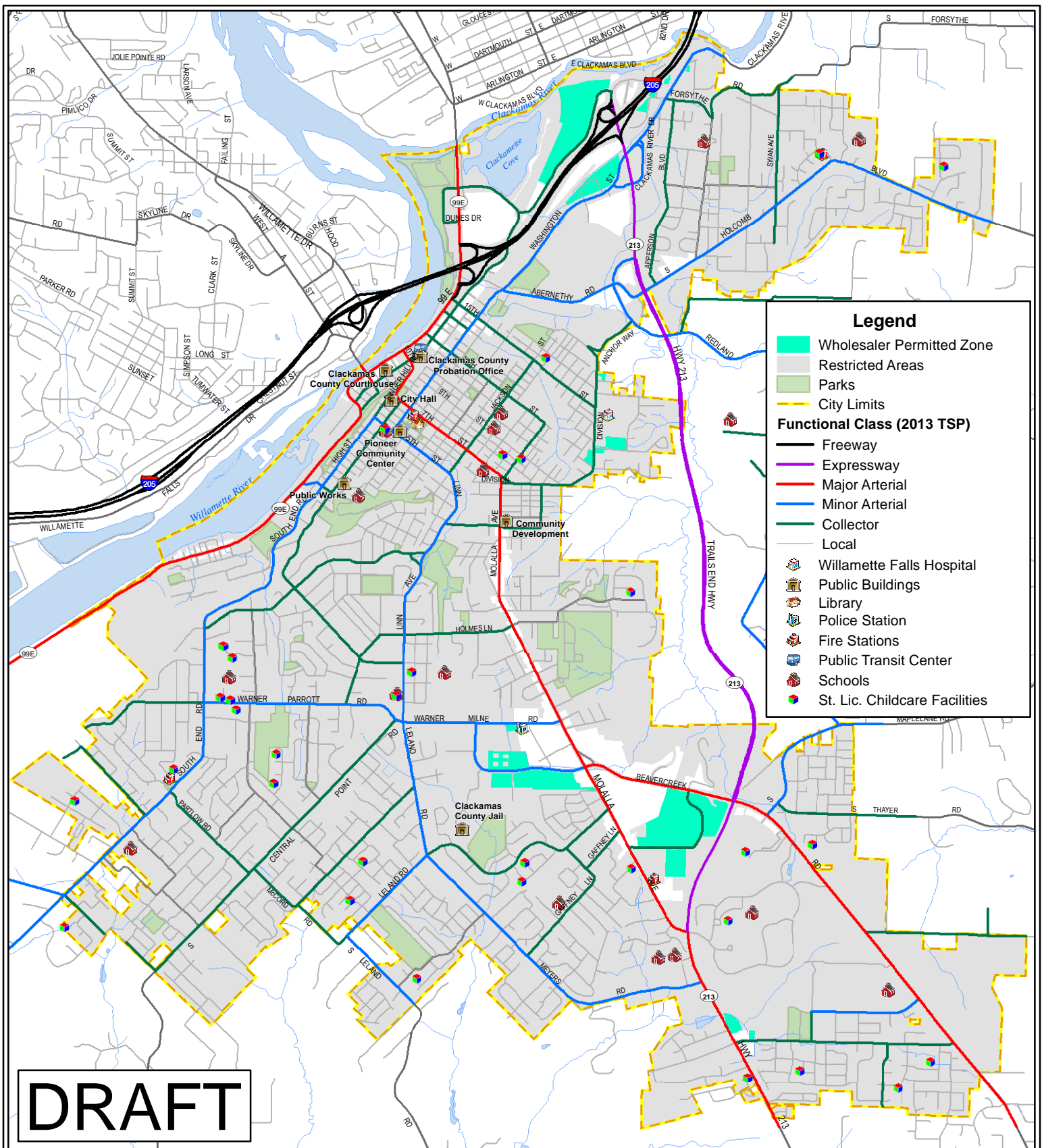
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0 1,500 3,000 6,000 Feet

City of Oregon City
P.O. Box 3040
625 Center St
Oregon City, OR 97045
503-657-0891 phone
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www.orcity.org





Legend

- Wholesaler Permitted Zone
- Restricted Areas
- Parks
- City Limits

Functional Class (2013 TSP)

- Freeway
- Expressway
- Major Arterial
- Minor Arterial
- Collector
- Local

Willamette Falls Hospital
 Public Buildings
 Library
 Police Station
 Fire Stations
 Public Transit Center
 Schools
 St. Lic. Childcare Facilities

DRAFT

City of Oregon City

GEOGRAPHIC INFORMATION SYSTEM

Marijuana Business Regulation Map: Wholesaler Potential Locations

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Staff Report

File Number: PC 16-073

Agenda Date: 7/11/2016

Status: Agenda Ready

To: Planning Commission

Agenda #: 3a.

From: Pete Walter

File Type: Land Use Item

SUBJECT:

Planning Files US 16-02 / NR 16-04 / SP 16-04 / VR 16-01: Retaining Wall to Mitigate a Landslide at Berryhill Apartments.

RECOMMENDED ACTION (Motion):

Approval with Conditions.

BACKGROUND:

The applicant, Berryhill Equity LLC, represented by the consulting engineering firm Shannon and Wilson, Inc. proposes a 246-foot long X 12-foot high retaining wall with a fence on the Berryhill Park Apartments property to mitigate a landslide.

The property is located at 13945 Beaver Creek Rd & 14155 Beaver Creek Rd, Oregon City, OR 97045. The slide area and proposed wall location is located below an 8-plex building and a duplex building as shown on the attached site plan.

Brief Description of Permits Sought:

1. **US 16-02:** Geologic Hazards Review. This application is required to show compliance with the City's Geologic Hazard Overlay District standards. This application is primarily a technical, engineering review of the applicant's engineer's proposal which is then peer-reviewed by the City's consulting Geologic Engineer.
2. **NR 16-04:** Natural Resources Overlay District. This application is required to show compliance with the City's Natural Resource Overlay District. The applicant has provided evidence to show that the project is located outside of the NROD (verification) and will not impact the NROD.
3. **SP 16-04:** Minor Site Plan and Design Review. This application is required to show compliance with Chapter 17.62 for non-single family properties. While many of the site plan and design review criteria are not applicable to the retaining wall proposal (for example, off-street parking, multi-family architectural standards, etc.), the application is required to show compatibility with related applicable criteria such as building material compatibility, tree removal, landscaping, etc.
4. **VR 16-01 - Variances.** A variance is requested from the development standards for cut and

fill slopes within the Geologic Hazard Overlay District, which require that cut slopes that exceed 7' in height be terraced (See OCMC 17.49.060.D). The second part of the variance request is to exceed the combined maximum height of a fence on a retaining wall, which is 8 ½ feet per code (See OCMC 17.54.100.B.4 - Exceptions).

Please refer to the attached recommended findings and application materials for further details.

BUDGET IMPACT:

Amount:

FY(s):

Funding Source:



**TYPE III – PLANNING COMMISSION PUBLIC HEARING
STAFF REPORT AND RECOMMENDATION**
STAFF REPORT ISSUANCE: July 1, 2016
PLANNING COMMISSION HEARING DATE: July 11, 2016

Submitted: 05/11/2016
Complete: 06/10/2016
120-Day: 10/10/2016

FILE NUMBER: US 16-02 / NR 16-04 / SP 16-04 / VR 16-01

OWNER: George Glass, Berryhill Equity LLC,
4004 Kruse Way Place, Lake Oswego, OR 97035

REPRESENTATIVE: David L. Higgins, CEG, LEG, Shannon & Wilson, Inc.,
3990 Collins Way, Ste. 100, Lake Oswego,, OR 97035

REQUEST: A 246-foot long X 12-foot high retaining wall is proposed on the Berryhill Park Apartments property to mitigate a landslide. The land use application includes applications for Geologic Hazards Review, Minor Site Plan & Design Review, Natural Resources Verification, and a Variance for wall height.

LOCATION: 13945 Beaver Creek Rd & 14155 Beaver Creek Rd, Oregon City, OR 97045
Clackamas County APN 3-2E-04C-00803 and 00807

REVIEWERS: Pete Walter, AICP, Planner
Wendy Marshall, PE, Development Projects Manager
Matt Palmer, EIT, Development Engineering Associate
Timothy J. Pfeiffer, PE, GE, Foundation Engineering, Inc.

RECOMMENDATION: Approval with Conditions.

PROCESS: Pursuant to OCMC 17.50. The decision of the Community Development Director is final unless appealed to the City Commission within fourteen (14) days following the mailing of this notice. Only persons who commented in writing to the Community Development Director may appeal this limited land use decision. The request for a hearing shall be in writing. The request for a hearing shall demonstrate how the party is aggrieved or how the proposal does not meet the applicable criteria. The application, decision (including specific conditions of approval), and supporting documents are available for inspection at the Oregon City Planning Division. Copies of these documents are available (for a fee) upon request. A city-recognized neighborhood association requesting an appeal fee waiver pursuant to 17.50.290(C) must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal. IF YOU HAVE ANY QUESTIONS ABOUT THIS APPLICATION, PLEASE CONTACT THE PLANNING DIVISION OFFICE AT (503) 722-3789.

Conditions of Approval
Planning Files US 16-02 / NR 16-04 / SP 16-04 / VR 16-01

(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. *(P)* Since the site is on private property the applicant is responsible for maintenance of the site once the project is completed, including but not limited to continued maintenance and necessary for 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. The applicant shall acknowledge this requirement and provide a statement attesting to this requirement prior to final inspection and approval of the completed project.
2. *(DS)* Grading and earthwork will be restricted to between May 1 and October 31.
3. *(B)* The applicant shall obtain the necessary building permits for construction of the retaining wall to assure compliance with the Oregon Structural Specialty Code.
4. *(P)* Any tree removal that may occur following approval of this application shall require documentation of the need for the removal by a certified arborist, forester or similarly qualified professional as well as mitigation and replanting of new trees in accordance with the applicable sections of Chapter 17.41 - Tree Protection. Prior to issuance of a grading permit or construction permit, the applicant shall provide a tree mitigation plan in accordance with the applicable provisions of OCMC 17.41 for any trees that may represent a potential conflict with the proposed location for construction of the retaining wall or which may be removed throughout the process. The mitigation plan shall include a report by a certified arborist or forester that describes the condition of the tree or trees that may be affected by the wall construction, the feasibility of saving the trees, and the proposed mitigation should preservation not be feasible. Mitigation shall be provided on site.
5. *(P)* Prior to final inspection the applicant shall provide a revised landscaping plan prepared by a registered landscape architect which includes the proposed number or amount, planting locations, and species of any grass seed mix, ground covers, shrubs and trees to be replanted on the slope. The plan shall be prepared in collaboration with the applicant's geotechnical engineer to ensure that the landscaping plan does not conflict with the recommendations for geotechnical remediation.

I. BACKGROUND:

The following is an excerpt from the applicant's revised narrative dated 6-9-2016.

The duplex and eightplex of the Berryhill Apartments, and the entirety of the neighboring Forest Edge Apartments, were built on an ancient landslide complex. A portion of the ancient landslide head scarp,

the uppermost boundary of the complex, is located along the short slope between the Berryhill duplex/eightplex structures and the parking lot to the west. The toe, or bottom, of the landslide is located below the Forest Edge Apartments, along Newell Creek.

On January 13, 2006, after a period of heavy precipitation, landslide movements occurred within the Forest Edge Apartments property, down-slope and northeast of the Berryhill Apartments. On January 26, 2006, several ground cracks were observed near the top of the hillside within approximately 10 feet of the Berryhill Apartments duplex and eightplex. Between 2006 and 2011, the vertical offset of the Berryhill Apartments ground cracks increased in size, and several small landslides occurred on the hillside below the cracks. By 2011, a major scarp had formed at the location where the Berryhill cracks were first observed in 2006, and several smaller ground cracks were apparent between the new scarp and the duplex/eightplex. Foundation cracks appeared in both the duplex and eightplex in January 2011.

Shannon & Wilson, Inc., first visited the site in February 2013, and performed initial geotechnical borings, inclinometer and groundwater instrumentation monitoring, and slope stability analysis between October 2014 and July 2015. Based upon our field explorations, our review of local geologic mapping, and our observations since 2013, we concluded that the landslide movements on the hillside below the Berryhill duplex/eightplex occurred due to movement of the larger, down-slope Forest Edge Apartments landslide blocks. Our slope stability analysis indicated that the landslide block immediately beneath the Berryhill duplex/eightplex is supported by the down-slope landslide blocks underlying the Forest Edge Apartments. As the Forest Edge Apartments landslide blocks continue to move, the upper slope will become increasingly unstable. We recommended a soldier pile wall with tiebacks be installed at the top of the upper slope, to stabilize the ground beneath the duplex and eightplex and to avoid possible future damage to these structures. The wall would also serve to mitigate expansion of the landslide further upslope behind the wall. If a retaining wall is not constructed, the landslide could expand further into the Berryhill Apartments complex and damage additional apartment buildings, as well as adjacent properties which are upslope of the proposed location of the retaining wall.

From March 2011 to December 2015, there was minor movement of the Forest Edge Apartments landslide and landslides on the upper slope below the Berryhill duplex/eightplex. The minor movement resulted in increased size of existing ground cracks and additional offset at the scarp immediately below the duplex/eightplex. Existing ground cracks and scarp offsets increased by several inches, and some by a few feet, but new ground cracks or head scarps were not observed. Around December 18, 2015, during the wettest December ever recorded, and after a period of particularly heavy precipitation, the Forest Edge Apartments landslide accelerated and new offsets occurred at the active scarp adjacent to the duplex/eightplex. On December 21, 2015, the Forest Edge Apartment units within the active portion of the landslide, as well as the Berryhill Apartments duplex/eightplex, were evacuated. We observed a slight increase in some of the existing foundation cracks. Based on observations made during our site visit on January 25, 2016, the ground cracks above the active Berryhill scarp and foundation cracking of the duplex/eightplex have not significantly changed since December 21, 2015. However, the slope below the active scarp has continued to move. There are new ground cracks with offsets several feet wide, a large slump has formed in the center of the hillside approximately 80 feet down-slope of the eightplex, and offsets at the scarp have increased by a few feet. In an inclinometer casing installed a few feet upslope of the scarp, in the area between the eightplex and duplex, we have recorded approximately 0.4 inches of movement from December 10, 2015 to January 25, 2016.

1. Existing Conditions

Description

In summary, the proposed retaining wall location currently consists of a steep, unstable soil slope that has been temporarily covered with plastic sheeting to prevent erosion, water infiltration, and further deterioration. The adjacent Berryhill duplex and eightplex have been evacuated and cannot be reoccupied until the proposed wall is constructed to stabilize the landslide block on which they are founded. In our opinion, the acceleration of the landslide this winter, the increase of landslide movement causing loss of support to upslope structures, evacuation of two Berryhill Apartment buildings, and risk of the landslide expanding further upslope beyond its current limits constitute an emergency. Construction of the proposed soldier pile and tieback retaining wall would stabilize the ground upslope of the scarp, preventing the landslide from increasing in size upslope of the wall and allowing the Berryhill Apartment buildings to be reoccupied. If the wall is not constructed prior to next winter, there is a significant risk that the landslide will permanently damage the duplex and eightplex and that it could increase in size, causing damage to upslope structures and properties.

For complete site plans and engineering drawings please refer to the application attached to this report.

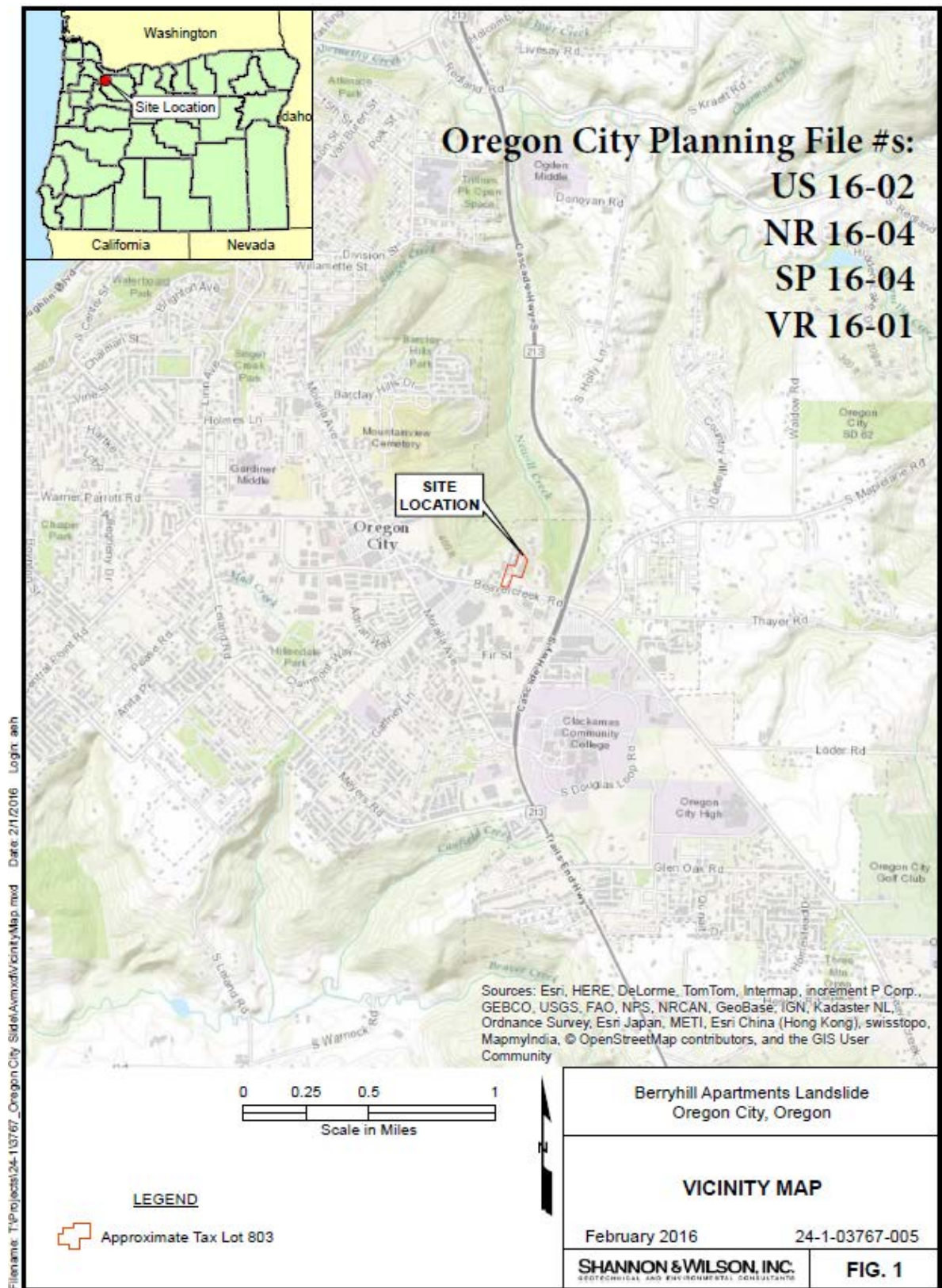


Figure 1. Vicinity Map

2. Project Description

This excerpt is from the applicant's project description:

The soldier pile and tieback retaining wall will be constructed on the downslope side of the duplex and eightplex, approximately 10 feet from the rear of the building. The wall will be approximately 250 feet long and extend a minimum distance of 15 feet beyond the ends of the duplex and eightplex, as shown on the retaining wall construction plans attached to this application. The soldier piles will consist of 50-foot long steel piles set into 30-inch diameter drilled boreholes. The soldier piles will be installed on approximately 6-foot centers and will be backfilled with concrete. Only the upper 12 feet of the wall will be exposed (12-foot apparent wall height, not including the cedar fence at the top). The remainder of the soldier piles will be embedded below ground. The exposed 12-foot high face of the wall will have wood lagging between the piles. Tiebacks, approximately 60 to 80 feet long, will be installed on a downward angle through the face of the wall. The tiebacks will be extended toward the upslope parking lot and will be completely buried below ground and below any utilities or structures. The tiebacks will be grouted, anchoring the soldier piles into the ground horizontally, which will help support the wall.

All existing utilities are upslope of the wall and will not be impacted. Site drainage and hydraulics will also not be altered. Surface drainage will flow over the wall and continue downslope, similar to the current condition. Construction access will be from the upslope parking lot between the duplex and eightplex. There is also a construction easement agreement in place with the owner of the Forest Edge Apartments and some materials may be brought in from the lower construction easement. If soil is removed from the site as part of retaining wall construction, soil removal may also occur through the lower construction easement. A construction access and erosion control plan is attached to this application.

The applicant understands that the proposed wall height of up to 12 feet (not including the fence) exceeds the maximum wall height of 8.5 feet set forth in the Oregon City Municipal Code. Justification for the proposed variance is provided below in responses to the Oregon City Municipal Code.

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
- 17.61 – R-3.5 Dwelling District
- 17.18 – R-2 Multi-Family Dwelling District
- 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

The City Code Book is available on-line at www.oregoncity.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.

This applications consists of four concurrent applications:

Brief Description of Permits Sought

1. US 16-02: Geologic Hazards Review. This application is required to show compliance with the City's Geologic Hazard Overlay District standards. This application is primarily a technical, engineering review of the applicant's engineer's proposal which is then peer-reviewed by the City's consulting Geologic Engineer.

2. NR 16-04: Natural Resources Overlay District. This application is required to show compliance with the City's Natural Resource Overlay District. The applicant has provided evidence to show that the project is located outside of the NROD (verification) and will not impact the NROD.

3. SP 16-04: Minor Site Plan and Design Review. This application is required to show compliance with Chapter 17.62 for non-single family properties. While many of the site plan and design review criteria are not applicable to the retaining wall proposal (for example, off-street parking, multi-family architectural standards, etc.), the application is required to show compatibility with related applicable criteria such as building material compatibility, tree removal, landscaping, etc.

4. VR 16-01 – Variances. A variance is required from the development standards for cut and fill slopes within the Geologic Hazard Overlay District, which require that cut slopes that exceed 7' in height be terraced (See [OCMC 17.49.060.D](#)). The second part of the variance request is to exceed the combined maximum height of a fence on a retaining wall, which is 8 ½ feet per code (See [OCMC 17.54.100.B.4 – Exceptions](#)).

5. Public Notice and Comments: Public notice was provided in accordance with OCMC 17.50.

As of the date of this staff report, no public comments were received regarding this application.

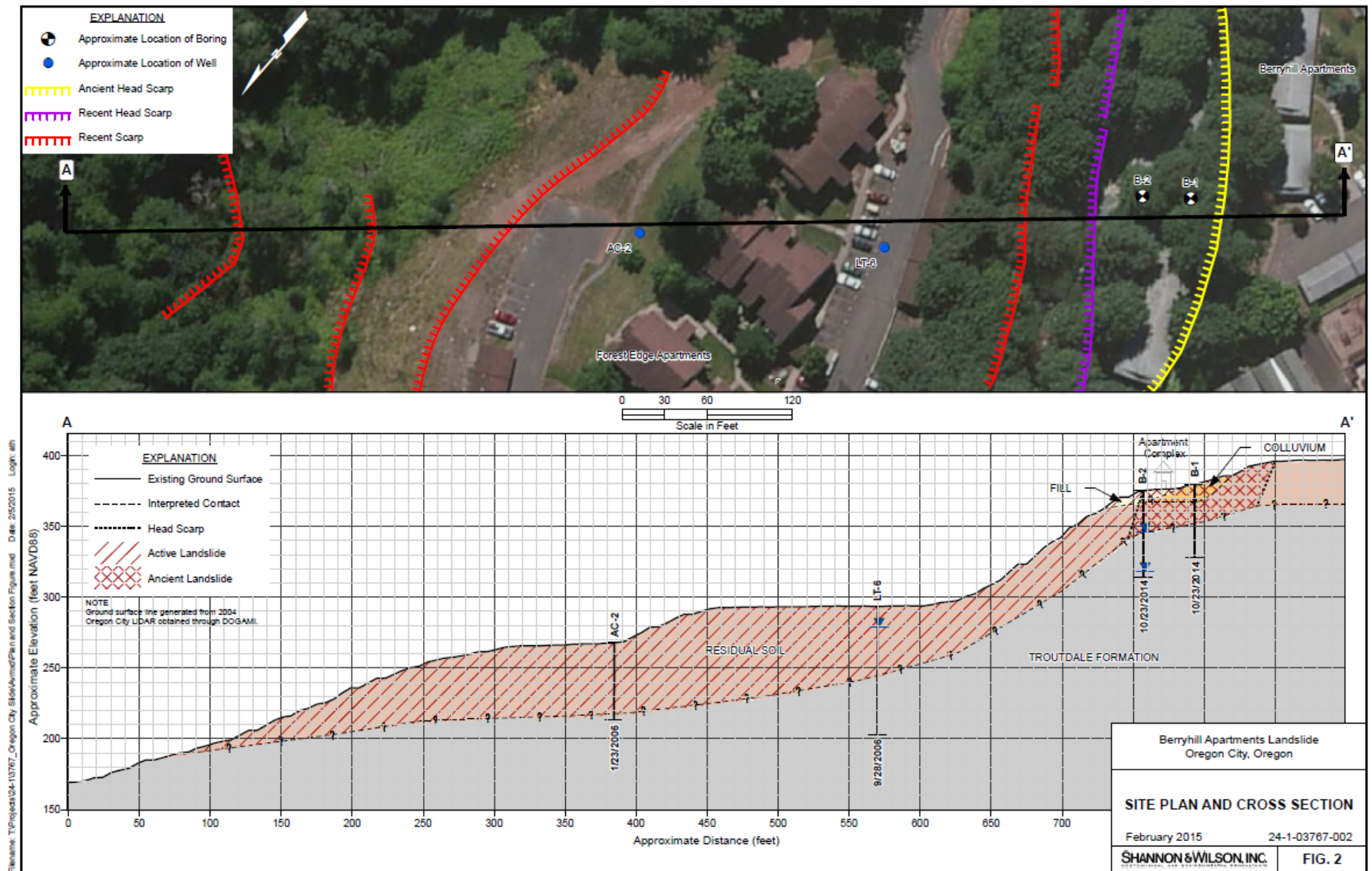
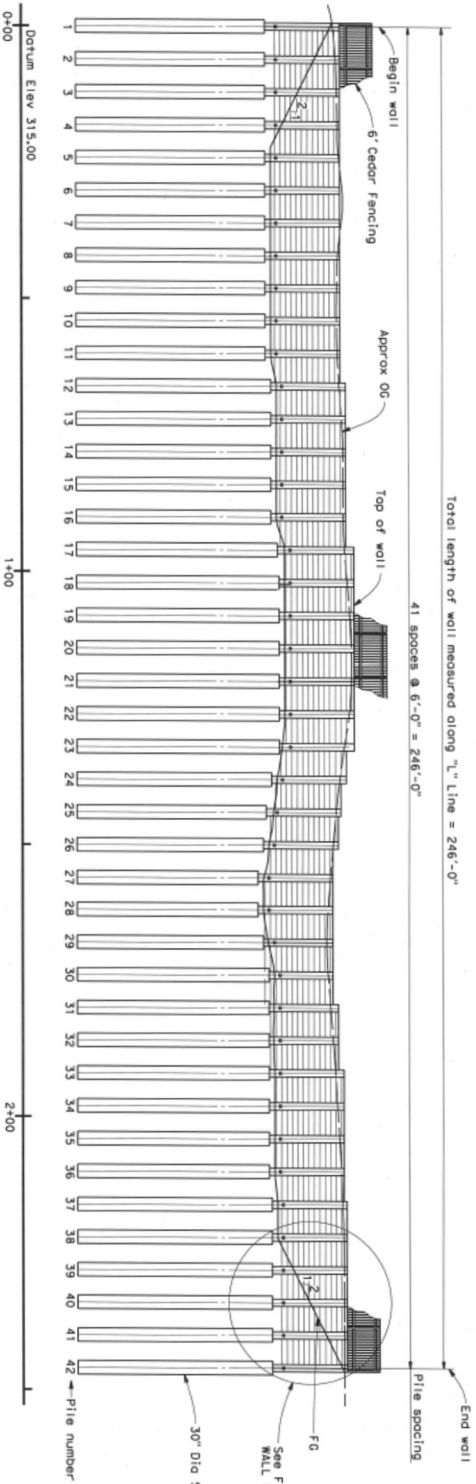


Figure 3: Proposed Site Plan and Cross Sections

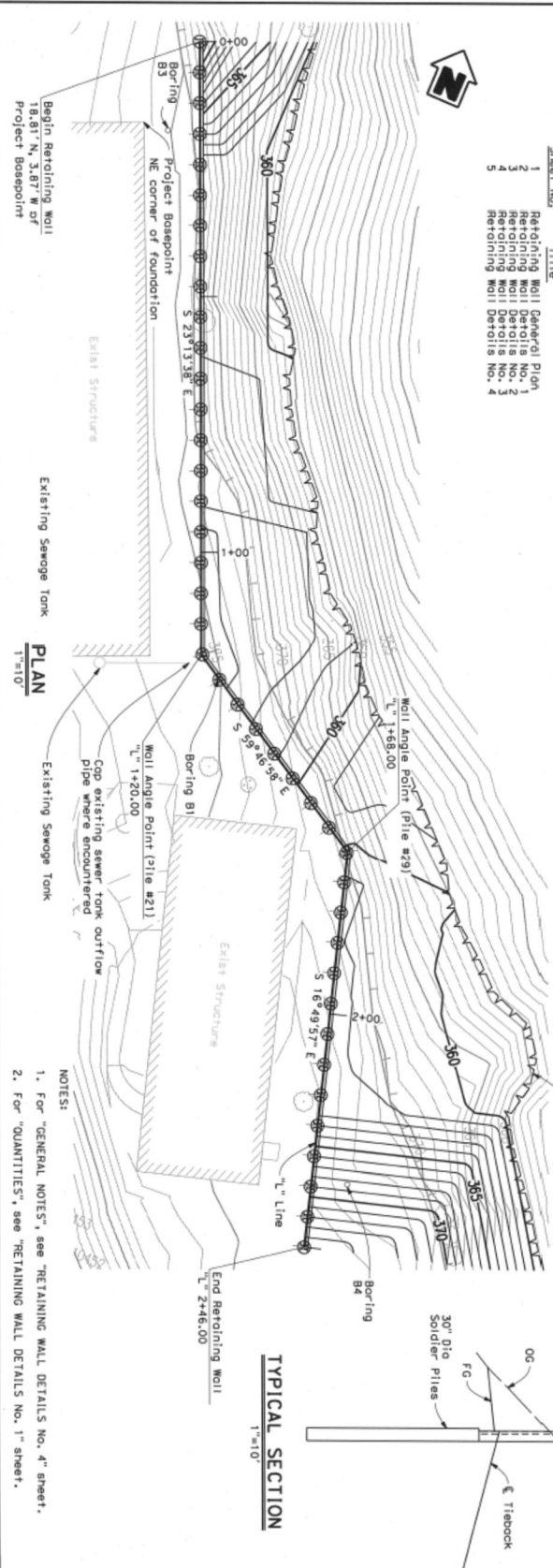


INDEX TO PLANS

Sheet No.	Title
1	Retaining Wall General Plan
2	Retaining Wall Details No. 1
3	Retaining Wall Details No. 2
4	Retaining Wall Details No. 3
5	Retaining Wall Details No. 4

MIRRORED DEVELOPED ELEVATION

1"=10'



TYPICAL SECTION

1"=10'

- NOTES:
1. For "GENERAL NOTES", see "RETAINING WALL DETAILS No. 4" sheet.
 2. For "QUANTITIES", see "RETAINING WALL DETAILS No. 1" sheet.

SHEET 1 OF 5	BERRYHILL PARK APARTMENTS RETAINING WALL GENERAL PLAN		PREPARED UNDER THE SUPERVISION OF Brett Wilson REGISTERED CIVIL ENGINEER	CHECKED J. Goodall DATE 3/25/16	DRAWN P. Kanne DATE 3/25/16
			6/6/2016 3:44:05 PM		

Figure 4: Proposed Elevations

II. ANALYSIS AND FINDINGS:

CHAPTER 17.16 – “R-3.5” DWELLING DISTRICT

17.16.040 Dimensional standards.

Dimensional standards in the R-3.5 district are:

A. Minimum Lot Areas.

1. Residential uses, three thousand five hundred square feet per unit.

2. Non-residential uses, zero minimum;

B. Minimum lot width, twenty-five feet;

C. Minimum lot depth, seventy feet;

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

E. Minimum Required Setbacks:

1. Front yard, five feet minimum setback,

2. Front porch, zero feet minimum setback,

3. Interior side yard,

Detached unit, five feet minimum setback

Attached unit, seven feet minimum setback on the side that does not abut a common property line.

4. Corner side yard, ten-foot minimum setback,

5. Rear yard, fifteen-foot minimum setback,

6. Rear porch, ten-foot minimum setback.

Finding: Not applicable. Construction of the proposed wall will not alter lot dimensions or the spatial relationship between lot boundaries and existing dwellings.

CHAPTER 17.18 “R-2” MULTI-FAMILY DWELLING DISTRICT

17.18.040 - Dimensional standards.

Dimensional standards in the R-2 district are:

A. Minimum lot areas: Two thousand square feet per unit.

B. Minimum lot width, fifty feet;

C. Minimum lot depth, seventy-five feet;

D. Maximum building height, four stories, not to exceed fifty-five feet;

E. Minimum required setbacks:

1. Front yard, five feet minimum setback (May be reduced to zero through Site Plan and Design Review)

2. Side yard, five feet minimum setback,

3. Corner side yard, ten feet minimum setback,

4. Rear yard, ten feet minimum setback,

5. Buffer area. If a multi-family residential unit in this district abuts R-10, R-8, or R-6 use, there shall be required a landscaped yard of ten feet on the side abutting the adjacent zone in order to provide a buffer area and landscaping thereof shall be subject to site plan review. The community development director may waive any of the foregoing requirements if it is found that the requirement is unnecessary on a case-by-case basis.

Finding: Not applicable. Construction of the proposed wall will not alter lot dimensions or the spatial relationship between lot boundaries and existing dwellings.

CHAPTER 17.62 SITE PLAN AND DESIGN REVIEW

17.62.015 Modifications that will better meet design review requirements.

Finding: Not applicable. The applicant has not requested a modification through the Type II process.

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 II decision subject to administrative proceedings described in OCMC 17.50 section 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. Generally. Minor site plan and design review applies to the following uses and activities:

- 1. 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.).*
- 2. Modification to parking lot layout and landscaping or the addition of up to 5 parking spaces.*
- 3. 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.*
- 4. 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: Minor site plan and design review is appropriate for this project based on Part 4. Construction of the proposed wall will not increase off-site impacts and is consistent with the scale of activities/uses listed in Part 1 through Part 3. Construction of the wall may actually decrease off-site impacts by stabilizing the hillside above the wall and reducing debris cast downslope during landslide movements.

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.*
 - 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).*

- 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.*
- c. The landscaping plan shall be prepared by a registered landscape architect and 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.*
- d. For properties within the Downtown Design District, or for major remodeling in all zones subject to this chapter, landscaping shall be required to the extent practicable up to the ten percent requirement.*
- e. Landscaping shall be 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: Complies with Conditions. The location of the proposed retaining wall is not currently landscaped. The site is not within the NROD as discussed in the findings under Chapter 17.49. The site consists of bare, steeply sloping, unstable soil that is temporarily covered in plastic sheeting to prevent erosion, infiltration, and further degradation of the slope. After construction of the retaining wall is complete, adjacent areas of exposed ground will be planted with grass seed and covered with an erosion control blanket as shown in the attached erosion control plan.

The retaining wall is intended to stabilize the apartment site above. The landslide below the retaining wall will continue to actively move. Additional landscaping with vertical and horizontal elements, including trees and shrubs, is required in order to comply with *OCMC 17.622.050.A.1. – Landscaping*. Therefore, landscaping materials must be selected which are appropriate to achieve the intent of the landscaping requirements, screening and visual relief, while achieving the goal of mitigating the landslide. The applicant indicated in an email to staff on June 29, 2016:

...keep in mind that the ground surface downslope of the wall will remain an active landslide and will continue to move as we have indicated in planning submittals. The proposed retaining wall only stabilizes the slope above the retaining wall and trees or shrubs planted below the wall will move with the ground surface. Typically it is not advisable to irrigate the surface of a moving landslide body which may be necessary to keep planted trees or shrubs alive. However, the landscape architect may be able to propose screening vegetation that does not require irrigation but they also may determine that is not feasible. All existing trees between the base of the wall and the downslope apartment complex (Forest Edge Apartments) will remain and the face of the wall will not be highly visible from below. The use of grass ground cover was proposed in our planning submittal, considering the lack of visibility of the wall face, continued moving ground below the wall, and to avoid the need to irrigate an active landslide.

Prior to final inspection the applicant shall provide a revised landscaping plan prepared by a registered landscape architect which includes the proposed number or amount, planting locations, and species of any grass seed mix, ground covers, shrubs and trees to be replanted on the slope. The plan shall be prepared in collaboration with the applicant's geotechnical engineer to ensure that the landscaping plan does not conflict with the recommendations for geotechnical remediation.

Staff finds that it is reasonable, feasible and likely that the applicant can meet this standard through compliance with the Conditions of Approval.

2. Vehicular Access and Connectivity.

- a. Parking areas shall be located behind buildings, below buildings, or on one or both sides of buildings.*
- 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.*
- 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.*
- d. Sites abutting an alley shall be required to gain vehicular access from the alley unless deemed impracticable by the community development director.*
- 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.*
- f. Driveways that are at least twenty-four feet wide shall align with existing or planned streets on adjacent sites.*
- 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](#).*
- 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.*
- i. Vehicular and pedestrian easements shall allow for public access and shall comply with all applicable pedestrian access requirements.*
- 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.*
- 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.*
- 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.*
- 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. The proposed retaining wall is not in a location that impacts vehicular access or connectivity.

- 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 Construction (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 with Condition. Exposed portions of the retaining wall will consist of steel piles and wood lagging. The wood lagging, which makes up the majority of the exposed wall surface area, will blend into the surrounding forest environment. The proposed wall location is in a relatively low-visibility area, partially screened by existing trees at the base of the slope. These trees will remain during construction.

Note: the applicant alerted staff on June 29, 2016 that the design would need modification (Exhibit) due to unavailable materials. In order to keep the project on schedule the design will be modified for structural integrity, to include additional structural members called a “waler” which would be affixed horizontally between the vertical piles. The applicant included photos of other projects where the walers have been used.

It appears that the addition of the waler could affect the overall aesthetic of the wall despite the location being in a low-visibility area and partially screened by existing trees. As described under the findings for landscaping, staff has recommended a flexible condition of approval to include additional vertical and horizontal elements in the landscaping plan to the extent practicable. Additional plantings would further mitigate the visual impact of the wall by screening it from view of below.

Prior to final inspection the applicant shall provide a revised landscaping plan prepared by a registered landscape architect which includes the proposed number or amount, planting locations, and species of any grass seed mix, ground covers, shrubs and trees to be replanted on the slope. The plan shall be prepared in collaboration with the applicant’s geotechnical engineer to ensure that the landscaping plan does not conflict with the recommendations for geotechnical remediation.

Staff finds that it is reasonable, feasible and likely that the applicant can meet this standard through compliance with the Conditions of Approval.

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: Complies as Proposed. Please refer to Chapter 17.44 of this report and the submitted Geotechnical Report for further information regarding the retaining wall drainage system that is 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.*
- 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.*
- 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.*
- d. The pedestrian circulation system shall connect the main entrances of 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.
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: Not applicable. This section does not apply to the project. The proposed retaining wall will not impact any existing pedestrian pathways and is not located in an area where pedestrian pathways are required.

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 applicant states that the proposed retaining wall is located in an unmaintained area that was generally wooded prior to recent landslide activity and that the project will not impact or disrupt access to any facilities. Since the site is on private property the applicant is responsible for maintenance of the site once the project is completed, including but not limited to continued maintenance and necessary for 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.

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. According to the applicant, soldier piles and tiebacks will be drilled, not driven, and drilling generally produces less noise than pile driving. However, contractors may drive piles to create temporary scaffolding for equipment access. Driving of these temporary piles may be accomplished using a vibratory or pneumatic hammer. Apart from noise related to drilling and pile driving, and outdoor storage of materials such as piles and grout components, none of the other impacts listed above are anticipated (i.e., air quality, water quality, odor, heat, glare, etc.). Construction of the proposed retaining wall will likely take about 8 weeks to complete.

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. The proposed retaining wall will not alter usage of public water or sanitary 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.

Finding: Not applicable. The proposed retaining wall is not adjacent to any right-of-way and will not generate traffic of any kind.

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: Not applicable. The proposed retaining wall is not adjacent to any right-of-way and will not generate traffic of any kind.

17. All utility lines shall be placed underground.

Finding: Not applicable. There will be no utilities associated with the proposed retaining wall.

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: Not applicable. There are no existing access routes that will be impacted by the proposed retaining wall.

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. The proposed retaining wall will not alter the density of development on the subject parcel.

20. Screening of Mechanical Equipment:

Finding: Not applicable. The proposed retaining wall will not include mechanical equipment. Therefore, no screening of mechanical equipment will be necessary.

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.

li. 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 baton 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.

b. Prohibited materials. The following materials shall be prohibited in visible locations 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).

li. 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 or as a gate for a refuse enclosure).

[v.] Crushed colored rock/crushed tumbled glass.

[vi.] Non-corrugated and highly reflective sheet metal.

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: complies with condition. Exposed portions of the retaining wall will consist of steel piles and treated wood lagging. The wood lagging, which makes up the majority of the exposed wall surface area, will blend into the surrounding forest environment. The proposed wall location is in a relatively low-visibility area, partially screened by existing trees at the base of the slope. These trees will remain during construction.

Note: the applicant alerted staff on June 29, 2016 that the design would need modification (Exhibit) due to unavailable materials. In order to keep the project on schedule the design will be modified for structural integrity, to include additional structural members called a “waler” which would be affixed horizontally between the vertical piles. The applicant included photos of other projects where the walers have been used.

It appears that the addition of the waler could affect the overall aesthetic of the wall despite the location being in a low-visibility area and partially screened by existing trees. As described under the findings for landscaping, staff has recommended a condition of approval to include additional

vertical and horizontal elements in the landscaping plan to the extent practicable. Additional plantings would further mitigate the visual impact of the wall by screening it from view of below.

Prior to final inspection the applicant shall provide a revised landscaping plan prepared by a registered landscape architect which includes the proposed number or amount, planting locations, and species of any grass seed mix, ground covers, shrubs and trees to be replanted on the slope. The plan shall be prepared in collaboration with the applicant's geotechnical engineer to ensure that the landscaping plan does not conflict with the recommendations for geotechnical remediation.

Staff finds that it is reasonable, feasible and likely that the applicant can meet this standard through compliance with the Conditions of Approval.

17.62.055 - Institutional and commercial building standards.

Finding: Not applicable. This section does not apply to the project because it will be a low-visibility retaining wall, not an institutional or commercial building in constant view of the general public.

17.62.057 - Multi-family standards.

Finding: Not applicable. This section does not apply to the project because it will be a low-visibility retaining wall, not a multi-family residential development. While adjacent to multi-family residences, the wall face will not be in plain view.

17.62.065 - Outdoor lighting.

Finding: Not applicable. This section does not apply to the project. The project will not change the amount or effectiveness of outdoor lighting already in place at the site. The area where the project will be located is not currently intended for regular public use or traverse.

17.62.080 - Special development standards along transit streets.

Finding: Not applicable. This section does not apply to the project because the project is not along a transit street. The project will not inhibit pedestrian access to retail, office, or institutional buildings from public sidewalks or transit facilities because it will not be located between retail, office, or institutional buildings and public sidewalks or transit facilities.

CHAPTER 17.52 OFF-STREET PARKING AND LOADING

Finding: Not applicable. This section does not apply to the proposed project because the project will not be built in a location where it will impact any parking or loading areas. Due to evacuations of the apartments above and below the site, nearby parking areas will not be needed by residents during construction and may be occupied by construction equipment without conflict.

CHAPTER 13.12 - STORMWATER CONVEYANCE, QUANTITY AND QUALITY

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

13.12.050.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: Not Applicable. The proposed retaining wall will not create new impervious surfaces, or modify existing drainage conditions.

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

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 seven-year period;
2. Activities that create more than two thousand square feet of impervious surface, cumulated over any given seven year period; or
3. Redevelopment of a commercial or industrial land use that will disturb more than five thousand square feet of existing impervious surface. This five thousand square foot measurement cumulates over any given seven year period;
4. An exemption to the stormwater quantity control requirements of this chapter will be granted in the following circumstances:
 - a. The development site discharges to a stormwater quantity control facility approved by the city engineer to receive the developed site runoff after verification that the facility is adequately sized to receive the additional stormwater, or,
 - b. The development site discharges to one of the following receiving bodies of water: Willamette River, Clackamas River 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

Finding: Not Applicable. The proposed retaining wall will not create new impervious surfaces, or modify existing drainage conditions.

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

1. Category A. Activities subject to general water quality requirements of this chapter:
 - a. The construction of four or more single-family residences;
 - b. Activities located wholly or partially within water quality resource areas pursuant to Chapter 17.49 that will result in the creation of more than 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 seven year period; or
 - c. Activities that create more than eight thousand square feet of new impervious surface for other than a single-family residential development. This eight thousand square foot measurement will be considered cumulative for any given seven year period;
 - d. An exemption to the stormwater quantity control requirements of this subsection will be granted if the development site discharges to a stormwater

quality control facility approved by the city engineer to receive the developed site runoff after verification that the facility is adequately sized to receive the additional stormwater.

2. *Category B. Uses Requiring Additional Management Practices. In addition to any other applicable requirements of this chapter, the following uses are subject to additional management practices as contained in the Public Works Stormwater and Grading Design Standards:*
 - a. *Fuel dispensing facilities;*
 - b. *Bulk petroleum storage in multiple stationary tanks;*
 - c. *Solid waste storage areas for commercial, industrial or multi-family uses;*
 - d. *Loading and unloading docks for commercial or industrial uses; or*
 - e. *Covered vehicle parking for commercial or industrial uses.*
3. *Category C. Clackamas River Watershed. In addition to any other applicable requirements of this chapter, any development that creates new waste discharges and whose stormwater runoff may directly or indirectly flow into the Clackamas River is subject to additional requirements associated with Oregon Administrative Rules (OAR) 340-41-470 (Thee Basin Rule).*

Finding: Not Applicable. The proposed retaining wall will not create new impervious surfaces, or modify existing drainage conditions.

13.12.090 Approval criteria for engineered drainage plans and drainage report.

An engineered drainage plan and/or drainage report shall be approved only upon making the following findings:

- A. *The plan and report demonstrate how the proposed development and stormwater management facilities will accomplish the purpose statements of this chapter;*
- B. *The plan and report meet the requirements of the Public Works Stormwater and Grading Design Standards adopted by resolution under Section 13.12.020*
- C. *Unless otherwise exempted by Section 13.12.050(B), the plan and report includes adequate stormwater quantity control facilities, so that when the proposed land development activity takes place, peak rates and volumes of runoff:*
 1. *Do not exceed the capacity of receiving drainage conveyance facilities;*
 2. *Do not increase the potential for streambank erosion; and*
 3. *Do not add volume to an off-site closed depression without providing for mitigation.*
- D. *Unless otherwise exempted by Section 13.12.050(C), the proposed development includes:*
 1. *Adequate stormwater quality control facilities, so that when the proposed land development activity takes place, the temperature and overall pollution level of stormwater runoff is no greater than the water entering. When no water enters a project, then stormwater runoff shall be compared to rain samples; and*
 2. *Stormwater quality control facilities which:*
 - a. *Are in compliance with applicable National Pollutant Discharge Elimination System (NPDES) requirements;*
 - b. *Minimize the deterioration of existing watercourses, culverts, bridges, dams and other structures; and*
 - c. *Minimize any increase in nonpoint source pollution.*
- E. *The storm drainage design within the proposed development includes provisions to adequately control runoff from all public and private streets and roof, footing, and area drains and ensures future extension of the current drainage system.*
- F. *Streambank erosion protection is provided where stormwater, directly or indirectly, discharges to open channels or streams. The postdevelopment peak stormwater discharge rate from a development site for the two year, twenty-four hour duration storm event shall not exceed fifty percent of the two year, twenty-four hour predevelopment peak runoff rate.*
- G. *Specific operation and maintenance measures are proposed that ensure that the proposed stormwater quantity control facilities will be properly operated and maintained.*

Finding: Not Applicable. The proposed retaining wall will not create new impervious surfaces, or modify existing drainage conditions. Therefore, no engineered drainage plans or drainage report are required.

CHAPTER 12.04 - STREETS SIDEWALKS AND PUBLIC PLACES

Finding: Not applicable. This section does not apply to the project. The proposed retaining wall will not be located near or interface with a street, sidewalk, or public place.

Chapter 12.08 - PUBLIC AND STREET TREES^[2]

Finding: Not applicable. This section does not apply to the project. The proposed retaining wall will not be located near or interface with a street or sidewalk.

GEOLOGIC HAZARDS – CHAPTER 17.44

Compliance with this section has been determined through review of the applicant's plans by the City's geologic consulting engineer.

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: Steep slopes and landslide hazards are identified within the project area. Therefore, the project is subject to the provisions for geologic hazards. This code is written to prevent issues associated with development and building new structures in geologically hazardous areas. The proposed project is designed to mitigate existing hazards to structures and previously developed properties already built in a geologically hazardous area.

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.

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: This application is for a land use permit under (A) above.

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: The project is not exempt. It involves excavations and fills that exceed the specified thresholds of A and B above. The project is not an emergency action, however, expedience in processing this request is of utmost importance due to the need to stabilize the slope before winter rains begin. Proposed excavations below the wall, which will be necessary to install tieback anchors and reduce slope hazards, will exceed 25 cubic yards. The project, therefore, does not meet exemption criteria as defined in this section.

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);*
- 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.*

Finding: Complies as proposed. Geotechnical reports that address sections 1, 2, 4, 5, 6, 7, 8, and 9, as applicable, have been prepared by Shannon & Wilson, Inc., and are attached to this application. Drawings that address sections 3 and 10 are also attached. The hydrology report, described in section 11, will not be required because the work area will be less than 1 acre, no new impervious surface will be created, and existing drainage conditions will not be modified. The City's geotechnical consultant reviewed the submittals and determined that the following documents were provided for the required geologic hazards and geotechnical engineering:

1. Land use application narrative by Shannon and Wilson, dated May 4, 2016.
2. Retaining Wall Design Letter - Berryhill Apartments Landslide by Shannon and Wilson, dated April 5, 2016
3. Response to Geohazards Completeness Review by Shannon and Wilson, dated June, 9 2016.

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

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

Finding: Complies as proposed. The conditions and design requirements provided in the geohazard documents will be incorporated into the permit conditions.

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. The conditions and design requirements provided in the geohazard documents will be incorporated into the permit conditions.

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. The applicant's reports and plans were reviewed by the City's geotechnical consultant in accordance with this section.

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: Not applicable. The City Engineer has not waived any of the foregoing requirements.

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.*

Finding: Complies as proposed. The proposed development is limited to a retaining wall designed to mitigate existing landslide. The location of the proposed wall is currently occupied by a steep, barren, unstable soil slope with exposed soil. No removal of trees or ground cover is anticipated. Construction of the wall will stabilize the slope above it. Excavation on the downslope side of the wall will be limited to the minimum necessary to the install tieback anchors, which are required for the wall to function and stabilize the hillside above the wall.

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: Complies with conditions. The applicant indicated that construction of the proposed retaining wall will take approximately 8 weeks to complete. Construction will begin with installation of the steel soldier piles, which will improve slope stability even before the tiebacks and lagging are installed. Completion of the project by October 31, 2016 would be contingent on rapid approval of this application. If construction is delayed until 2017, heavy winter precipitation could further deteriorate the slope and potentially cause severe damage to structures that would have been otherwise usable with the wall in place. If the wall is not installed prior to next winter there is risk of additional damage to the subject property and neighboring adjacent properties up slope of the wall. If additional landslide movement occurs the retaining wall may no longer be feasible and mitigation of the landslide may not occur. **This standard can be met provided the applicant complies with the condition that grading and earthwork will be restricted to between May 1 and October 31.**

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

Finding: Complies as proposed. Some excavation will be required on the down-slope side of the wall in order to install tieback anchors which are required for the wall to function. The removed soil will not be replaced because the existing soil slopes along the base of the proposed wall are already over-steepened and unstable. Removal of soil at the base of the wall at the head of the landslide will further increase landslide stability by reducing driving force. Fill will be limited to minor granular backfill, used to fill voids behind the timber lagging in the wall.

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 with conditions. The existing slope at the site is not terraced, but is unstable and exceeds the height specified above. Wall construction will begin with installation of vertical steel soldier piles. These piles will temporarily support the slope while the front of the wall is excavated and lagging is installed down to the tieback elevation. The finished wall with tiebacks will support the slope above and will be about 12 feet in height. Due to the active landslide below the retaining wall fill cannot be replaced at the face of the wall over the landslide soils because it will decrease landslide stability. The proposed exposed wall height will exceed 7 feet and terracing of the proposed soldier pile and tieback retaining wall is not practical. The proposed wall faces the active landslide.

This standard can met provided that the applicant obtain a variance for the wall height. See section 17.40 variances for findings.

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: Complies as proposed. No structural fill is proposed. Fill will be limited to minor granular backfill, used to fill voids behind the timber lagging in the wall.

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 proposed retaining wall will be designed and constructed in accordance with the Oregon Structural Specialty Code. **The applicant shall obtain the necessary building permits for construction of the retaining wall to assure compliance with the Oregon Structural Specialty Code.**

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 new roads are planned as part of the project and construction of the proposed wall will not impact any existing roads.

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.*

Finding: Not applicable. This section does not apply to the project because the project will not impact the density of development on the subject parcel.

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. This section does not apply to the project because it does not include construction of residential units, roads, utilities, or public facilities. The proposed retaining wall constitutes a geotechnical remediation. The existing site condition is predominantly bare disturbed ground, and no fill will be placed over the surface, so stripping of vegetation will not be necessary. Grading will be limited to that which is required for wall installation and will affect an area less than 4,000 square feet.

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 with Condition. Prior to the grading permit the geotechnical engineer provide documentation that they have reviewed the final site grading plan.

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.*

Finding: Complies as proposed. The applicant's Engineering Geologist, David Higgins, CEG, LEG, has submitted the application for review by the City's peer reviewer, Tim Pfeiffer, CEG, of Foundation Engineering Inc., and has been responsive to all written comments provided, both during the pre-application conference and the completeness review phases of the City's review process.

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 geotechnical engineering report provided by the applicant indicated the proposed retaining wall was designed to mitigate the portion of a landslide above the proposed retaining wall, and slopes below and adjacent to the wall will not be effected. **The City's geotechnical engineering consultant has recommended conditions of approval as needed.**

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. The proposed retaining wall does not impact access to the property.

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. This section does not apply to the project because the project does not include construction of new utilities.

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. No new impervious surfaces or drain outfalls are proposed. The proposed retaining wall will not create new impervious surfaces, or modify existing drainage conditions. Further, the proposed retaining wall design includes a wall drainage system that will capture any groundwater up-gradient of the proposed retaining wall location. Therefore, no stormwater control plan is required. Storm water and erosion during construction will be controlled using the methods described in the erosion control plan.

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: Complies with Condition. The applicant indicated that vegetation removal for the project will be minimal as the existing slope where the wall is to be located currently consists of bare, unstable soil that has been disturbed by recent landslide movements. An erosion control plan, prepared by AKS Engineering and Forestry, is attached to this application.

Clearing and removal of vegetation is limited to what is needed to construct the proposed retaining wall. **The applicant shall assure that no additional vegetation will be removed beyond the limits shown on the plans for the construction of the retaining wall.**

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: Complies with Condition. The preliminary exploration is complete. **No grading shall commence prior to issuance of a grading permit.**

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: The purpose of the project is to mitigate part of an existing landslide. An erosion control plan, prepared by AKS Engineering and Forestry, is attached to this application.

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 project area is located on a steep, bare, unstable soil slope. Upon completion of wall construction, bare ground will be seeded with grass seed. Prior to final inspection the applicant shall provide a revised landscaping plan which include the proposed number or amount, planting locations, and species of any grass seed mix, ground covers, shrubs and trees to be replanted on the slope. The plan shall be prepared by in collaboration with the applicant's geotechnical engineer to ensure that the landscaping plan does not conflict with the recommendations for geotechnical remediation.

Staff has determined that it is reasonable, feasible and likely that this standard can be met 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 with conditions. The existing slope where the wall is to be located currently consists of bare, unstable soil that has been disturbed by recent landslide movements. No grading, compaction, or change in ground elevation, soil hydrology, or site drainage is planned within the drip line of trees designated for protection. Any tree removal that may occur following approval of this application shall require documentation of the need for

the removal by a certified arborist, forester or similarly qualified professional as well as mitigation and replanting of new trees in accordance with the applicable sections of *Chapter 17.41 - Tree Protection*.

Staff has determined that it is reasonable, feasible and likely that this standard can be met through the Conditions of Approval.

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. There are no existing perennial or intermittent watercourses in the area of the proposed construction. The applicant submitted a request for verification of the absence of water resources and associated vegetated corridor within the project area (File NR 16-04). This application was reviewed and approved by the City's natural resources consultant, see section 17.49 for findings. Erosion control measures will prevent siltation and erosion impacts to offsite watercourses lower in the watershed. An erosion control plan, prepared by AKS Engineering and Forestry, is attached to this application.

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.*

Finding: Complies as proposed. An erosion control plan, prepared by AKS Engineering and Forestry, is attached to this application.

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. The project does not include lot creation.

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: Complies as proposed. Shannon & Wilson, Inc. will provide observation at appropriate times during construction to confirm subsurface conditions and that assumptions made as part of the geotechnical evaluation are appropriate.

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 proposed retaining wall will require a final inspection by the City. The Geotechnical Engineer, Shannon & Wilson, Inc. agrees to provide the requisite summary letter prior to occupancy of the affected Berryhill duplex and eightplex structures.

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 proposal does not constitute a hazard. In fact, the wall is proposed in order to mitigate hazards created by the recent landslide activity.

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. The city will require waiver of liability for all and any damages resulting from the development approved by the City's decision.

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.

Finding: The applicant has acknowledged this requirement and submitted applications for other applicable permits.

17.44.140 Appeal.

The review authority's decision may be appealed in the manner set forth in Chapter 17.50.

Finding: The applicant has acknowledged that this decision may be appealed.

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: Complies. An erosion control plan, prepared by AKS Engineering and Forestry, is attached to this application.

CHAPTER 17.49 NATURAL RESOURCE OVERLAY DISTRICT (NROD)

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: The city has not declared an emergency in this situation, although the weather window for construction is critical. The applicant must respond to this code section. The applicant submitted a request for verification that the site is not within the NROD. The City's Natural Resources Consultant, David Evans and Associates, has confirmed that the application complies with the standards for a Type I verification.

The City of Oregon City (the City) has contracted with David Evans and Associates, Inc. (DEA), to review permit applications located within the Natural Resource Overlay District (NROD) and mitigation plans, as applicable, to ensure they are complete and meet Oregon City Municipal Code, Title 17, Zoning, criteria. The following findings provides DEA's review related to the applicant's application. This review is based solely on the materials provided.

The applicant proposes to construct a retaining wall in order to mitigate a landslide at 14155 Beavercreek Road (3-2E-04C-00807). The City's NROD mapping shows a portion of the proposed location of the retaining wall as being within the NROD.

The applicant requests a Type I verification per 17.49.255.

DEA's review concurs with the natural resource assessment report prepared by AKS Engineering and Forestry, LLC (April 8, 2016) that determines that the subject site is not within an NROD area and therefore not subject to the standards of Section 17.49.100.

17.49.255 - Type I verification.

A. Applicants for a determination under this section shall submit a site plan meeting the requirements of Section 17.49.220, as applicable.

Finding: Not applicable. The applicant selected to make an application per 17.49.255 B., below.

B. Alternatively, an applicant may request a Type I Verification determination by the community development director by making an application therefore and paying to the city a fee as set by resolution of the city commission. Such requests may be approved provided that there is evidence substantiating that all the requirements of this chapter relative to the proposed use are satisfied and demonstrates that the property also satisfies the following criteria, as applicable:

Finding: The applicant submitted a report by AKS Engineering and Forestry, LLC (April 8, 2016) that addresses B.1-6.

1. No soil, vegetation, hydrologic features have been disturbed;

Finding: Complies as proposed. The applicant's consultant examined the site and found no indication of disturbance of soil, vegetation or hydrologic features.

2. No hydrologic features have been changed;

Finding: Complies as proposed. No human-caused alteration of hydrologic features was identified.

3. There are no man-made drainage features, water marks, swash lines, drift lines present on trees or shrubs, sediment deposits on plants, or any other evidence of sustained inundation.

Finding: Complies as proposed. The applicant's consultant examined the site and found no indication of streams, inundation, or man-made drainage features within 200 feet of the proposed project activity.

4. The property does not contain a wetland as identified by the city's local wetland inventory or water quality and flood management areas map.

Finding: Complies as proposed. Neither the LWI and the flood management areas map nor the field verification by the applicant indicate wetlands or flood management areas within the property. A wetland delineation or determination was not performed, but mapped soils on the property do not include hydric soils and topographic maps do not suggest drainage ways or depressions.

5. There is no evidence of a perennial or intermittent stream system or other protected water feature. This does not include established irrigation ditches currently under active farm use, canals or manmade storm or surface water runoff structures or artificial water collection devices.

Finding: Complies as proposed. The applicant's consultant has documented that no stream systems or water features occur on the property. An intermittent tributary to Newell Creek was identified north of the property and Newell Creek is located to the east. Both streams are outside of the property and project area.

6. Evidence of prior land use approvals that conform to the City's existing Water Quality Resource Area Overlay District.

Finding: Complies as proposed. The development of the Berryhill Apartments and Forest Edge Apartments were approved prior to the 2006 landslide.

There is an existing physical barrier between the site and a protected water feature, including:

a. Streets, driveways, alleys, parking lots or other approved impervious areas wider than fifteen feet and which includes drainage improvements that are connected to the city storm sewer system, as approved by the city.

b. Walls, buildings, drainages, culverts or other structures and which form a physical barrier between the site and the protected water features, as approved by the city.

Finding: Complies as proposed. There are no protected water features on the subject property. A physical barrier—Fir Street, a city-approved private roadway—is located between the subject property/project area and Newell Creek to the east. The access road to the BPA transmission towers curves along the west side of the site, and effectively separates the property from the intermittent tributary to the north.

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: Complies with Condition. The initial application indicated that no trees would be removed. Prior to completion of this staff report the applicant alerted staff that they have a potential tree conflict that they have been attempting to shift the wall to avoid. The tree is directly behind the duplex and is circled in red on the attached plan (Exhibit). The applicant hopes to avoid it but it appears possible that the contractor once hired may find they cannot install piles due to the tree conflict and need to take out the tree. The applicant wishes to include this change for the planning application rather than defer to the building permit process.

Prior to issuance of a grading permit or construction permit, the applicant shall provide a tree mitigation plan in accordance with the applicable provisions of OCMC 17.41 for any trees that may represent a potential conflict with the proposed location for construction of the retaining wall or which may be removed throughout the process. The mitigation plan shall include a report by a certified arborist or forester that describes the condition of the tree or trees that may be affected by the wall construction, the feasibility of saving the trees, and the proposed mitigation should preservation not be feasible. Mitigation shall be provided on site.

Staff has determined that it is likely, reasonable and feasible that this standard can be met through the Conditions of Approval.

Chapter 17.58 - LAWFUL NONCONFORMING USES, STRUCTURES AND LOTS

Finding: Not applicable. The proposed improvements do not exacerbate existing nonconforming site conditions.

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.

Finding: Complies. A Pre-Application Conference for the proposed project was held on March 10, 2016, and notes from the meeting are attached to this application.

17.50.055 Neighborhood Association Meeting

A. Neighborhood Association Meeting. The purpose of the meeting with the recognized neighborhood association is to inform the affected neighborhood association about the proposed development and to receive the preliminary responses and suggestions from the neighborhood association and the member residents.

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.

Finding: Complies. Neighborhood association meetings was attended and documented as required. Shannon & Wilson, Inc. attended the Hillendale Neighborhood Association meeting on April 5, 2016 at the Living Hope Church, 19691 Meyers Road, Oregon City. A sign-in sheet, letter from the Hillendale Neighborhood Association, and summary letter describing the retaining wall presentation is attached to this application package.

17.50.060 Application Requirements.

A permit application may only be initiated by the record property owner or contract purchaser, the city commission or planning commission. If there is more than one record owner, then the city will not accept an application without signed authorization from all record owners. All permit applications must be submitted on the form

provided by the city, along with the appropriate fee and all necessary supporting documentation and information, sufficient to demonstrate compliance with all applicable approval criteria. The applicant has the burden of demonstrating, with evidence, that all applicable approval criteria are, or can be, met.

Finding: The owner of record has signed the land use application and their representative has submitted all necessary documents to process the application, which was deemed complete on June 10, 2016.

Staff has expedited the review of this application.

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:

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.

Finding: For safety, an approximately 6-foot tall cedar fence will be constructed along the top of the proposed retaining wall. The fence will be set back a distance of two feet from the face of the wall. The combined height of the wall and fence will exceed 8.5 feet, but this application include a request for this variance.

CHAPTER 17.60 - VARIANCE

17.60.030 – Variance - Grounds.

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

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

Finding: Complies as proposed. The proposed retaining wall is designed to mitigate potential landslide movements at the Berryhill Apartments duplex and eightplex. The project will, to some extent, *prevent* damage to the property down slope because it will support the duplex and eightplex, which at present could potentially slide down into the adjoining parcel. Some soil will also be removed at the top of the slide which in addition to the retaining wall will decrease driving force. The proposed improvements will not reduce existing light, air, safe access, or other desirable qualities of the area.

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

Finding: Complies as proposed. Based on geotechnical borings and inclinometer data, the landslide failure plane is approximately 33 feet below the existing ground surface at the location of the proposed wall. To adequately support the ground upslope, based on the landslide geometry and depths of the geologic units present, the steel soldier piles for the wall will have to extend to depths of 50 feet, the wall will need to be continuous below the duplex and eightplex, and tieback anchors will be required at depths of approximately 11 feet below the tops of the piles. The location and height of the wall is controlled by the geometry of the landslide and the existing topography. The proposed wall height of up to 12 feet (not including the fence at the top) is only as high as it needs to be to allow installation of the tieback anchors which are critical to the wall's performance. Fill cannot be placed back against the wall to lower its height after construction, because ground on the downhill side of the wall will continue to move as the Forest Edge Apartments landslide blocks continue to slide. Loading this unstable ground would only serve to exacerbate its ongoing movement.

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

Finding: Complies as proposed. The purpose of the wall height regulation is presumably to maintain safe wall heights and to prevent extensive areas of disrupted view that would block light, air flow, access, etc. The top of the proposed wall will be made safe by a cedar fence, installed at a 2-foot offset from the wall face. The finished topography, with the wall in place, will not substantially change the field of view from the top or bottom of the slope. Because it's on a steep slope, it will not affect significantly light, air flow, or access.

D. Any impacts resulting from the adjustment are mitigated.

Finding: Complies with conditions. The wall itself is designed to mitigate unsafe site conditions that currently exist. No negative impacts from the proposed improvements are anticipated. The wood lagging, which makes up the majority of the exposed wall surface area, will blend into the surrounding forest environment. The proposed wall location is in a relatively low-visibility area, partially screened by existing trees at the base of the slope. Some trees may be removed during construction. Staff has recommended conditions of approval to assure compliance with all applicable code sections.

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

Finding: Complies as proposed. Alternatives to the proposed variance were given extensive consideration and no practical alternatives were

identified.

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

Finding: Complies as proposed. The proposed wall height is only as high as it needs to be to allow installation of the tieback anchors which are critical to the wall's performance. Fill cannot be placed back against the wall to lower its height after construction, because ground on the downhill side of the wall will continue to move as the Forest Edge Apartments landslide blocks continue to slide. Loading this unstable ground would only serve to exacerbate its ongoing movement. Safety from falls will be maintained by a 6-foot tall cedar fence which will be constructed along the top of the wall, offset two feet from the wall face.

The proposed retaining wall complies with Comprehensive Plan *Goal 7.1 Natural Hazards – Protect life and reduce property loss from the destruction associated with natural hazards*. The retaining wall as designed with the proposed wall height will protect the upslope Berryhill Park Apartments property from destruction and protect the life of occupants of existing upslope buildings from the landslide hazard.

CHAPTER 17.58 LAWFUL NONCONFORMING USES, STRUCTURES AND LOTS

Finding: The proposed improvements do not exacerbate existing nonconforming site conditions.

CONCLUSION AND RECOMMENDATION

Based on the analysis and findings in this report, staff concludes that the proposed applications US 16-02, NR 16-04, SP 16-04, and VR 16-01, located at 13945 Beavercreek Rd & 14155 Beavercreek Rd, Oregon City, OR 97045, and identified as Clackamas County APN 3-2E-04C-00803 and 00807, can meet all of the applicable requirements of the Oregon City Municipal Code by complying with the recommended Conditions of Approval provided in this report. Therefore, the Community Development Director recommends that the Planning Commission approves files US 16-02, NR 16-04, SP 16-04 and VR 16-01 with conditions, based upon the applicant's proposal, findings and exhibits contained in this staff report.

EXHIBITS (On File):

1. Applicant's narrative and plans as initially submitted, dated May 11, 2016
 - a. Land Use Application Form
 - b. Landslide and Retaining Wall Summary
 - c. Narrative and Code Criteria Responses
 - d. Pre-Application Conference Notes
 - e. Hillendale Neighborhood Association Meeting Summary
 - f. Geotechnical Design Letter

- g. Retaining Wall Plans, dated 4.15.2016
 - h. Erosion Control Plans
 - i. Natural Resources Assessment letter, final
 - j. Title Reports
- 2. Completeness Reviews
 - a. City's Completeness Review Transmittal, dated May 18, 2016
 - b. Geologic Hazards application completeness review, Foundation Engineering, dated June 2, 2016.
 - c. NROD completeness review, David Evans and Associates, dated June 3, 2016.
- 3. Applicant's revised application narrative and plans in response to completeness review, dated June 9, 2016.
 - a. Revised retaining wall plans, dated June 7, 2016.
 - b. Geohazard completeness review response letter, dated June 9, 2016.
 - c. Narrative and Code Criteria Response, dated June 10, 2016.
- 4. Determination of Completeness, dated June 10, 2016
- 5. Public Notices
 - a. Mailed (June 21, 2016)
 - b. Newspaper (June 15, 2016)
 - c. Email (June 21, 2016)
 - d. Signs (posted June 16, 2016)
- 6. Applicant's email regarding tree removal, dated June 24, 2016.
- 7. David Evans and Associates substantive review findings, dated June 16, 2016.
- 8. Applicant's narrative and code responses, describing modifications to wall design, dated July 1, 2016.
- 9. Applicant's photographs of the site indicating existing screening of wall from below, dated July 1, 2016.
- 10. Vicinity Map

The complete record for this application is available for inspection at the Planning Division.



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)
<input type="checkbox"/> Compatibility Review	<input type="checkbox"/> Extension	<input type="checkbox"/> Annexation
<input type="checkbox"/> Lot Line Adjustment	<input type="checkbox"/> Detailed Development Review	<input type="checkbox"/> Code Interpretation / Similar Use
<input type="checkbox"/> Non-Conforming Use Review	<input checked="" type="checkbox"/> Geotechnical Hazards	<input type="checkbox"/> Concept Development Plan
<input type="checkbox"/> Natural Resource (NROD) Verification	<input type="checkbox"/> Minor Partition (<4 lots)	<input type="checkbox"/> Conditional Use
	<input checked="" type="checkbox"/> Minor Site Plan & Design Review	<input type="checkbox"/> Comprehensive Plan Amendment (Text/Map)
	<input type="checkbox"/> Non-Conforming Use Review	<input type="checkbox"/> Detailed Development Plan
	<input type="checkbox"/> Site Plan and Design Review	<input type="checkbox"/> Historic Review
	<input type="checkbox"/> Subdivision (4+ lots)	<input type="checkbox"/> Municipal Code Amendment
	<input type="checkbox"/> Minor Variance	<input checked="" type="checkbox"/> Variance
	<input checked="" type="checkbox"/> Natural Resource (NROD) Review	<input type="checkbox"/> Zone Change

File Number(s): SP 16-04 / US 16-02 / NR 16-04 / VR 16-01

Proposed Land Use or Activity: construction of a retaining wall for landslide mitigation

Project Name: Berryhill Park Retaining Wall **Number of Lots Proposed (If Applicable):** N/A

Physical Address of Site: Berryhill Apartments, 13945 Beaver Creek Road, Oregon City, OR 97045

Clackamas County Map and Tax Lot Number(s): 3-2E-04C-00803

Applicant(s):

Applicant(s) Signature: George Glass

Applicant(s) Name Printed: George Glass, Berryhill Equity LLC **Date:** 4/16/16

Mailing Address: Berryhill Equity, LLC; 4004 Kruse Way Place, Lake Oswego, OR 97035

Phone: 503-636-4074 **Fax:** N/A **Email:** gegoass60@gmail.com

Property Owner(s):

Property Owner(s) Signature: George Glass

Property Owner(s) Name Printed: Berryhill Equity, LLC **Date:** 5/5/16

Mailing Address: 4004 KRUSE WAY PLACE, LAKE OSWEGO, OR 97035

Phone: 503-636-4074 **Fax:** N/A **Email:** geglass60@gmail.com

Representative(s):

Representative(s) Signature: David J. Higgins

Representative (s) Name Printed: David J. Higgins **Date:** 4/12/2016

Mailing Address: Shannon & Wilson, Inc.; 3990 Collins Way, Suite 100; Lake Oswego, OR 97035

Phone: 503-210-4781 **Fax:** 503-210-4890 **Email:** djh@shanwil.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.



LAND USE APPLICATION FORM

Type I (OCMC 17.50.030.A)

- ☐ Compatibility Review
- ☐ Lot Line Adjustment
- ☐ Non-Conforming Use Review
- ☐ Natural Resource (NROD) Verification

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): SP 16-04 / US 16-02 / NR 16-04 / VR 16-01

Proposed Land Use or Activity: construction of a retaining wall for landslide mitigation

Project Name: Berryhill Park Retaining Wall Number of Lots Proposed (If Applicable): N/A
Physical Address of Site: Forest Edge Apartments, 14155 Beaver Creek Road; Oregon City, OR 97045
Clackamas County Map and Tax Lot Number(s): 3-2E-04C-00807

Applicant(s):

Applicant(s) Signature: _____
Applicant(s) Name Printed: George Glass, Berryhill Equity LLC Date: _____
Mailing Address: Berryhill Equity, LLC; 4004 Kruse Way Place; Lake Oswego, OR 97035
Phone: 503-636-4074 Fax: N/A Email: gegoass60@gmail.com

Property Owner(s):

Property Owner(s) Signature: [Signature]
Property Owner(s) Name Printed: Rob Walker Date: 5-11-16
Mailing Address: _____
Phone: 909-382-1500 Fax: _____ Email: _____

Representative(s):

Representative(s) Signature: [Signature]
Representative(s) Name Printed: David J. Higgins Date: 4/12/2016
Mailing Address: Shannon & Wilson, Inc.; 3990 Collins Way, Suite 100; Lake Oswego, OR 97035
Phone: 503-210-4781 Fax: 503-210-4890 Email: djh@shanwil.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.

A soldier pile and tieback retaining wall is planned at the location of the purple line shown on the aerial photo to retain soil up slope of the retaining wall and mitigate the risk of the stable portion of the ancient landslide (in the upper wedge shown on the cross section sketch) reactivating and starting to move downslope. The soldier pile and tieback retaining wall will consist of 50-foot-

large retaining wall.

Formation. Troutdale Formation is an intact dense geologic formation suitable for founding of a within the active and ancient portions of the landslide, as well as underlying Troutdale cross section sketch also shows our interpretation of residual soil, colluvium soil, and fill soil slope under the eighthplex, as well as under the duplex (not shown on the cross section). The portion of the ancient landslide is represented by cross lined hatch in a wedge at the top of the active landslide is represented by diagonal line hatch and the currently stable remaining landslide head scarp and yellow hatch ancient landslide head scarp. On the cross section sketch, not reactivated (started moving) and remains stable is the portion between the red hatch active hatched line on the aerial photo. At this time, the only portion of the ancient landslide that has Apartments eighthplex and duplex. The estimated ancient head scarp is represented by the yellow ancient head scarp at the top of the slope near the parking lot boundary west of the Berryhill occurred thousands of years ago. The estimated upslope limit of the ancient landslide is the the aerial photo. The 2006 landslide was the reactivation of an ancient landslide that had likely Apartments eighthplex and duplex. The 2006 head scarp is represented by the red hatched line on up slope until it was within several feet of the eastern downslope side of the Berryhill cracks representing the upslope limits of the landslide (referred to as a head scarp) retrogressed The landslide originated in the Forest Edge Apartments complex in winter 2006 and ground

visual explanation of the landslide for planning application purposes only.

interpretive landslide cross section. This Aerial Photo and Cross Section Sketch is intended as a slope Forest Edge Apartments, the location of the landslide cross section sketch A-A', and an duplex in the northeast corner of the Berryhill Apartments complex, the location of the down The attached Aerial Photo and Cross Section Sketch shows the locations of the eighthplex and

LANDSLIDE AND RETAINING WALL EXPLANATION SUMMARY

long heavy steel H-piles that are installed in vertical drilled bore holes and backfilled with concrete. The soldier piles are centered on 6-foot horizontal intervals and the upper approximately 12 vertical feet will be exposed. The lower 38 feet of the soldier piles are fully buried and not visible. The exposed upper 12 feet will include horizontal treated wood slat lagging between the soldier piles to retain the soil and limit erosion of soil between the soldier piles. Below ground, the fully buried portion of the soldier piles retain the soil by an arching effect that stabilizes the soil between the piles, similar to sand or snow drift fencing. An approximately 70- to 80-foot long steel bar referred to as a tieback is installed through the exposed face of each soldier pile at an approximate 30 degree downward angle to anchor the soldier piles in vertical position and resist the lateral forces of the retained up slope soils. Both the soldier piles and tiebacks are founded in the dense Troutdale formation, which is below the active and ancient landslides. The representative location of a typical soldier pile and tieback are shown on the cross section sketch. There will be approximately 42 soldier piles and tiebacks along the length of the retaining wall.

A photo of a similar soldier pile and tieback retaining wall with wood lagging supporting a slope below a residential structure is attached. The planned Berryhill Apartments retaining wall will appear similar to the retaining wall in the sample photo but will include a cedar safety fence at the top of the wall for the entire wall length.



Sample Soldier Pile and Tieback Retaining Wall with Wood Lagging

LAND USE APPLICATION
Berryhill Apartments Retaining Wall - 13945 and 14155 Beaver Creek Road (SP 16-08)
May 4, 2016

APPLICANT: George Glass
Berryhill Equity, LLC
4004 Kruse Way Place, Suite 160
Lake Oswego, Oregon 97035

OWNER: George Glass
Berryhill Equity, LLC
4004 Kruse Way Place, Suite 160
Lake Oswego, Oregon 97035

Representative: David Higgins
Shannon & Wilson, Inc.
3990 Collins Way, Suite 100
Lake Oswego, Oregon 97035

REQUEST: Construction of a retaining wall

LOCATION: 13945 and 14155 Beaver Creek Road
Oregon City, Oregon 97045
(Map and Tax Lot Numbers: 3-2E-04C-00803 and -00807)
Note: Retaining wall entirely within property boundary of 13945 Beaver Creek Road, 14155 Beaver Creek Road property used for construction access.

I. BACKGROUND:

The duplex and eightplex of the Berryhill Apartments, and the entirety of the neighboring Forest Edge Apartments, were built on an ancient landslide complex. A portion of the ancient landslide head scarp, the uppermost boundary of the complex, is located along the short slope between the Berryhill duplex/eightplex structures and the parking lot to the west. The toe, or bottom, of the landslide is located below the Forest Edge Apartments, along Newell Creek.

On January 13, 2006, after a period of heavy precipitation, landslide movements occurred within the Forest Edge Apartments property, down-slope and northeast of the Berryhill Apartments. On January 26, 2006, several ground cracks were observed near the top of the hillside within approximately 10 feet of the Berryhill Apartments duplex and eightplex. Between 2006 and 2011, the vertical offset of the Berryhill Apartments ground cracks increased in size, and several small landslides occurred on the hillside below the cracks. By 2011, a major scarp had formed at the location where the Berryhill cracks were first observed in 2006, and several smaller ground cracks were apparent between the new scarp and the duplex/eightplex. Foundation cracks appeared in both the duplex and eightplex in January 2011.

Shannon & Wilson, Inc., first visited the site in February 2013, and performed initial geotechnical borings, inclinometer and groundwater instrumentation monitoring, and slope stability analysis between October 2014 and July 2015. Based upon our field explorations, our review of local geologic mapping, and our observations since 2013, we concluded that the landslide movements on the hillside below the Berryhill duplex/eightplex occurred due to movement of the larger, down-slope Forest Edge Apartments landslide blocks. Our slope stability analysis indicated that the landslide block immediately beneath the Berryhill duplex/eightplex is supported by the down-slope landslide blocks underlying the Forest Edge Apartments. As the Forest Edge Apartments landslide blocks continue to move, the upper slope will become increasingly unstable. We recommended a soldier pile wall with tiebacks be installed at the top of the upper slope, to stabilize the ground beneath the duplex and eightplex and to avoid possible future damage to these structures. The wall would also serve to mitigate expansion of the landslide further upslope behind the wall. If a retaining wall is not constructed, the landslide could expand further into the Berryhill Apartments complex and damage additional apartment buildings, as well as adjacent properties which are upslope of the proposed location of the retaining wall.

From March 2011 to December 2015, there was minor movement of the Forest Edge Apartments landslide and landslides on the upper slope below the Berryhill duplex/eightplex. The minor movement resulted in increased size of existing ground cracks and additional offset at the scarp immediately below the duplex/eightplex. Existing ground cracks and scarp offsets increased by several inches, and some by a few feet, but new ground cracks or head scarps were not observed. Around December 18, 2015, during the wettest December ever recorded, and after a period of particularly heavy precipitation, the Forest Edge Apartments landslide accelerated and new offsets occurred at the active scarp adjacent to the duplex/eightplex. On December 21, 2015, the Forest Edge Apartment units within the active portion of the landslide, as well as the Berryhill Apartments duplex/eightplex, were evacuated. We observed a slight increase in some of the existing foundation cracks. Based on observations made during our site visit on January 25, 2016, the ground cracks above the active Berryhill scarp and foundation cracking of the duplex/eightplex have not significantly changed since December 21, 2015. However, the slope below the active scarp has continued to move. There are new ground cracks with offsets several feet wide, a large slump has formed in the center of the hillside approximately 80 feet down-slope of the eightplex, and offsets at the scarp have increased by a few feet. In an inclinometer casing installed a few feet upslope of the scarp, in the area between the eightplex and duplex, we have recorded approximately 0.4 inches of movement from December 10, 2015 to January 25, 2016.

1. Existing Conditions

In summary, the proposed retaining wall location currently consists of a steep, unstable soil slope that has been temporarily covered with plastic sheeting to prevent erosion, water infiltration, and further deterioration. The adjacent Berryhill duplex and eightplex have been evacuated and cannot be reoccupied until the proposed wall is constructed to stabilize the landslide block on which they are founded. In our opinion, the acceleration of the landslide this winter, the increase of landslide movement causing loss of support to upslope structures, evacuation of two Berryhill Apartment buildings, and risk of the landslide expanding further upslope beyond its current limits constitute an emergency. Construction of the proposed soldier pile and tieback retaining wall would stabilize the ground upslope of the scarp, preventing the landslide from increasing in size upslope of the wall and allowing the Berryhill Apartment buildings to be reoccupied. If the wall is not constructed prior to next winter, there is a significant risk that the landslide will permanently damage the duplex and eightplex and that it could increase in size, causing damage to upslope structures and properties.

2. Project Description

The soldier pile and tieback retaining wall will be constructed on the downslope side of the duplex and eightplex, approximately 10 feet from the rear of the building. The wall will be approximately 250 feet long and extend a minimum distance of 15 feet beyond the ends of the duplex and eightplex, as shown on the retaining wall construction plans attached to this application. The soldier piles will consist of 50-foot long steel piles set into 30-inch diameter drilled boreholes. The soldier piles will be installed on approximately 6-foot centers and will be backfilled with concrete. Only the upper 12 feet of the wall will be exposed (12-foot apparent wall height, not including the cedar fence at the top). The remainder of the soldier piles will be embedded below ground. The exposed 12-foot high face of the wall will have wood lagging between the piles. Tiebacks, approximately 60 to 80 feet long, will be installed on a downward angle through the face of the wall. The tiebacks will be extended toward the upslope parking lot and will be completely buried below ground and below any utilities or structures. The tiebacks will be grouted, anchoring the soldier piles into the ground horizontally, which will help support the wall.

All existing utilities are upslope of the wall and will not be impacted. Site drainage and hydraulics will also not be altered. Surface drainage will flow over the wall and continue downslope, similar to the current condition. Construction access will be from the upslope parking lot between the duplex and eightplex. There is also a construction easement agreement in place with the owner of the Forest Edge Apartments and some materials may be brought in from the lower construction easement. If soil is removed from the site as part of retaining wall construction, soil removal may also occur through the lower construction easement. A construction access and erosion control plan is attached to this application.

The applicant understands that the proposed wall height of up to 12 feet (not including the fence) exceeds the maximum wall height of 8.5 feet set forth in the Oregon City Municipal Code. Justification for the proposed variance is provided below in responses to the Oregon City Municipal Code.

II. RESPONSES TO THE OREGON CITY MUNICIPAL CODE:

CHAPTER 17.16 – “R-3.5” DWELLING DISTRICT

17.16.040 Dimensional standards.

Dimensional standards in the R-3.5 district are:

A. Minimum Lot Areas.

1. Residential uses, three thousand five hundred square feet per unit.

2. Non-residential uses, zero minimum;

B. Minimum lot width, twenty-five feet;

C. Minimum lot depth, seventy feet;

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

E. Minimum Required Setbacks:

1. Front yard, five feet minimum setback,

2. Front porch, zero feet minimum setback,

3. Interior side yard,

Detached unit, five feet minimum setback

Attached unit, seven feet minimum setback on the side that does not abut a common property line.

4. Corner side yard, ten-foot minimum setback,

5. Rear yard, fifteen-foot minimum setback,

6. Rear porch, ten-foot minimum setback.

Applicant’s Response: This section does not apply to the project. Construction of the proposed wall will not alter lot dimensions or the spatial relationship between lot boundaries and existing dwellings.

CHAPTER 17.18 “R-2” MULTI-FAMILY DWELLING DISTRICT

17.18.040 - Dimensional standards.

Dimensional standards in the R-2 district are:

A. Minimum lot areas: Two thousand square feet per unit.

B. Minimum lot width, fifty feet;

C. Minimum lot depth, seventy-five feet;

D. Maximum building height, four stories, not to exceed fifty-five feet;

E. Minimum required setbacks:

1. Front yard, five feet minimum setback (May be reduced to zero through Site Plan and Design Review)

2. Side yard, five feet minimum setback,

3. Corner side yard, ten feet minimum setback,

4. Rear yard, ten feet minimum setback,

5. Buffer area. If a multi-family residential unit in this district abuts R-10, R-8, or R-6 use, there shall be required a landscaped yard of ten feet on the side abutting the adjacent zone in order to provide a buffer area and landscaping thereof shall be subject to site plan review. The community development director may waive any of the foregoing requirements if it is found that the requirement is unnecessary on a case-by-case basis.

Applicant’s Response: This section does not apply to the project. Construction of the proposed wall will not alter lot dimensions or the spatial relationship between lot boundaries and existing dwellings.

CHAPTER 17.62 SITE PLAN AND DESIGN REVIEW

17.62.015 Modifications that will better meet design review requirements.

Applicant’s Response: None applicable.

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 II decision subject to administrative proceedings described in OCMC 17.50 section 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. Generally. Minor site plan and design review applies to the following uses and activities:

1. 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.).

2. Modification to parking lot layout and landscaping or the addition of up to 5 parking spaces.

3. 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.

4. 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: Minor site plan and design review is appropriate for this project based on Part 4. Construction of the proposed wall will not increase off-site impacts and is consistent with the scale of activities/uses listed in Part 1 through Part 3. Construction of the wall may actually decrease off-site impacts by stabilizing the hillside above the wall and reducing debris cast downslope during landslide movements.

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.

- 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).*
- 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.*
- c. The landscaping plan shall be prepared by a registered landscape architect and 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.*
- d. For properties within the Downtown Design District, or for major remodeling in all zones subject to this chapter, landscaping shall be required to the extent practicable up to the ten percent requirement.*
- e. Landscaping shall be 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.*

Applicant's Response: The location of the proposed retaining wall is not currently landscaped. It consists of bare, steeply sloping, unstable soil that is temporarily covered in plastic sheeting to prevent erosion, infiltration, and further degradation of the slope. After construction of the retaining wall is complete, adjacent areas of exposed ground will be planted with grass seed and covered with an erosion control blanket as shown in the attached erosion control plan.

2. Vehicular Access and Connectivity.

- a. Parking areas shall be located behind buildings, below buildings, or on one or both sides of buildings.*
- 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.*
- 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.*
- d. Sites abutting an alley shall be required to gain vehicular access from the alley unless deemed impracticable by the community development director.*
- 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.*
- f. Driveways that are at least twenty-four feet wide shall align with existing or planned streets on adjacent sites.*
- 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](#).*
- 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.*
- i. Vehicular and pedestrian easements shall allow for public access and shall comply with all applicable pedestrian access requirements.*
- 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.*
- 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.*

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.

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: This section does not apply to the project. The proposed retaining wall is not in a location that impacts vehicular access or connectivity.

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 Construction (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: Exposed portions of the retaining wall will consist of steel piles and wood lagging. The wood lagging, which makes up the majority of the exposed wall surface area, will blend into the surrounding forest environment. The proposed wall location is in a relatively low-visibility area, partially screened by existing trees at the base of the slope. These trees will remain during construction.

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: This section does not apply to the project. The proposed retaining wall will not create new impervious surfaces, or modify existing drainage conditions.

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.

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.

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.

d. The pedestrian circulation system shall connect the main entrances of 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.

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: This section does not apply to the project. The proposed retaining wall will not impact any existing pedestrian pathways and is not located in an area where pedestrian pathways are required.

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: This section does not apply to the project. The proposed retaining wall is located in an unmaintained area that was generally wooded prior to recent landslide activity. The project will not impact or disrupt access to any facilities.

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: Soldier piles and tiebacks will be drilled, not driven, and drilling generally produces less noise than pile driving. However, contractors may drive piles to create temporary scaffolding for equipment access. Driving of these temporary piles may be accomplished using a vibratory or pneumatic hammer. Apart from noise related to drilling and pile driving, and outdoor storage of materials such as piles and grout components, none of the other impacts listed above are anticipated (i.e., air quality, water quality, odor, heat, glare, etc.). Construction of the proposed retaining wall will likely take about 8 weeks to complete.

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: This section does not apply to the project. The proposed retaining wall will not alter usage of public water or sanitary 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: This section does not apply to the project. The proposed retaining wall is not adjacent to any right-of-way and will not generate traffic of any kind.

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: This section does not apply to the project. The proposed retaining wall is not adjacent to any right-of-way and will not generate traffic of any kind.

17. All utility lines shall be placed underground.

Applicant's Response: This section does not apply to the project. There will be no utilities associated with the proposed retaining wall.

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: This section does not apply to the project. There are no existing access routes that will be impacted by the proposed retaining wall.

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: This section does not apply to the project. The proposed retaining wall will not alter the density of development on the subject parcel.

20. Screening of Mechanical Equipment:

Applicant's Response: This section does not apply to the project. The proposed retaining wall will not include mechanical equipment. Therefore, no screening of mechanical equipment will be necessary.

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 baton 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.

b. Prohibited materials. The following materials shall be prohibited in visible locations 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 or as a gate for a refuse enclosure).

[v.] Crushed colored rock/crushed tumbled glass.

[vi.] Non-corrugated and highly reflective sheet metal.

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: Exposed portions of the retaining wall will consist of steel piles and treated wood lagging. The wood lagging, which makes up the majority of the exposed wall surface area, will blend into the surrounding forest environment. The proposed wall location is in a relatively low-visibility area, partially screened by existing trees at the base of the slope. These trees will remain during construction.

17.62.055 - Institutional and commercial building standards.

Applicant's Response: This section does not apply to the project because it will be a low-visibility retaining wall, not an institutional or commercial building in constant view of the general public.

17.62.057 - Multi-family standards.

Applicant's Response: This section does not apply to the project because it will be a low-visibility retaining wall, not a multi-family residential development. While adjacent to multi-family residences, the wall face will not be in plain view.

17.62.065 - Outdoor lighting.

Applicant's Response: This section does not apply to the project. The project will not change the amount or effectiveness of outdoor lighting already in place at the site. The area where the project will be located is not currently intended for regular public use or traverse.

17.62.080 - Special development standards along transit streets.

Applicant's Response: This section does not apply to the project because the project is not along a transit street. The project will not inhibit pedestrian access to retail, office, or institutional buildings from public sidewalks or transit facilities because it will not be located between retail, office, or institutional buildings and public sidewalks or transit facilities.

CHAPTER 17.52 OFF-STREET PARKING AND LOADING

Applicant's Response: This section does not apply to the proposed project because the project will not be built in a location where it will impact any parking or loading areas. Due to evacuations of the apartments above and below the site, nearby parking areas will not be needed by residents during construction and may be occupied by construction equipment without conflict.

CHAPTER 13.12 - STORMWATER CONVEYANCE, QUANTITY AND QUALITY

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

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

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

Those facilities exempted from the stormwater conveyance requirements by the above subsection will remain subject to the requirements of the Oregon Uniform Plumbing Code. Those exempted facilities shall be reviewed by the building official.

Applicant's Response: This section does not apply to the project. The proposed retaining wall will not create new impervious surfaces, or modify existing drainage conditions.

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

- 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 seven-year period;*
- 2. Activities that create more than two thousand square feet of impervious surface, cumulated over any given seven year period; or*
- 3. Redevelopment of a commercial or industrial land use that will disturb more than five thousand square feet of existing impervious surface. This five thousand square foot measurement cumulates over any given seven year period;*
- 4. An exemption to the stormwater quantity control requirements of this chapter will be granted in the following circumstances:*
 - a. The development site discharges to a stormwater quantity control facility approved by the city engineer to receive the developed site runoff after verification that the facility is adequately sized to receive the additional stormwater, or,*
 - b. The development site discharges to one of the following receiving bodies of water: Willamette River, Clackamas River 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*

Applicant's Response: This section does not apply to the project. The proposed retaining wall will not create new impervious surfaces, or modify existing drainage conditions.

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

- 1. Category A. Activities subject to general water quality requirements of this chapter:*
 - a. The construction of four or more single-family residences;*
 - b. Activities located wholly or partially within water quality resource areas pursuant to Chapter 17.49 that will result in the creation of more than 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 seven year period; or*
 - c. Activities that create more than eight thousand square feet of new impervious surface for other than a single-family residential development. This eight thousand square foot measurement will be considered cumulative for any given seven year period;*
 - d. An exemption to the stormwater quantity control requirements of this subsection will be granted if the development site discharges to a stormwater quality control facility approved by the city engineer to receive the developed site runoff after verification that the facility is adequately sized to receive the additional stormwater.*

2. *Category B. Uses Requiring Additional Management Practices. In addition to any other applicable requirements of this chapter, the following uses are subject to additional management practices as contained in the Public Works Stormwater and Grading Design Standards:*
 - a. *Fuel dispensing facilities;*
 - b. *Bulk petroleum storage in multiple stationary tanks;*
 - c. *Solid waste storage areas for commercial, industrial or multi-family uses;*
 - d. *Loading and unloading docks for commercial or industrial uses; or*
 - e. *Covered vehicle parking for commercial or industrial uses.*
3. *Category C. Clackamas River Watershed. In addition to any other applicable requirements of this chapter, any development that creates new waste discharges and whose stormwater runoff may directly or indirectly flow into the Clackamas River is subject to additional requirements associated with Oregon Administrative Rules (OAR) 340-41-470 (Thee Basin Rule).*

Applicant's Response: This section does not apply to the project. The proposed retaining wall will not create new impervious surfaces, or modify existing drainage conditions.

13.12.090 Approval criteria for engineered drainage plans and drainage report.

An engineered drainage plan and/or drainage report shall be approved only upon making the following findings:

- A. *The plan and report demonstrate how the proposed development and stormwater management facilities will accomplish the purpose statements of this chapter;*
- B. *The plan and report meet the requirements of the Public Works Stormwater and Grading Design Standards adopted by resolution under Section 13.12.020*
- C. *Unless otherwise exempted by Section 13.12.050(B), the plan and report includes adequate stormwater quantity control facilities, so that when the proposed land development activity takes place, peak rates and volumes of runoff:*
 1. *Do not exceed the capacity of receiving drainage conveyance facilities;*
 2. *Do not increase the potential for streambank erosion; and*
 3. *Do not add volume to an off-site closed depression without providing for mitigation.*
- D. *Unless otherwise exempted by Section 13.12.050(C), the proposed development includes:*
 1. *Adequate stormwater quality control facilities, so that when the proposed land development activity takes place, the temperature and overall pollution level of stormwater runoff is no greater than the water entering. When no water enters a project, then stormwater runoff shall be compared to rain samples; and*
 2. *Stormwater quality control facilities which:*
 - a. *Are in compliance with applicable National Pollutant Discharge Elimination System (NPDES) requirements;*
 - b. *Minimize the deterioration of existing watercourses, culverts, bridges, dams and other structures; and*
 - c. *Minimize any increase in nonpoint source pollution.*
- E. *The storm drainage design within the proposed development includes provisions to adequately control runoff from all public and private streets and roof, footing, and area drains and ensures future extension of the current drainage system.*
- F. *Streambank erosion protection is provided where stormwater, directly or indirectly, discharges to open channels or streams. The postdevelopment peak stormwater discharge rate from a development site for the two year, twenty-four hour duration storm event shall not exceed fifty percent of the two year, twenty-four hour predevelopment peak runoff rate.*
- G. *Specific operation and maintenance measures are proposed that ensure that the proposed stormwater quantity control facilities will be properly operated and maintained.*

Applicant's Response: This section does not apply to the project. The proposed retaining wall will not create new impervious surfaces, or modify existing drainage conditions. Therefore, no engineered drainage plans or drainage report are required.

CHAPTER 12.04 - STREETS SIDEWALKS AND PUBLIC PLACES

Applicant's Response: This section does not apply to the project. The proposed retaining wall will not be located near or interface with a street, sidewalk, or public place.

Chapter 12.08 - PUBLIC AND STREET TREES^[2]

Applicant's Response: This section does not apply to the project. The proposed retaining wall will not be located near or interface with a street or sidewalk. No removal of existing trees is anticipated.

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.

Applicant's Response: This code is written to prevent issues associated with development and building new structures in geologically hazardous areas. The proposed project is designed to mitigate existing hazards to structures and previously developed properties already built in a geologically hazardous area.

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.

- 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.*

Applicant's Response: Acknowledged.

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.

Applicant's Response: Acknowledged. Proposed excavations below the wall, which will be necessary to install tieback anchors and reduce slope hazards, will exceed 25 cubic yards. The project, therefore, does not meet exemption criteria as defined in this section.

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);*
- 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.

Applicant's Response: Geotechnical reports that address sections 1, 2, 4, 5, 6, 7, 8, and 9, as applicable, have been prepared by Shannon & Wilson, Inc., and are attached to this application. Drawings that address sections 3 and 10 are also attached. The hydrology report, described in section 11, will not be required because the work area will be less than 1 acre, no new impervious surface will be created, and existing drainage conditions will not be modified.

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

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

Applicant's Response: Acknowledged.

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: Acknowledged.

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: Acknowledged.

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: Acknowledged.

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: The location of the proposed wall is currently occupied by a steep, barren, unstable soil slope with exposed soil. No removal of trees or ground cover is anticipated. Construction of the wall will stabilize the slope above it. Excavation on the downslope side of the wall will be limited

to the minimum necessary to the install tieback anchors, which are required for the wall to function and stabilize the hillside above the wall.

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: Construction of the proposed retaining wall will take approximately 8 weeks to complete. Construction will begin with installation of the steel soldier piles, which will improve slope stability even before the tiebacks and lagging are installed. Completion of the project by October 31, 2016 would be contingent on rapid approval of this application. If construction is delayed until 2017, heavy winter precipitation could further deteriorate the slope and potentially cause severe damage to structures that would have been otherwise usable with the wall in place. If the wall is not installed prior to next winter there is risk of additional damage to the subject property and neighboring adjacent properties up slope of the wall. If additional landslide movement occurs the retaining wall may no longer be feasible and mitigation of the landslide may not occur.

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

Applicant's Response: Some excavation will be required on the down-slope side of the wall in order to install tieback anchors which are required for the wall to function. The removed soil will not be replaced because the existing soil slopes along the base of the proposed wall are already over-steepened and unstable. Removal of soil at the base of the wall at the head of the landslide will further increase landslide stability by reducing driving force. Fill will be limited to minor granular backfill, used to fill voids behind the timber lagging in the wall.

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 at the site is not terraced, but is unstable and exceeds the height specified above. Wall construction will begin with installation of vertical steel soldier piles. These piles will temporarily support the slope while the front of the wall is excavated and lagging is installed down to the tieback elevation. The finished wall with tiebacks will support the slope above and will be about 12 feet in height. Due to the active landslide below the retaining wall fill cannot be replaced at the face of the wall over the landslide soils because it will decrease landslide stability.

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: Fill will be limited to minor granular backfill, used to fill voids behind the timber lagging in the wall.

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 proposed retaining wall will be designed and constructed in accordance with the Oregon Structural Specialty Code.

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 the project. No new roads are planned as part of the project and construction of the proposed wall will not impact any existing roads.

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 the project because the project will not impact the density of development on the subject parcel.

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 the project because it does not include construction of residential units, roads, utilities, or public facilities. The proposed retaining wall constitutes a geotechnical remediation. The existing site condition is predominantly bare disturbed ground, and no fill will be placed over the surface, so stripping of vegetation will not be necessary. Grading will be limited to that which is required for wall installation and will affect an area less than 4,000 square feet.

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: Acknowledged.

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: Acknowledged.

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: Acknowledged.

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: This section does not apply to the project. The proposed retaining wall does not impact access to the property.

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: This section does not apply to the project because the project does not include construction of new utilities.

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 section does not apply to the project. The proposed retaining wall will not create new impervious surfaces, or modify existing drainage conditions. Therefore, no stormwater control plan is required. Storm water and erosion during construction will be controlled using the methods described in the erosion control plan.

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: Vegetation removal for the project will be minimal as the existing slope where the wall is to be located currently consists of bare, unstable soil that has been disturbed by recent landslide movements. An erosion control plan, prepared by AKS Engineering and Forestry, is attached to this application.

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: Acknowledged.

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: The purpose of the project is to mitigate part of an existing landslide. An erosion control plan, prepared by AKS Engineering and Forestry, is attached to this application.

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: The project area is located on a steep, bare, unstable soil slope. Upon completion of wall construction, bare ground will be seeded with grass seed.

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: The existing slope where the wall is to be located currently consists of bare, unstable soil that has been disturbed by recent landslide movements. No grading, compaction, or change in ground elevation, soil hydrology, or site drainage is planned within the drip line of trees designated for protection.

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: There are no existing perennial or intermittent watercourses in the area of the proposed construction. Erosion control measures will prevent siltation and erosion impacts offsite watercourses lower in the watershed. An erosion control plan, prepared by AKS Engineering and Forestry, is attached to this application.

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: Acknowledged.

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: The project does not include lot creation.

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: Shannon & Wilson, Inc. will provide observation at appropriate times during construction to confirm subsurface conditions and that assumptions made as part of the geotechnical evaluation are appropriate.

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: The proposed wall itself is not intended for occupancy. Assuming that this code in this situation pertains to occupancy of the Berryhill duplex and eightplex, Shannon & Wilson, Inc. agrees to provide the requisite summary letter.

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.

Applicant's Response: Acknowledged.

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.

Applicant's Response: Acknowledged.

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.

Applicant's Response: Acknowledged.

17.44.140 Appeal.

The review authority's decision may be appealed in the manner set forth in Chapter 17.50.

Applicant's Response: Acknowledged.

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, prepared by AKS Engineering and Forestry, is attached to this application.

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.

Applicant's Response: The unstable slope below the Berryhill Apartments duplex and eightplex presents a clear potential for injury to property. Pursuant to the code referenced above, this constitutes an emergency condition for the proposed project, which is specifically designed to mitigate the landslide hazard to the Berryhill duplex and eightplex structures.

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: Acknowledged.

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: Acknowledged.

17.49.[0]70 - Prohibited uses.

Applicant's Response: The proposed retaining wall is not consistent with any category listed as a prohibited use, as described in the above-reference code.

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

Applicant's Response: The proposed retaining wall is not consistent with any category listed as an exempted use or use allowed outright, as described in the above-reference code.

17.49.090 Uses Allowed Under Prescribed Conditions

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

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

Applicant's Response: The proposed retaining wall does is not consistent with any category listed a use allowed under prescribed conditions, as described in the above-reference code.

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: The proposed project does not include tree removal.

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: Based on the attached Natural Resource Assessment report, prepared by AKS Engineering and Forestry, the project area should not be included in the Natural Resource Overlay District, and is therefore not subject to the associated municipal codes. Moreover, the existing site is a steep, bare, unstable soil slope that has been disturbed by recent landslide movements. Once construction of the proposed retaining wall is completed, exposed ground in the project area will be seeded with grass seed.

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: Based on the attached Natural Resource Assessment report, prepared by AKS Engineering and Forestry, the project area should not be included in the Natural Resource Overlay District, and is therefore not subject to the associated municipal codes. Once construction of the proposed retaining wall is completed, exposed ground in the project area will be seeded with grass seed.

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: Based on the attached Natural Resource Assessment report, prepared by AKS Engineering and Forestry, the project area should not be included in the Natural Resource Overlay District, and is therefore not subject to the associated municipal codes. Front, street, and garage setbacks are not applicable to the proposed retaining wall. Location of the proposed retaining wall is controlled by the shape and position of the existing landslide hazard.

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: Based on the attached Natural Resource Assessment report, prepared by AKS Engineering and Forestry, the project area should not be included in the Natural Resource Overlay District, and is therefore not subject to the associated municipal codes. Location of the proposed retaining wall is controlled by the shape and position of the existing landslide hazard.

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

Applicant's Response: Based on the attached Natural Resource Assessment report, prepared by AKS Engineering and Forestry, the project area should not be included in the Natural Resource Overlay District, and is therefore not subject to the associated municipal codes. For safety, a wood fence will be constructed along the top of the wall, offset 2 feet from the wall face. Holes for the soldier piles that make up the wall will be drilled from the side of the wall where the fence will ultimately be installed. Since equipment has to track in this area to build the wall, the ground at the fence location is part of the disturbance area anyway.

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: Based on the attached Natural Resource Assessment report, prepared by AKS Engineering and Forestry, the project area should not be included in the Natural Resource Overlay District, and is therefore not subject to the associated municipal codes. Regardless, this section would not apply to the project because no lighting of any kind will be installed.

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: Based on the attached Natural Resource Assessment report, prepared by AKS Engineering and Forestry, the project area should not be included in the Natural Resource Overlay District, and is therefore not subject to the associated municipal codes. Regardless, this section would not apply to the project because the proposed wall location is not within the 100 year flood plain.

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

Applicant's Response: Based on the attached Natural Resource Assessment report, prepared by AKS Engineering and Forestry, the project area should not be included in the Natural Resource Overlay District, and is therefore not subject to the associated municipal codes.

17.49.110 Width of Vegetated Corridor.

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

Table 17.49.110

<i>Protected Water Feature Type (see definitions)</i>	<i>Slope Adjacent to Protected Water Feature</i>	<i>Starting Point for Measurements from Water Feature</i>	<i>Width of Vegetated Corridor (see Note 1)</i>
<i>Anadromous fish-bearing streams</i>	<i>Any slope</i>	• <i>Edge of bankfull flow</i>	<i>200 feet</i>
<i>Intermittent streams with slopes less than 25 percent and which drain less than 100 acres</i>	<i>< 25 percent</i>	• <i>Edge of bankfull flow</i>	<i>15 feet</i>
<i>All other protected water features</i>	<i>< 25 percent</i>	• <i>Edge of bankfull flow</i> • <i>Delineated edge of Title 3 wetland</i>	<i>50 feet</i>
	<i>≥ 25 percent for 150 feet or more (see Note 2)</i>		<i>200 feet</i>
	<i>≥ 25 percent for less than 150 feet (see Note 2)</i>		<i>Distance from starting point of measurement to top of ravine (break in ≥25 percent slope) (See Note 3) plus 50 feet.</i>

Notes:

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

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

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

Applicant's Response: Based on the attached Natural Resource Assessment report, prepared by AKS Engineering and Forestry, the project area should not be included in the Natural Resource Overlay District, and is therefore not subject to the associated municipal codes.

17.49.140 Standards for Utility Lines

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

- A. The disturbance area for private connections to utility lines shall be no greater than 10 feet wide;
- B. The disturbance area for the upgrade of existing utility lines shall be no greater than 15 feet wide;
- C. New utility lines shall be within the right-of-way, unless reviewed under D.
- D. New utility lines that cross above or underneath a drainage way, wetland, stream, or ravine within the NROD but outside of a right-of-way shall be processed as a Type III permit pursuant to Section 17.49.200, Adjustment from Standards.

- E. No fill or excavation is allowed within the ordinary high water mark of a stream without the approval of the Division of State Lands and/or the U.S. Army Corps of Engineers;*
- F. The Division of State Lands must approve any work that requires excavation or fill in a wetland;*
- G. Native trees more than 10 inches in diameter shall not be removed unless it is shown that there are no feasible alternatives; and*
- H. Each 6 to 10-inch diameter native tree cut shall be replaced at a ratio of three trees for each one removed. Each 11-inch or greater diameter native tree shall be replaced at a ratio of five trees for each removed. The replacement trees shall be a minimum one-half inch diameter and selected from the Oregon City Native Plant List. All trees shall be planted on the applicant's site. Where a utility line is approximately parallel with the stream channel, at least half of the replacement trees shall be planted between the utility line and the stream channel.*
- I. Mitigation is required, subject to Section 17.49.180 or 17.49.190.*

Applicant's Response: Based on the attached Natural Resource Assessment report, prepared by AKS Engineering and Forestry, the project area should not be included in the Natural Resource Overlay District, and is therefore not subject to the associated municipal codes. Regardless, this section would not apply to the project because the proposed retaining wall will not involve any installation of (or connection to) utilities of any kind.

17.49.150 Standards for Vehicular or Pedestrian Paths and Roads

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

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

Applicant's Response: Based on the attached Natural Resource Assessment report, prepared by AKS Engineering and Forestry, the project area should not be included in the Natural Resource Overlay District, and is therefore not subject to the associated municipal codes. Regardless, this section would not apply to the project because the proposed improvements do not include any roads, bridges, stream crossings, driveways, pedestrian paths, or other impervious surfaces.

- 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: Based on the attached Natural Resource Assessment report, prepared by AKS Engineering and Forestry, the project area should not be included in the Natural Resource Overlay District, and is therefore not subject to the associated municipal codes. Regardless, this section would not apply to the project because the proposed improvements do not include any stream crossings, bridges, or culverts.

- 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: Based on the attached Natural Resource Assessment report, prepared by AKS Engineering and Forestry, the project area should not be included in the Natural Resource Overlay District, and is therefore not subject to the associated municipal codes. Regardless, this section would not apply to the project because no fill or excavation is being proposed within the ordinary high water mark of a stream.

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

Applicant's Response: Based on the attached Natural Resource Assessment report, prepared by AKS Engineering and Forestry, the project area should not be included in the Natural Resource Overlay District, and is therefore not subject to the associated municipal codes. Regardless, this section would

not apply to the project because no excavation or fill in wetland areas is being proposed.

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: Based on the attached Natural Resource Assessment report, prepared by AKS Engineering and Forestry, the project area should not be included in the Natural Resource Overlay District, and is therefore not subject to the associated municipal codes. Regardless, this section would not apply to the project because no work within the banks of stream is being proposed.

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

Applicant's Response: Based on the attached Natural Resource Assessment report, prepared by AKS Engineering and Forestry, the project area should not be included in the Natural Resource Overlay District, and is therefore not subject to the associated municipal codes. No mitigation is required.

17.49.180.F. Monitoring and Maintenance. The mitigation plan shall provide for a 5-year monitoring and maintenance plan with annual reports in a form approved by the Director of Community Development. Monitoring of the mitigation site is the on-going responsibility of the property owner, assign, or designee, who shall submit said annual report to the City's Planning Division, documenting plant survival rates of shrubs and trees on the mitigation site. Photographs shall accompany the report that indicate the progress of the mitigation. A minimum of 80% survival of trees and shrubs of those species planted is required at the end of the 5-year maintenance and monitoring period. Any invasive species shall be removed and plants that die shall be replaced in kind. Bare spots and areas of invasive vegetation larger than ten (10) square feet that remain at the end the 5 year monitoring period shall be replanted or reseeded with native grasses and ground cover species.

Applicant's Response: : Based on the attached Natural Resource Assessment report, prepared by AKS Engineering and Forestry, the project area should not be included in the Natural Resource Overlay District, and is therefore not subject to the associated municipal codes.

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: Based on the attached Natural Resource Assessment report, prepared by AKS Engineering and Forestry, the project area should not be included in the Natural Resource Overlay District, and is therefore not subject to the associated municipal codes.

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: Based on the attached Natural Resource Assessment report, prepared by AKS Engineering and Forestry, the project area should not be included in the Natural Resource Overlay District, and is therefore not subject to the associated municipal codes.

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.

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

- 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.*

Applicant's Response: Based on the attached Natural Resource Assessment report, prepared by AKS Engineering and Forestry, the project area should not be included in the Natural Resource Overlay District, and is therefore not subject to the associated municipal codes.

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: Based on the attached Natural Resource Assessment report, prepared by AKS Engineering and Forestry, the project area should not be included in the Natural Resource Overlay District, and is therefore not subject to the associated municipal codes.

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: Based on the attached Natural Resource Assessment report, prepared by AKS Engineering and Forestry, the project area should not be included in the Natural Resource Overlay District, and is therefore not subject to the associated municipal codes.

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: Based on the attached Natural Resource Assessment report, prepared by AKS Engineering and Forestry, the project area should not be included in the Natural Resource Overlay District, and is therefore not subject to the associated municipal codes.

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: Based on the attached Natural Resource Assessment report, prepared by AKS Engineering and Forestry, the project area should not be included in the Natural Resource Overlay District, and is therefore not subject to the associated municipal codes.

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

Applicant's Response: Based on the attached Natural Resource Assessment report, prepared by AKS

Engineering and Forestry, the project area should not be included in the Natural Resource Overlay District, and is therefore not subject to the associated municipal codes. Regardless, the proposed improvements will not impede fish or wildlife passage.

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: Based on the attached Natural Resource Assessment report, prepared by AKS Engineering and Forestry, the project area should not be included in the Natural Resource Overlay District, and is therefore not subject to the associated municipal codes.

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

Applicant's Response: Based on the attached Natural Resource Assessment report, prepared by AKS Engineering and Forestry, the project area should not be included in the Natural Resource Overlay District, and is therefore not subject to the associated municipal codes. No mitigation is required.

17.49.230 Mitigation Plan Report

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

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

Applicant's Response: Based on the attached Natural Resource Assessment report, prepared by AKS Engineering and Forestry, the project area should not be included in the Natural Resource Overlay District, and is therefore not subject to the associated municipal codes. No mitigation is 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.*

Applicant's Response: The proposed project does not include tree removal.

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: Acknowledged.

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: Acknowledged.

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: The proposed project does not include tree removal.

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

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

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

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

Table 17.41.060-1

Tree Replacement Requirements

All replacement trees shall be either:

Two-inch caliper deciduous, or

Six-foot high conifer

<i>Size of tree removed (DBH)</i>	<i>Column 1 Number of trees to be planted. (If removed Outside of construction area)</i>	<i>Column 2 Number of trees to be planted. (If removed Within the construction area)</i>
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: The proposed project does not include tree removal.

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

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

A. First Priority. Replanting on the development site.

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

Applicant's Response: The proposed project does not include tree removal.

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 proposed project does not include tree removal.

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

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

B. The standards for land divisions subject to this section shall apply in addition to the requirements of the city land division ordinance and zoning ordinance, provided that the minimum lot area, minimum average lot width, and

minimum average lot depth standards of the base zone may be superseded in order to allow for a reduction of dimensional standards pursuant to Section 17.41.100 below.

C. Prior to preliminary plat approval, the regulated tree or grove area shall be shown either as a separate tract or part of a larger tract that meets the requirements of subsection D. of this section, which shall not be a part of any parcel used for construction of a structure. The size of the tract shall be the minimum necessary as recommended by a consulting arborist to adequately encompass the dripline of the tree, protect the critical root zone and ensure long term survival of the tree or grove.

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

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

Applicant's Response: The proposed project does not include tree removal.

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

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

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

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

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

Applicant's Response: The proposed project does not include tree removal.

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: The proposed project does not include tree removal.

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

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

Applicant's Response: The proposed project does not include tree removal.

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: The proposed project does not include tree removal.

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: The proposed project does not include tree removal.

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.

Applicant's Response: The proposed project does not include tree removal.

Chapter 17.58 - LAWFUL NONCONFORMING USES, STRUCTURES AND LOTS

Applicant's Response: The proposed improvements do not exacerbate existing nonconforming site conditions.

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 for the proposed project was held on March 10, 2016, and notes from the meeting are attached to this application.

17.50.055 Neighborhood Association Meeting

A. Neighborhood Association Meeting. The purpose of the meeting with the recognized neighborhood association is to inform the affected neighborhood association about the proposed development and to receive the preliminary responses and suggestions from the neighborhood association and the member residents.

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: Neighborhood association meetings was attended and documented as required. Shannon & Wilson, Inc. attend the Hillendale Neighborhood Association meeting on April 5, 2016 at the Living Hope Church, 19691 Meyers Road, Oregon City. A sign-in sheet, letter from the Hillendale Neighborhood Association, and summary letter describing the retaining wall presentation is attached to this application package.

17.50.060 Application Requirements.

A permit application may only be initiated by the record property owner or contract purchaser, the city commission or planning commission. If there is more than one record owner, then the city will not accept an application without signed authorization from all record owners. All permit applications must be submitted on the form provided by the city, along with the appropriate fee and all necessary supporting documentation and information, sufficient to demonstrate compliance with all applicable approval criteria. The applicant has the burden of demonstrating, with evidence, that all applicable approval criteria are, or can be, met.

Applicant's Response: Acknowledged.

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:

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: For safety, an approximately 6-foot tall cedar fence will be constructed along the top of the proposed retaining wall. The fence will be set back a distance of two feet from the face of the wall. The combined height of the wall and fence will exceed 8.5 feet, but this application include a

request for this variance.

CHAPTER 17.60 - VARIANCE

17.60.030 – Variance - Grounds.

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

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

Applicant's Response: The proposed retaining wall is designed to mitigate potential landslide movements at the Berryhill Apartments duplex and eightplex. The project will, to some extent, *prevent* damage to the property down slope because it will support the duplex and eightplex, which at present could potentially slide down into the adjoining parcel. Some soil will also be removed at the top of the slide which in addition to the retaining wall will decrease driving force. The proposed improvements will not reduce existing light, air, safe access, or other desirable qualities of the area.

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

Applicant's Response: Based on geotechnical borings and inclinometer data, the landslide failure plane is approximately 33 feet below the existing ground surface at the location of the proposed wall. To adequately support the ground upslope, based on the landslide geometry and depths of the geologic units present, the steel soldier piles for the wall will have to extend to depths of 50 feet, the wall will need to be continuous below the duplex and eightplex, and tieback anchors will be required at depths of approximately 11 feet below the tops of the piles. The location and height of the wall is controlled by the geometry of the landslide and the existing topography. The proposed wall height of up to 12 feet (not including the fence at the top) is only as high as it needs to be to allow installation of the tieback anchors which are critical to the wall's performance. Fill cannot be placed back against the wall to lower its height after construction, because ground on the downhill side of the wall will continue to move as the Forest Edge Apartments landslide blocks continue to slide. Loading this unstable ground would only serve to exacerbate its ongoing movement.

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

Applicant's Response: The purpose of the wall height regulation is presumably to maintain safe wall heights and to prevent extensive areas of disrupted view that would block light, air flow, access, etc. The top of the proposed wall will be made safe by a cedar fence, installed at a 2-foot offset from the wall face. The finished topography, with the wall in place, will not substantially change the field of view from the top or bottom of the slope. Because it's on a steep slope, it will not affect significantly light, air flow, or access.

D. Any impacts resulting from the adjustment are mitigated.

Applicant's Response: The wall itself is designed to mitigate unsafe site conditions that currently exist. No negative impacts from the proposed improvements are anticipated. The wood lagging, which makes up the majority of the exposed wall surface area, will blend into the surrounding forest environment. The proposed wall location is in a relatively low-visibility area, partially screened by existing trees at the base of the slope. These trees will remain during construction.

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

Applicant's Response: Alternatives to the proposed variance were given extensive consideration and no practical alternatives were identified.

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

Applicant's Response: The proposed wall height is only as high as it needs to be to allow installation of the tieback anchors which are critical to the wall's performance. Fill cannot be placed back against the

wall to lower its height after construction, because ground on the downhill side of the wall will continue to move as the Forest Edge Apartments landslide blocks continue to slide. Loading this unstable ground would only serve to exacerbate its ongoing movement. Safety from falls will be maintained by a 6-foot tall cedar fence which will be constructed along the top of the wall, offset two feet from the wall face.

CHAPTER 17.58 LAWFUL NONCONFORMING USES, STRUCTURES AND LOTS

Applicant's Response: The proposed improvements do not exacerbate existing nonconforming site conditions.



Pre-Application Conference Notes

(PA 16-08, March 10, 2016)

Proposed Project: Construction of a retaining wall

General Information:

- Location: 13945 and 14155 Beaver Creek Road, 3-2E-04C-00803 and -00807
- Zoning: Tax Lot 803 is zoned R-3.5 and Tax Lot 807 is zoned R-2

Planning Review and Application Fees:

The 2016 Planning applications and fees include-

- Minor Site Plan and Design Review: \$817
- Variance (Hearing): \$2,467
- Natural Resource Review (Type II or III for non-single/two family lot): \$1,936
- Geologic Hazards Review: \$588
- Mailing Labels: \$15 – or provided by applicant

Review Process:

This application is a **Type III** decision process involving a major variance, minor site plan and design review, natural resources overlay review, and geologic hazards review. 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.

Variance Criteria:

- A major (Planning Commission) variance is necessary if the proposed retaining wall exceeds 8.5' in height.
- Explain the reasoning for the proposed height (the request must be the minimum variance to alleviate the hardship).
- Explain how the impacts of the proposed retaining wall would be mitigated.
 - Color
 - Screening
- Explore practical alternatives that would not require a variance.
 - Cost is not a valid justification for a variance

Natural Resource Overlay District (NROD):

- Adjustment from standards per OCMC 17.49.200
 - Construction of a retaining wall is not a permitted or prescribed use within the NROD
- Prior to application submittal, a study to determine the width of the vegetated corridor will be necessary. Mitigation is required in the disturbance area within the NROD.
 - Retaining wall and area disturbed by construction
- Will the construction of the retaining wall result in any tree removal?
- Are any new utilities within the NROD being proposed as part of this project?

Site Plan Design Review:

- Fencing

- Chain link fencing is a prohibited building material
- Height of fencing is included when calculating wall height
- Is any outdoor lighting proposed as part of this project?
- Will the project impact pedestrian circulation?
 - Are any new trails associated with the retaining wall?

Tree Protection/Mitigation and Street Trees:

- Tree removal outside of the NROD subject OCMC 17.41
- Tree protection standards outside of the NROD subject to 17.41.130

Non-Conforming Use:

- Multi-family dwellings in the R-3.5 zoning district are considered a non-conforming use.
- The wall is not expanding a non-conforming use.

Other notes:

- Per OCMC 17.50.055, you are required to meet with the applicable Neighborhood Association prior to submitting your permit application. You are in the Hillendale Neighborhood Association.

Neighborhood Association:	Hillendale
Chair:	Roy Harris, royandanna@centurylink.net
Vice Chair:	Deb DeRusha, dcderusha1@comcast.net
Land Use Chair:	William Gifford, william@smallflags.com
Secretary/Treasurer:	Joyce Gifford, joyce@smallflags.com
CIC Representative:	Faith Leith, faith23@comcast.net
CIC Representative:	Joyce Gifford, joyce@smallflags.com
Upcoming Meetings:	April 5, 2016, July 5, 2016, October 4, 2016
Meeting Location:	Living Hope Church, 19691 Meyers Road, Oregon City.
Meeting Time:	7:00 PM

- Compliance with 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.
- Notice of the proposed development has been provided to the State Historic Preservation Office (SHPO) and affected tribes. Responses and comments received have been provided.

Questions:

1. **Variances required?** Height of retaining wall and use within NROD (adjustment from standards).
2. **High Water table area overlay?** Not applicable.
3. **Beavercreek Access Plan Area?** Not applicable.
4. **Public meetings?** Hillendale Neighborhood Association meeting.
5. **Hearings?** Up to the Planning Commission.
6. **Hydrology report required?** Development Services.
7. **Mitigation plan required?** Yes. See OCMC Section 17.49.180.
8. **Accelerate the land use application process?** Not being considered an emergency at this time.

Oregon City Municipal Code Criteria:

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 17.16 – “R-3.5” Dwelling District

OCMC 17.18 – “R-2” Multi-Family Dwelling District
OCMC 17.41 – Tree Protection Standards
OCMC 17.44 – Geologic Hazards
OCMC 17.49 – Natural Resource Overlay District
OCMC 17.50 – Administrative Processes
OCMC 17.52 – Off-Street Parking and Loading
OCMC 17.54.100 – Fences
OCMC 17.58 – Lawful Non-conforming Uses Structures and Lots
OCMC 17.60 – Variances
OCMC 17.62 – Site Plan and Design Review

Planning Division

Diliana Vassileva, Assistant Planner with the Oregon City Planning Division reviewed your pre-application. You may contact Diliana Vassileva at 503.974.5501 or dvassileva@oregoncity.org.

Development Services Division

Matthew Palmer, Development Engineering Associate with the Oregon City Development Services Division reviewed your pre-application. You may contact Matthew Palmer at 503.974.5518 or mpalmer@orc.org.

Building Division

Your application was transmitted to Building Official, Mike Roberts. You may contact Mike Roberts at 503.496.1517 or mroberts@orc.org if you have any building related questions.

Clackamas County Fire:

Your application was transmitted to Mike Boumann, Lieutenant Deputy Fire Marshal of Clackamas County Fire District #1. No comments were returned regarding your application. You may contact Mr. Boumann at 503.742.2660 or at michaelbou@ccfd1.com.

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.

April 6, 2016

George Glass
Berryhill Equity, LLC
4004 Kruse Way Place, #160
Lake Oswego, Oregon 97035

**RE: RETAINING WALL PLANNING APPLICATION
HILLENDALE NEIGHBORHOOD ASSOCIATION MEETING SUMMARY
BERRYHILL APARTMENTS LANDSLIDE
OREGON CITY, OREGON**

Dear Mr. Glass:

The purpose of this letter is to summarize both a presentation I gave and issues that were discussed at the Hillendale Neighborhood Association meeting held the evening of April 5, 2016, at the Living Hope Church, 19691 Meyers Road in Oregon City. Per Oregon City Municipal Code 17.50.055, I was required to meet with the Neighborhood Association prior to submitting the land use planning application for construction of the proposed retaining wall. The municipal code requires submittal of the meeting sign-in sheet, a letter from the neighborhood association indicating that a meeting was held and that the plan to construct the retaining wall was presented, and a summary of issues discussed. This letter provides a summary of the issues discussed at the meeting. At the meeting, I spoke with the association chair, Roy Harris, the land use chair, William Gifford, and the secretary, Joyce Gifford. William Gifford told me he would provide me with a copy of the sign-in sheet and a letter indicating that I presented a plan to construct the retaining wall at the meeting by April 8.

At the meeting, I presented:

- a site plan showing the location of the planned retaining wall relative to Berryhill Park Apartments,
- an aerial photo of Berryhill Park Apartments and Forest Edge Apartments with the location of a landslide cross section,
- an interpretive landslide cross section, and
- an elevation and plan view of the proposed retaining wall.

George Glass
Berryhill Equity, LLC
April 6, 2016
Page 2 of 2

SHANNON & WILSON, INC.

I explained the history of the landslide originating in 2006, the retrogression of the landslide up slope from Forest Edge Apartments to within several feet of the eightplex and duplex at the north end of the Berryhill Apartments complex, the December 2015 acceleration of the landslide and subsequent mandatory evacuation ordered by Oregon City, and the purpose of the retaining wall to mitigate the active landslide on Berryhill Apartments' property and allow for the eightplex and duplex to be reoccupied. There were no objections to the retaining wall plan at the neighborhood meeting and the only question was in regard to who will be paying for the retaining wall. I explained that the retaining wall is being paid for by the owners of Berryhill Park Apartments and there were no follow-up questions.

Sincerely,

SHANNON & WILSON, INC.



David J. Higgins, CEG
Associate | Engineering Geologist

DJH:

10 April 2016

David Higgins, CEG, LEG / Associate
Shannon & Wilson, Inc.
3990 Collins Way, Suite 100
Lake Oswego, Oregon 97035

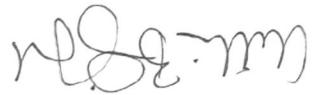
Dear David,

Thank you again for speaking at the last joint general membership meeting of the Hillendale and Tower Vista Neighborhood Associations last Tuesday, 05 April 2016. We appreciated your patience to endure our other agenda items before you. Your presentation regarding the proposed Berryhill Apartments retaining wall was professional and thorough. Although none of us are engineers, you explained the project in sufficient detail that we felt we had a good understanding of the proposed design. Several questions were asked and answered; there seemed to be no objections to the plan.

Attached please find a scanned copy of the sign-in sheet, showing attendance at that meeting. You may add my name to that sheet as I had neglected to sign in.

Please let me know if there is anything additional you may need from the associations regarding this matter. Thanks again for the presentation.

William Gifford



Land Use Chair
Hillendale Neighborhood Association

Attachments: 20160405 HNA Sign in sheets pp 1 & 2

Hillendale Neighborhood Association
GENERAL MEETING 4/5/10

PHONE OR E-MAIL

Roy Harris

Lila Joyner (bobandlila1995@yahoo.com)

Dick Orr

DORR@BETELCO.COM

Jerry Bailey

JRJOBAILEY@bctonline.com

Roy Aveling

HOLLINDO1@YAHOO.COM

Faith Leith

CIC

Willi Olson

wjolson123@yahoo.com

Evelyn Bonney

Stephen VanHaverbeke CIC

Linda VanHaverbeke OC Library Foundation

Elet Mumper

Monica Mumper

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Donna Shalkowsky

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Larry Motey - AC

Mike Province

Mike Province

PATRICK IRISH

Scott Archer (CITY OF O.C.)

DYLAN BLAYLOCK - dylanblaylock@yahoo.com

Joyce Giffard

HNA Secretary

Vern Johnson

VernDonnaJohnson@yahoo.com

Maria Hennig

Laura Hennig

David Glassman

djh@shenwil.com David Hibbins, 503-210-4781 djh@shenwil.com

CHRIS WADSWORTH OCPD

Spencer Best

OCPD

Deborah DeRusha

Amy Willhite

April 5, 2016

George Glass
Berryhill Equity, LLC
4004 Kruse Way Place, #160
Lake Oswego, OR 97035

**RE: RETAINING WALL DESIGN LETTER
BERRYHILL APARTMENTS LANDSLIDE
OREGON CITY, OREGON**

Dear Mr. Glass:

A landslide immediately downslope of a duplex and eightplex located in the northeast corner of the Berryhill Apartment complex has decreased the stability of the ground beneath the two structures. A retaining wall is proposed to stabilize the ground beneath the structures and prevent the landslide from damaging the structures. The location of the project site is shown in the Vicinity Map, Figure 1. Shannon & Wilson, Inc., performed initial geotechnical explorations, slope stability analysis, and an evaluation of conceptual stabilization alternatives for the structures in the fall of 2014, and findings were presented to an attorney representing the current owner of the Berryhill Apartments in the Berryhill Apartments Landslide Slope Stability Analysis Letter, dated July 17, 2015. The Slope Stability Analysis Letter is included as Attachment A to this letter. Based on our findings, a soldier pile tieback retaining wall system was selected as the preferred alternative to stabilize the structures. We understand that Reliance Residential, LLC, represents a prospective buyer of the Berryhill Apartment complex, who is under contract to purchase the property from the current owner, and that the retaining wall will be constructed as part of the final sale agreement. We also understand that the transaction is in the due diligence period, and Reliance Residential would like to confirm the construction cost of the retaining wall prior to finalizing the transaction.

Our current scope of services includes additional field explorations, laboratory testing, inclinometer and groundwater instrumentation monitoring, and geotechnical evaluation to support preliminary and final design of the soldier pile retaining wall stabilization alternative. Shannon & Wilson is acting as the prime consultant to provide final retaining wall plans and

specifications to determine final construction costs, and provide support during construction. We have subcontracted Quincy Engineering, Inc., (Quincy) to design the structural elements of the retaining wall and produce the final plans and specifications. We have also subcontracted AKS Engineering & Forestry (AKS) to provide topographic mapping at the site. This letter supplements the Berryhill Apartments Landslide Slope Stability Analysis Letter, dated July 17, 2015, to include our additional field explorations, laboratory testing, and instrumentation monitoring, and provide geotechnical design recommendations and construction considerations for the soldier pile tieback retaining wall stabilization alternative.

BACKGROUND INFORMATION

A landslide occurred within the Forest Edge Apartments, downslope and northeast of the Berryhill Apartments, on January 13, 2006, after a period of heavy precipitation. On January 26, 2006, several ground cracks were observed near the top of the hillside within approximately 10 feet of the duplex and eightplex. Between 2006 and 2011, the vertical offset of the ground cracks increased in size, and several landslides occurred on the hillside below the cracks. The landslides on the hillside immediately below the duplex and eightplex were a result of the continued movement of the Forest Edge Apartments landslide and retrogression upslope toward the top of the hillside. By 2011, a head scarp had formed at the location where the cracks were first observed in 2006, approximately 10 feet away from the two structures, and several smaller ground cracks were observed between the head scarp and the two structures. Foundation cracks appeared in both the duplex and eightplex in January 2011. Based upon review of local geologic mapping, we understand that the duplex and eightplex are constructed on a slump block at the upper wedge of an ancient landslide which extends below Forest Edge Apartments, terminating at Newell Creek. The head scarp of the ancient landslide is at the location of the short slope between the front of the duplex and eightplex and the parking lot to the west. The ancient landslide shear plane is at depth below the structures. The locations of the duplex and eightplex and the active and ancient scarps are shown in the attached Site and Exploration Plan, Figure 2. The upper wedge of the ancient landslide below the duplex and eightplex footprint and between the active and ancient scarps has not reactivated.

Shannon & Wilson, Inc., first visited the site in February 2013 and performed initial geotechnical borings, inclinometer and groundwater instrumentation monitoring, and slope stability analysis between October 2014 and July 2015. Based upon our field explorations, our review of local geologic mapping, and our observations since 2013, we concluded that the landslides on the

hillside immediately below the duplex and eightplex occurred due to movement of the larger downslope Forest Edge Apartments landslide. Our slope stability analysis indicated that the downslope support provided by the Forest Edge Apartments landslide currently stabilizes the upper slope immediately adjacent to and below the duplex and eightplex. If the Forest Edge Apartments landslide continues to move, the upper slope will become unstable. Therefore, we recommended a soldier pile wall with tiebacks be installed at the top of the upper slope near the active head scarp to stabilize the ground beneath the duplex and eightplex to avoid possible future damage to these structures.

From March 2011 to December 2015, there was minor movement of the Forest Edge Apartments landslide and the upper slope adjacent to the duplex and eightplex. The minor landslide movement resulted in the increased size of existing ground cracks and increased size of the active head scarp immediately below the duplex and eightplex. Existing ground cracks and head scarp offsets increased by several inches up to a couple feet, but new ground cracks or head scarps were not observed. Existing foundation wall cracks in the eightplex and duplex appeared to remain nearly unchanged during this time and new foundation cracks were not observed. In June 2015, plastic that had been placed on the slope prior to 2013 and that had not been maintained was removed, existing ground cracks and head scarp offsets were filled with adjacent soil, and grass was planted.

On approximately December 18, 2015, during the wettest December ever recorded and after a period of particularly heavy precipitation, the Forest Edge Apartments landslide accelerated; ground cracks re-opened on the hillside and new offsets occurred at the active head scarp adjacent to the duplex and eightplex. On December 21, 2015, the Forest Edge Apartment units within the landslide, as well as the Berryhill Apartments duplex and eightplex, were evacuated. During this time period, no new ground cracks were observed above the head scarp or in the foundation walls of the duplex or eightplex. We observed a slight increase on the order of a few millimeters in some of the existing foundation cracks in the duplex but did not observe an increase in size of foundation cracks in the eightplex. Based on our observations during our site visit on January 25, 2016, the ground cracks above the active head scarp and the foundation cracking of the duplex and eightplex have not significantly changed since December 21, 2015. However, the slope below the active head scarp has continued to move, there are new ground cracks several feet wide, a large slump has formed in the center of the hillside approximately 80 feet downslope of the eightplex, and offsets at the head scarp have increased by a few feet. In

the inclinometer casing a few feet upslope of the active head scarp, in the area between the eightplex and duplex, we recorded approximately 0.4 inches of movement in the inclinometer from December 10, 2015 to January 25, 2016. The inclinometer located between the apartments and the existing active head scarp indicated that the movement was primarily recorded between the ground surface and a depth of approximately 22 feet, but a small amount of movement was recorded at a depth of approximately 36 feet below ground surface in a weak soil unit we interpret as the ancient landslide head scarp.

FIELD EXPLORATIONS

Two geotechnical borings, designated B-1 and B-2, were performed in October 2014 and descriptions and boring logs are included in our July 17, 2015 report. Shannon & Wilson performed additional explorations in the area of the duplex and eightplex with two geotechnical borings, designated B-3 and B-4. The borings were drilled between December 10 and December 11, 2015, using hollow stem auger drilling techniques and a track-mounted GeoProbe 7822DT drill rig provided and operated by Western States Soil Conservation, Inc., of Hubbard, Oregon. Disturbed samples were collected in the borings, typically at 2.5- to 5-foot depth intervals using a standard 2-inch outside diameter (O.D.) split spoon sampler in conjunction with Standard Penetration Testing. Soil samples were described and identified visually in the field in general accordance with ASTM D2488, Standard Practice for Description and Identification of Soils (Visual-Manual Procedure). The specific terminology used is defined in the Soil Description and Log Key, Figure 3. A Shannon & Wilson geologist was on site during the explorations to locate the borings, collect soil samples, and log the materials encountered. Both borings were backfilled in accordance with Oregon Department of Water Resources regulations, using bentonite chips.

Approximate locations of the borings are shown in Figure 2. Summary logs of borings are presented in Figures 4 and 5. Soil descriptions and interfaces on the logs are interpretive, and actual changes may be gradual. The left-hand portion of the boring logs gives our description, identification, and geotechnical unit designation for the soils encountered in the borings. The right-hand portion of the boring logs shows a graphic log, sample locations and designations, groundwater information, and a graphical representation of N-values, natural water contents, sample recovery, and Atterberg limits. Standard Penetration Test (SPT) N-values presented on the logs are in blows per foot (bpf) as counted in the field. No corrections have been applied.

Approximate locations of the previous borings are shown in Figure 2. Summary logs of the previous borings are included in Attachment A.

LABORATORY TESTING

Laboratory tests were performed on selected samples from the current explorations to determine basic index and engineering properties of the soils encountered. The laboratory testing program included moisture content analyses and Atterberg limits tests. All laboratory tests were performed by Northwest Testing, Inc., of Wilsonville, Oregon, with applicable ASTM International (ASTM) standard test procedures. Results of the laboratory tests from the current borings are included on the logs of borings in Figures 4 and 5 and as Attachment B to this letter.

REGIONAL GEOLOGY AND SUBSURFACE CONDITIONS

Regional Geology

The greater Portland-Vancouver metropolitan area lies within a structural depression referred to as the Portland Basin. This topographic basin was created by complex folding and faulting of the basement rocks of the Columbia River Basalt Group (CRBG), which flowed into the area between 17 and 6 million years ago. CRBG rocks are exposed at the surface in the Tualatin Mountains (also known as the Portland Hills or the West Hills) along the southwest margin of the basin. The West Hills extend toward the southeast and decrease in elevation through the West Linn area. The Willamette River Falls at Oregon City drop over the Columbia River Basalt.

The Columbia and Willamette River system converge within the Portland basin and have contributed an extensive sedimentary fill which overlies the CRBG basement. The Troutdale Formation is a well consolidated and cemented sand, clay, and conglomerate that underlies a wide area of the Portland Basin. The upper surface of the Troutdale Formation has been eroded by the ancestral Columbia, Willamette, and Clackamas Rivers, and occurs with some topography.

During the Pliocene to Pleistocene Epochs (between approximately 6 million and 700,000 years ago) a series of basaltic lava flows erupted from a number of separate local vents in the Boring Hills area and in the Highland Butte area, southeast of Oregon City. The Boring Lavas cap most

of the higher ground east of Oregon City and overlies Troutdale Formation where present. In many areas the boring lavas have weathered in place to residual soil.

Subsurface Conditions

We grouped the materials encountered in our current field explorations into four geotechnical units, as described below. These geotechnical units were grouped based on their engineering properties, geologic origins, and their distribution in the subsurface. Our interpretation of the subsurface conditions is based on Shannon & Wilson explorations and regional geologic information from published sources. The contacts between the units may be more gradational than shown in the boring logs. The following sections provide general descriptions of units encountered.

- **Fill:** very soft to soft Elastic Silt to Elastic Silt with Sand (MH); and very soft Elastic Silt with Sand and Cobbles (MH); trace to few organics and rootlets; disturbed texture.
- **Colluvium:** soft to medium stiff Elastic Silt with Sand (MH); relict angular decomposed rock fragments.
- **Residual Soil:** medium stiff to stiff Elastic Silt with Sand to Elastic Silt (MH); stiff Silt with Sand (ML); dense Silty Gravel with Sand and Cobbles (GM); and very dense Poorly Graded Gravel with Silt, Sand and Cobbles (GP-GM); relict rock texture; moderate to predominately decomposed Basalt bedrock zone.
- **Troutdale Formation:** medium stiff Fat Clay to Fat Clay with Sand (CH); loose to dense Silty Sand (SM); medium stiff to stiff Silt to Silt with Sand (ML); stiff Lean Clay (CL); and loose to dense Silty Sand (SM).

Fill

Fill was encountered in both borings B-3 and B-4 from the ground surface to a depth of 7 feet. Composition of the Fill in both borings included very soft to soft Elastic Silt to Elastic Silt with Sand (MH), and very soft Elastic Silt with Sand and Cobbles (MH). The soils contained varying amounts of fine to medium sand. Fill material in both borings contained trace to few organics and rootlets and disturbed texture.

Colluvium

Colluvium was encountered in boring B-3 below the Fill and above the Residual Soil. Thickness of the unit was 2.5 feet and it contained soft to medium stiff Elastic Silt with Sand (MH). The sand was typically fine to medium grained. The soil was moist with medium to high plasticity and contained relict decomposed rock fragments.

Residual Soil

Residual Soil composed of weathered Troutdale Formation material was encountered in both borings B-3 and B-4. Thickness ranged from 18 feet in boring B-3 to 12.1 feet in boring B-4. The unit contained soft to stiff Elastic Silt with Sand to Elastic Silt (MH), and stiff Silt with Sand (ML). The soil was moist and ranged from medium to high plasticity in boring B-3, and nonplastic to low plasticity in boring B-4. The unit contained a relict rock texture with iron oxidation and relict joints infilled with clay.

Troutdale Formation

Troutdale Formation was encountered in both borings B-3 and B-4 and each boring was terminated in this unit after penetrations of 14 feet in boring B-3 and 21.4 feet in boring B-4. The Troutdale Formation consisted of medium stiff Fat Clay to Fat Clay with Sand (CH), loose to dense Silty Sand (SM), medium stiff to stiff Silt to Silt with Sand (ML), stiff Lean Clay (CL), and loose to dense Silty Sand (SM). The unit contained fine to medium sands and was micaceous. Some samples contained faint stratification with interbeds of sand and sandy silt.

Groundwater

Groundwater in Boring B-1 was not observed during drilling. The water level in Boring B-2 was measured on October 23, 2014, at a depth of 28.5 feet after the boring was left open overnight. Water was encountered in Borings B-3 and B-4 during drilling at depths of 33 and 6.5 feet, respectively. Using the vibrating wire pressure transducer installed in Boring B-2, groundwater was measured at the depths indicated in Table 1 below.

TABLE 1: VIBRATING WIRE PIEZOMETER DATA

Date Measured	Depth Below Existing Ground Surface (feet)
10/29/2014	55.1
12/29/2014	54.5
1/30/2015	54.4
6/2/2015	54.7
12/10/2015	55.8
12/21/2015	55.5

The water encountered at depths of 28.5 to 33 feet during drilling represent perched groundwater on the surface of the Troutdale Formation, and water encountered at a depth of 6.5 feet during drilling represents a thin layer of perched groundwater at the base of fill soil on the surface of the residual soil. Groundwater levels measured by the pressure transducer between depths of 54.4 feet and 55.8 feet are within the Troutdale Formation and represent static groundwater.

Groundwater levels should be expected to change seasonally and with changes in precipitation. In the vicinity of the project site, groundwater highs typically occur in the winter and spring, and groundwater lows typically occur in the late summer and early fall.

In our opinion, the static groundwater level measured by the vibrating wire piezometer is below the failure plane and has no impact on stability of the landslide. The thin layer of perched groundwater isolated within the fill soil is also not influencing stability of the landslide failure plane. However, the groundwater on the surface of the Troutdale Formation immediately above the historic landslide failure plane influences the stability of the intact upper wedge of the landslide and the ground beneath the duplex and eightplex. Therefore, a perched groundwater depth of 30 feet was used in our slope stability analysis for the retaining wall.

INCLINOMETERS

In October 2014, a 2.75-inch inside-diameter slope inclinometer casing was installed to a depth of 60 feet below the ground surface in Boring B-2 to measure earth movements. Inclinometer readings are performed in the casing by taking measurements every 2 feet with a down-hole probe. The probe contains accelerometers that indicate the probe's orientation. The manufacturer-stated accuracy of the probe system is ± 0.01 inch per reading or ± 0.3 inches accumulated over 50 readings. After the initial reading, subsequent readings are compared to the initial to determine if movement has occurred. The inclinometer in B-2 was initialized on

October 29, 2014, and five subsequent readings were taken between January 30, 2015 and January 25, 2016. Cumulative displacements over that time span are shown in the Inclinator Data Plot, Figure 6. The plot shows up to about 0.7-inch of measured movement in B-2 over a period of one year and two months. Between October 29, 2014 and December 10, 2015, approximately 0.25 inches of movement occurred over the approximately 14 month period, which initiated at a depth of approximately 22 feet below ground surface and is indicative of the creeping of the upper slope behind the active head scarp of the landslide. The movement recorded at 22 feet is above the ancient landslide shear plane and is in response to a localized loss of support at the head scarp as soil slumps away from the face of the scarp. Between December 10 and December 21, 2015, approximately 0.25 inches of additional movement occurred over the less than two week period in response to the heavy rainfall. The movement recorded between December 10 and December 21, 2015, occurred primarily at a depth of 22 feet but a small amount of movement was also recorded at a depth of approximately 36 feet at the inferred location of the ancient landslide shear plane. The inferred shear plane is located within a weak zone in the upper portion of the Troutdale Formation. Between December 10, 2015, and January 25, 2016, over a six week period, another 0.2 inches of movement was recorded in the upper 22 feet but no additional movement was recorded within the inferred ancient shear plane at a depth of 36 feet.

Based on the inclinometer data, creeping ground movement above the head scarp accelerated between December 10 and December 21, 2015, in response to heavy rainfall, which was the most ever recorded during the month of December. Between the end of December and end of January, movement decreased as rainfall levels returned to a more seasonal average.

RETAINING WALL DESIGN RECOMMENDATIONS

General

The ground movement above the active head scarp is a result of movement of the larger downslope Forest Edge Apartments landslide. Our slope stability analysis indicated that the downslope support provided by the soil mass within the Forest Edge Apartments landslide currently stabilizes the upper slope immediately adjacent to and below the duplex and eightplex as well as the intact upper wedge of the ancient landslide which the duplex and eightplex are constructed on. When the Forest Edge Apartments portion of the landslide block moves the upper slope becomes unstable triggering ground movement below the duplex and eightplex. The

movement on the upper hillside below the active head scarp has destabilized the ground below the duplex and eightplex causing creeping ground movement below the structures and has decreased stability of the upper wedge of the ancient landslide. Reactivation of the upper wedge of the ancient landslide and further retrogression of the landslide upslope may impact other structures in the Berryhill Apartment complex. Therefore, slope stabilization measures will be required to mitigate the upper slope movements and stabilize the ground beneath the duplex and eightplex, with a satisfactory factor of safety (FS).

A soldier pile wall with a single row of tiebacks was selected as the most viable slope stabilization alternative. The mitigation design should provide a minimum FS of 1.5 for the upper slope which currently shows movement at a depth of 22 feet. Also, the mitigation design should provide a minimum FS of 1.25 for the upper wedge of the ancient landslide assuming that the Forest Edge Apartments landslide mass would not support the upper slope. The proposed retaining wall alignment and stationing is shown on Figure 2.

Retaining Wall Stability Analysis

Cross Section A-A' shown on Figure 2, was modeled in our slope stability analysis to evaluate the retaining wall slope stability. The objective of our analysis was to evaluate the post construction conditions and assist soldier pile wall design that provides a FS equal to or greater than 1.5 and 1.25 under static loading conditions for the upper slope stability and the upper ancient landslide wedge, respectively. We also checked the seismic loading condition for a FS equal to or greater than 1.1 for both failure modes. For seismic slope stability analysis, a horizontal acceleration coefficient equal to $\frac{1}{2}$ of the site-adjusted peak ground acceleration (PGA_M) was used. In accordance with the Oregon City Municipal Code (OCMC), which follows the Oregon Structural Specialty Code and International Building Code (IBC), we used a Site Class E site-adjusted PGA_M value of 0.36g for the Maximum Considered Earthquake (MCE) with a 2 percent probability of exceedance in a 50-year period, or a 2,475-year return period. Therefore in the seismic slope stability analysis, a horizontal acceleration coefficient of 0.18g was used. The groundwater level modeled in the analysis represents perched groundwater. We modeled the shear zone of the upper ancient landslide at an approximate depth of 36 feet based on inclinometer data in boring B-2, and assumed no lateral resistance from the soil above the shear zone in front of the wall.

The subsurface soil model and soil parameters used were the same as presented in the Slope Stability Analysis Letter, dated July 17, 2015, and included as Attachment A to this letter, with the exception of the residual friction angle within the shear zone. In our previous slope stability analysis, a range of residual friction angles from approximately 16 to 20 degrees was estimated based on Atterberg limits testing performed on soil samples from the inferred shear zone. Ultimately, the residual friction angle within the shear zone was estimated to be approximately 16 degrees based on a back-calculation to obtain a $FS = 1.0$ for the active Forest Edge Apartments landslide mass. In our opinion, the residual friction angle within the shear zone of the upper ancient landslide wedge can be increased because the upper wedge has not reactivated yet. Therefore we used a residual friction angle of 20 degrees within the shear zone of the upper ancient landslide wedge for our slope stability analyses.

The slope stability analyses were performed using the Morgenstern-Price method with the aid of the computer program SLOPE/W Version 8.15 (Geo-Slope International, 2012). To model the lateral resistance provided by the tied-back soldier pile wall to resist the driving force, a horizontal force is applied on the cut face. We evaluated the lateral resistance required to provide a static global stability $FS = 1.5$ for the upper slope stability and 1.25 for the upper ancient landslide wedge. The results are presented on Figures 7 and 8. We estimate a required lateral resistance of approximately 12 kips/foot for stabilizing the upper slope and 31.5 kips/foot for stabilizing the upper ancient landslide wedge. Based on our analysis, this lateral resistance will also provide a minimum $FS = 1.1$ for seismic global stability for both two cases. Therefore, we used a lateral force of 31.5 kips/foot to develop our recommend lateral earth pressures for wall design, as discussed below.

Soldier Pile Wall Design Recommendations

Lateral Earth Pressures

Lateral earth pressure behind the proposed retaining wall is a function of the properties of the retained material and the type of wall (yielding or non-yielding). We recommend that the wall be designed as a yielding wall for the temporary loading condition during construction where the soldier piles have been installed but tiebacks have not (cantilever wall). For the permanent loading condition where tiebacks have been installed and locked-off (tieback wall), we recommend the wall be designed as a yielding wall. We have provided static lateral earth pressures for use in design of the cantilevered and tied-back soldier pile wall, presented in Figure

9. For the proposed soldier pile wall, we have assumed that the retained material will be fully drained by an appropriate drainage system. The design forces acting on the wall for the temporary loading condition are controlled by the earth pressures applied to the wall from retained material above the bottom of the excavation for the tiebacks and lagging. Design forces acting on the wall for the permanent loading condition are controlled by the force calculated in our slope stability analysis to provide the minimum required FS for landslide stabilization of the upper ancient wedge.

Based upon the structural design information and the above assumptions, the lateral earth pressures on the wall were developed in terms of equivalent fluid pressures (EFP), according to the IBC. When the equivalent fluid pressures are resolved into forces acting on the wall, the wall designer should consider the area over which the earth pressures are applied. For the cantilever soldier pile wall (temporary condition), above the bottom of excavation, soil pressures act on the pile and the lagging, so the resultant force of the earth pressure is multiplied by the center-to-center pile spacing. Below the bottom of excavation, the force acting on the wall is calculated by multiplying the resultant earth pressure force by the pile width (shaft diameter). For the permanent condition, based on the weak and uncertain nature of the soil in front of the wall and above the inferred ancient shear zone, the total exposed height of the wall (H) should be taken as the distance from the top of the wall to the shear zone. Therefore, for the tied-back soldier pile wall (permanent condition) above the shear zone, the resultant force of the earth pressure should be multiplied by the center-to-center pile spacing. Below the shear zone, the force acting on the wall should be applied over the pile width. The resisting force, generated by the passive earth pressures, should be multiplied by three times the shaft diameter to account for soil arching effects. A more detailed discussion of the earth pressures is included below:

1. Static Retained Earth Pressure: This is the soil pressure acting on the back of a wall. The pressure is applied in a triangular or trapezoidal distribution over the full height of the wall (sum of the wall free face and pile embedment lengths).
2. Static Live Load or Surcharge Pressure: This is the soil pressure component acting on the back of the wall due to traffic or building loads behind the wall. We recommend a uniform surcharge (q) of 200 pounds per square foot (psf) be applied behind the wall to determine the surcharge pressure as defined in Figure 9 for the temporary loading condition only. A uniform building surcharge of 200 psf was applied in our slope stability analysis to determine the landslide earth pressure therefore the surcharge pressure does not need to be applied for the permanent loading condition.

3. **Static Passive Earth Pressure:** This is the pressure generated by the soil resistance at the toe of the wall. The passive earth pressure has a triangular distribution, which is applied to the embedded portion of the pile. The passive earth pressure value was determined by limiting lateral deflection, as mobilization of full passive pressures is related to the height of the wall. According to the IBC, a FS of 1.5 should be applied to the ultimate passive resistance value.

Soldier Pile Minimum Embedment

We understand that the soldier piles installed will be set into a drilled borehole with diameter of 30 to 36 inches. We recommend the borehole diameter for the soldier pile be sufficient to provide a minimum of 3 inches of structural strength concrete cover at all points around the soldier pile in the embedment zone. Minimum recommended pile embedment is 10 feet below the inferred ancient shear zone. Actual embedment requirements should be determined by structural design analysis. The soldier piles at this location can be designed for an ultimate unit end bearing of 20 kips per square foot (ksf) and an ultimate unit skin friction of 1 ksf. Factors of safety equal to 2.0 and 2.5 should be applied to the ultimate side and base resistance values, respectively. Skin friction should be calculated using the shaft diameter, and end bearing should be calculated using the shaft section area.

Soldier Pile Wall Drainage

A suitable drainage system should be installed to prevent buildup of groundwater pressure behind the wall. Suitable drainage for the wall can be provided by drainage composite panels. In addition, if wood lagging is used, it should be installed such that a 1/4-inch gap is maintained between adjacent lagging boards. The drainage composite should be installed behind the lagging at spacing equal to or less than the soldier pile spacing. The minimum width of the vertical drainage panels should be 12 inches. The bottom of the drainage material should connect directly to a weep drain through the face of the wall or be exposed between adjacent lagging boards directly above the finish grade in front of the wall.

We understand that it may not be feasible to route the collected seepage to a storm drain system. Therefore, to minimize the potential for groundwater behind the wall, we recommend that drainage from all roof drains, hard surfaces, and catch basins for structures behind the wall continue to be collected and conveyed to the sewer. All drains should be routinely inspected and maintained to confirm they are operating properly and are not leaking.

Tieback Anchors

We expect that tiebacks will be installed in drilled-hole diameters between 6 and 8 inches. The tieback anchor should be at least 5 feet below any structure foundations or utility pipes or conduits. Tiebacks will also need to be below or adjacent to the sewage pump tank between the duplex and eightplex. We understand there may be conflicts between adjacent tiebacks near the wall angle point at wall station 1+68. We recommend minimum clearances of 2 and 4 feet between adjacent tiebacks within the unbonded and bonded zones, respectively. The recommended minimum clearance distance should be measured between the centers of the tieback drilled holes. The tieback bond zone should be within the Troutdale Formation and the unbonded zone should extend a minimum of 5 feet past the inferred ancient landslide shear zone. The anchor load testing and lock-off procedures should be in accordance with the provisions described in Chapter 8 of Post-Tension Institute Manual, Recommendations for Pre-stressed Rock and Soil Anchors (2004). Based upon the explored subsurface conditions, to satisfy the above restrictions, we recommend the following design requirements for the structural design of a tieback anchor system:

- All soldier piles should be designed to act as cantilever elements during construction.
- All soldier piles should be designed to accommodate the design test tieback force without yielding of the pile.
- We anticipate that an ultimate unit tieback resistance of 10 kips per foot of bonded anchor is achievable in the Troutdale Formation if the contractor designs and constructs the tieback with reasonable diameter and considers construction approaches such as pressure grouting and/or secondary grouting; therefore, we recommend that all tieback anchors be installed with post-grout tubes. Also, the contractor should demonstrate a successful construction approach by conducting at least two successful tieback performance tests at the beginning of tieback installation. Further, we recommend that the above tieback unit resistance should not be defined in the design plans.
- The tiebacks should have a minimum bonded length of 15 feet.
- From wall station 0+00 to 1+65, the tiebacks should have a minimum unbonded length of 50 feet.
- From wall station 1+65 to 2+00, the tiebacks should have a minimum unbonded length of 60 feet.
- From wall station 2+00 to 2+46, the tiebacks should have a minimum unbonded length of 45 feet.

- Typically, the tiebacks should be installed at a declination angle of 20 degrees. However the declination angle may vary between a minimum angle of 15 degrees and maximum angle of 25 degrees to avoid conflicts with adjacent tiebacks as discussed above.
- Performance tests are completed on two of the anchors and the remaining anchors are proof-tested. Performance tests should be performed at the beginning of tieback installation. We recommend that the performance and proof test maximum loads be 133 percent of the design load.
- The design load shall not exceed 60 percent of the specified minimum tensile strength (SMTS) of the prestressing steel. The lock-off load should not exceed 70 percent of the SMTS and all test loads should be limited to 80 percent of the SMTS.
- Lock-off load should be 80 percent of the design load.
- All tiebacks should have double corrosion protection.

GEOTECHNICAL CONSTRUCTION CONSIDERATIONS

Site Preparation and Earthwork

Site Preparation and Excavation

Site preparation will include clearing and grubbing, and subgrade preparation and excavation. These construction activities should generally be accomplished in accordance with the 2015 ODOT Oregon Standard Specifications for Construction (OSSC) and Oregon City Municipal Code (OCMC). If temporary shoring is needed, the design of such shoring is traditionally the responsibility of the contractor.

Removal of an existing approximate 3-foot diameter tree stump near wall station 0+50 will be required to construct the retaining wall. The approximate location of the existing stump is shown on Figure 2.

Temporary Cut-and-Fill Slopes

Temporary cut-and-fill slopes are typically the responsibility of the contractor and should comply with applicable local, state, and federal safety regulations, including the current OSHA Excavation and Trench Safety Standards. For general guidance, we suggest that temporary construction slopes be made at 1.5H:1V or flatter.

Site Access and Staging

We anticipate that access to the site and a staging area will be provided from the parking lot above the duplex and eightplex and between the two structures. We understand that a temporary construction easement has been granted for the slope below the proposed wall, between the Berryhill Apartments and Forest Edge Apartments. However, we recommend that only lightweight construction equipment such as a small excavator be allowed to operate on the slope below the retaining wall. We understand that access to the Forest Edge Apartments parking lot below the slope may be necessary to deliver the solid pile beams to the site. Once they are off-loaded, the piles will likely be pulled up the slope with a cable and placed into the pre-bored hole using an excavator from the top of the slope.

Erosion Control

Erosion of the soil at the site will occur as surfaces are disturbed due to construction activities and exposed to climatic conditions. Due to the hilly terrain at the site, exposed excavated surfaces should be protected by a weather-resistant cover or erosion-control product. Temporary erosion and runoff control measures should be in-place prior to and during construction. Erosion control measures should remain in place and be maintained by the contractor until disturbed areas are stabilized. The expected erosion control work consists of furnishing, installing, maintaining, removing, and disposing of water and sediments and should be executed in accordance with OCMC Chapter 17.47 – Erosion and Sediment Control, and Oregon City Public Works Standards for Erosion and Sedimentation Control (Ordinance 99-1013).

Wet Weather Construction

Wet weather generally begins in fall and continues through late spring or early summer, although rainy periods may occur at any time of year. We understand earthwork will generally be performed between May 1 and October 31 in accordance with OCMC Chapter 17.44.060. During wet weather, the groundwater levels could rise and areas of perched water could develop, resulting in seepage into excavations and increasing the risk of an unstable slope due to construction activities. The design of groundwater control measures is the responsibility of the contractor. Should wet weather/wet condition earthwork be unavoidable, the following recommendations are provided:

- The ground surface in and surrounding the construction area should be graded to promote runoff of precipitation away from work areas and to prevent ponding of water.
- Work areas should be covered with plastic. The use of sloping, ditching, sumps, dewatering, and other measures should be employed as necessary to permit proper completion of the work.
- Earthwork should be accomplished in small sections to minimize exposure to wet conditions.
- A subgrade stabilization geogrid is recommended for this site where heavy equipment will traverse areas of the site that are unpaved or do not contain gravel-based access roads.
- Grading and earthwork should not be performed during periods of heavy, continuous rainfall.

We suggest that these recommendations for wet weather earthwork be included in the contract specifications.

Retaining Wall Construction Considerations

General

Although not encountered in our borings, boulders were observed on the slope below the proposed retaining wall during our site reconnaissance. A statement should be included in the contract specifications alerting the Contractor to potential difficulties with cobbles and boulders when installing the soldier piles and tiebacks.

In accordance with OCMC Chapter 17.44.100, we recommend full-time observation of the soldier pile and tieback installation by a qualified engineering geologist or an engineer from our firm to observe the contractor's means, methods, and equipment, and confirm that the subsurface conditions and assumptions made in our retaining wall design are appropriate.

Soldier Pile Installation

We understand that the soldier pile excavations will be at least 30 inches in diameter. In addition, we recommend the excavation diameter for the soldier pile be large enough to provide a minimum of 3 inches of concrete cover at all points around the soldier pile beam. Based on our recommended minimum embedment depth of 10 feet, water should be expected in the

excavation. Temporary casing may be required to maintain excavation integrity during pile installation and the contractor should have a sufficient length of temporary casing on site to install the piles using temporary casing for the full length of the excavation. The pile excavations should be backfilled using structural concrete within the soldier pile embedment zone and lean mix concrete above the embedment zone. Based on field measurements, there is a minimum of 10 feet of horizontal clearance between the existing buildings and proposed soldier pile locations. We understand this clearance is sufficient to perform soldier pile installation from the top of the slope (above the wall) using equipment owned by a local contractor. However, the contractor may erect a temporary scaffold system in some areas to assist with installing the soldier piles from the top of the slope. A contractor may also select to use specialized equipment to install tiebacks from below the wall.

Soldier Pile Lagging

Soldier pile lagging will consist of either precast concrete panels or treated wood lagging. We understand wood lagging has a design life of approximately 30 years. If a longer design life is required, precast concrete panels could be used or a shotcrete facing could be applied over the wood lagging at the end of the design life. The lagging should be installed to a minimum depth of 3 feet below finished grade at the face of the wall, below the excavation required for installation of the tiebacks. Additional lagging height may need to be installed in the future if movement of the slope below the wall exposes additional soldier pile length.

Tieback Anchor Installation

We understand that the tieback anchor holes will be 6 or 8 inches in diameter. Based on the soil conditions, temporary casing may be required to maintain borehole integrity during installation. We anticipate the tieback installation can be performed from above the wall using a drill mast mounted on an excavator, or from the slope below the wall using a drill mast mounted on a lightweight excavator or "spider excavator".

LIMITATIONS

The analyses, conclusions, and recommendations contained in this report are based on site conditions as they presently exist, and further assume that the explorations are representative of the subsurface conditions throughout the site; that is, the subsurface conditions everywhere are not significantly different from those disclosed by the explorations. If subsurface conditions

different from those encountered in the explorations are encountered or appear to be present during construction, we should be advised at once so that we can review these conditions and reconsider our recommendations, where necessary. If there is a substantial lapse of time between the submission of this report and the start of construction at the site, or if conditions have changed because of natural forces or construction operations at or adjacent to the site, we recommend that we review our report to determine the applicability of the conclusions and recommendations.

Within the limitations of scope, schedule, and budget, the analyses, conclusions, and recommendations presented in this report were prepared in accordance with generally accepted professional geotechnical engineering principles and practices in this area at the time this report was prepared. We make no other warranty, either express or implied. These conclusions and recommendations were based on our understanding of the project as described in this report and the site conditions as observed at the time of our explorations.

Unanticipated soil conditions are commonly encountered and cannot be fully determined by merely taking soil samples from test borings. Such unexpected conditions frequently require that additional expenditures be made to attain a properly constructed project. Therefore, some contingency fund is recommended to accommodate such potential extra costs.

This report was prepared for the exclusive use of Reliance Residential, LLC for the Berryhill Apartments Landslide project. The data and report should be provided to the contractors for their information, but our report, conclusions, and interpretations should not be construed as a warranty of subsurface conditions included in this report.

The scope of our present services does not include environmental assessments or evaluations regarding the presence or absence of wetlands, or hazardous or toxic substances in the soil, surface water, groundwater, or air, on or below or around this site, or for the evaluation or disposal of contaminated soils or groundwater should any be encountered.

Shannon & Wilson, Inc., has prepared and included in Attachment C, "Important Information About Your Geotechnical/Environmental Report," to assist you and others in understanding the use and limitations of our report.

George Glass
Berryhill Equity, LLC
April 5, 2016
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SHANNON & WILSON, INC.

Sincerely,

SHANNON & WILSON, INC.



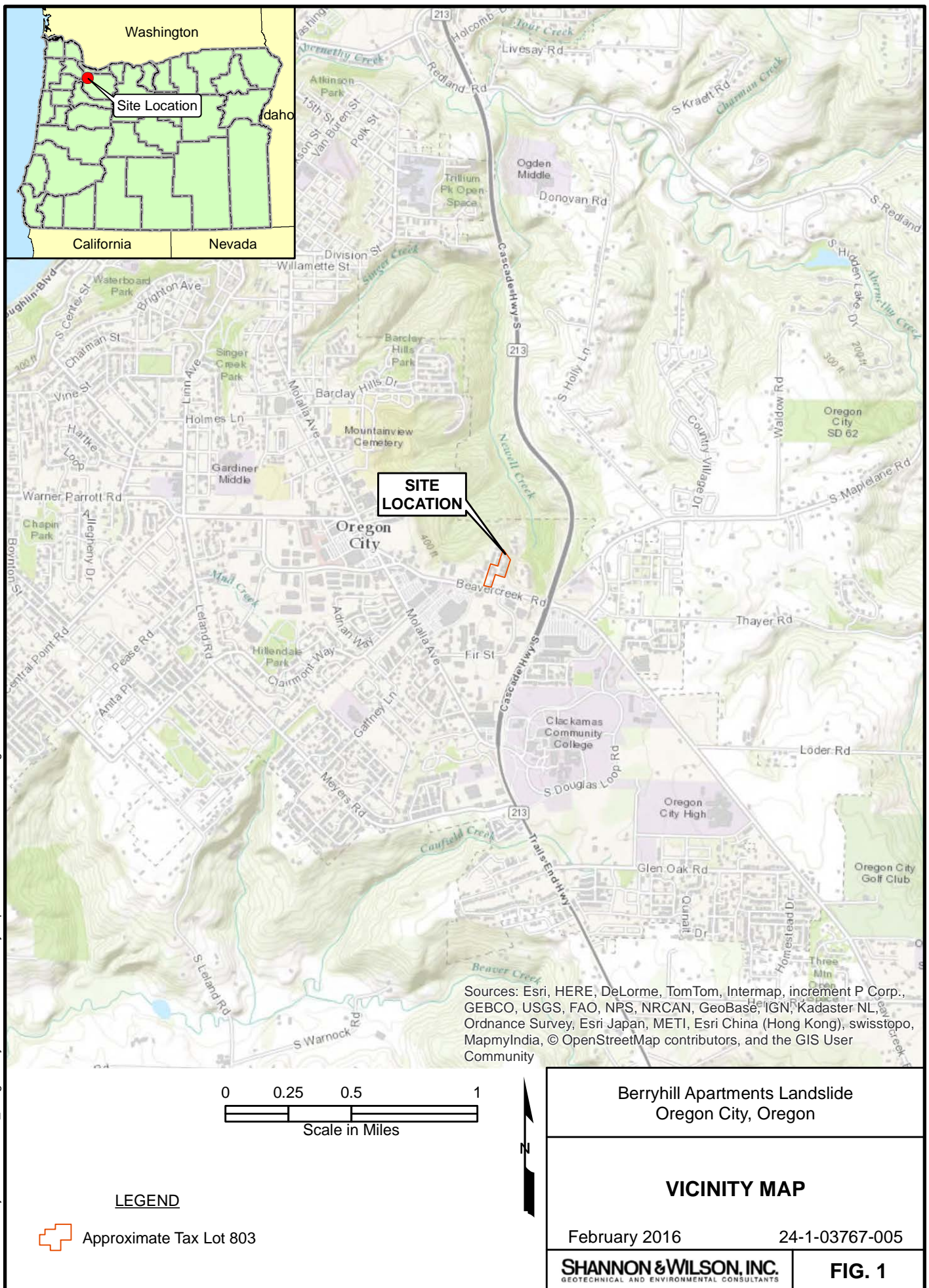
Risheng "Park" Piao, PE, GE
Vice President | Geotechnical Engineer



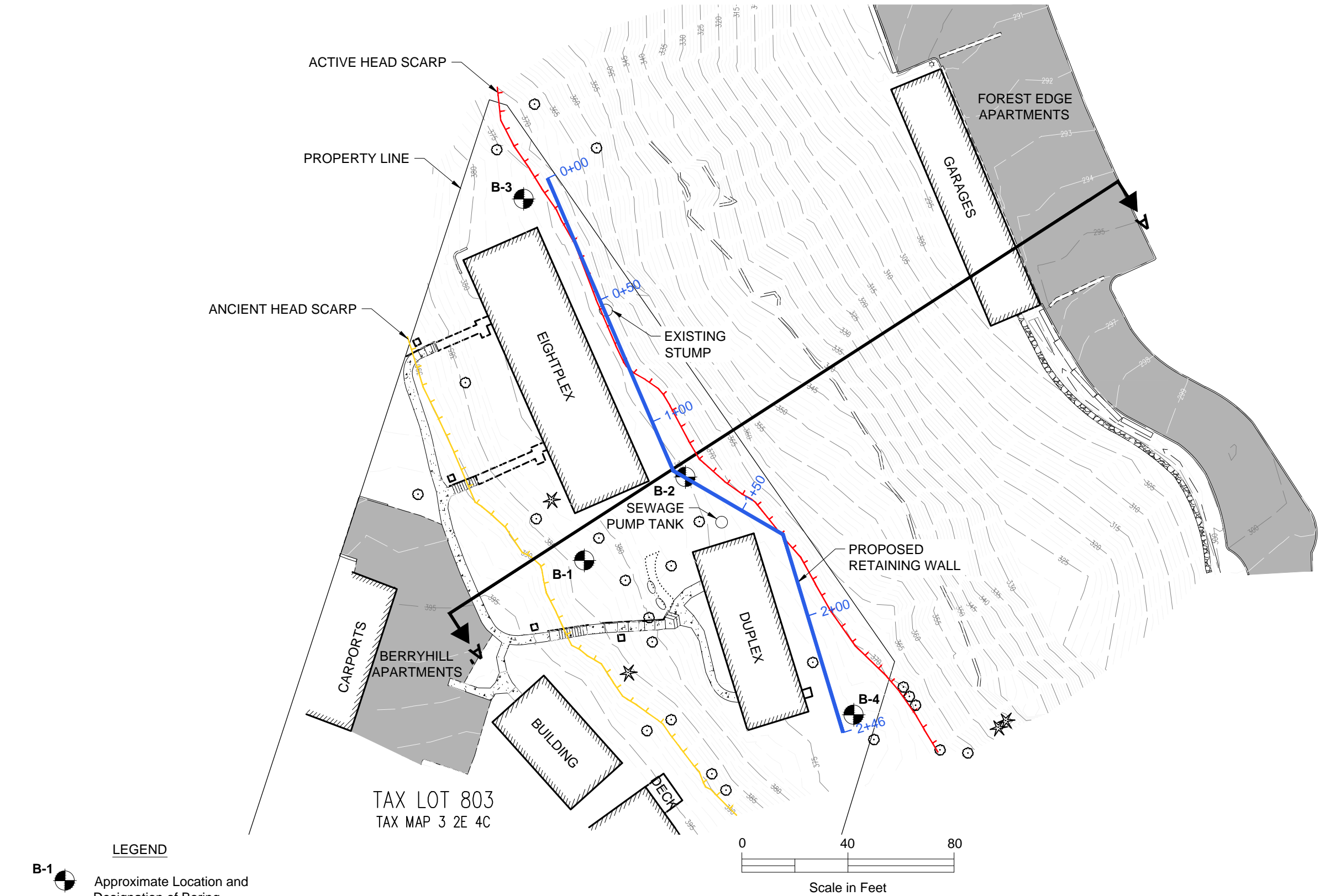
David J. Higgins, CEG
Associate | Engineering Geologist

ECP:DJH:RPP/aeb


- Enc:
- Figure 1 – Vicinity Map
 - Figure 2 – Site and Exploration Plan
 - Figure 3 – Soil Description and Log Key
 - Figure 4 – Log of Boring B-3
 - Figure 5 – Log of Boring B-4
 - Figure 6 – Inclinator Data Plot
 - Figure 7 – Retaining Wall Slope Stability Analysis, Upper Slope
 - Figure 8 – Retaining Wall Slope Stability Analysis, Ancient Landslide Wedge
 - Figure 9 – Recommended Lateral Pressures for Soldier Pile and Tieback Wall
 - Attachment A – Slope Stability Analysis Letter (Dated July 17, 2015)
 - Attachment B – Laboratory Testing Results
 - Attachment C – Important Information About Your Geotechnical/Environmental Report





File: I:\WP\Projects\24-1 Portland\3700\3767 Berryhill Apartments Landslide\Phase-005\Graphics\CAD\Berryhill Site Plan Dec 2015.dwg Date: 02-29-2016 Author: ecp



LEGEND

B-1  Approximate Location and Designation of Boring

A  **A'**  Location and Designation of Slope Stability Analysis Model

- NOTES**
1. Base map from drawing 5008CX MPL-20151217.dwg, provided by AKS on December 18, 2015.
 2. Locations of trees and borings B-3 and B-4 from drawing 5008 20160203 EX COND.dwg, provided by AKS on February 3, 2016.

Berryhill Apartments Landslide Oregon City, Oregon	
SITE AND EXPLORATION PLAN	
February 2016	24-1-03767-005
SHANNON & WILSON, INC. Geotechnical and Environmental Consultants	FIG. 2

Shannon & Wilson, Inc. (S&W), uses a soil identification system modified from the Unified Soil Classification System (USCS). Elements of the USCS and other definitions are provided on this and the following pages. Soil descriptions are based on visual-manual procedures (ASTM D2488) and laboratory testing procedures (ASTM D2487), if performed.

S&W INORGANIC SOIL CONSTITUENT DEFINITIONS

CONSTITUENT ²	FINE-GRAINED SOILS (50% or more fines) ¹	COARSE-GRAINED SOILS (less than 50% fines) ¹
Major	Silt, Lean Clay, Elastic Silt, or Fat Clay³	Sand or Gravel⁴
Modifying (Secondary) Precedes major constituent	30% or more coarse-grained: Sandy or Gravelly⁴	More than 12% fine-grained: Silty or Clayey³
Minor Follows major constituent	15% to 30% coarse-grained: with Sand or with Gravel⁴ 30% or more total coarse-grained and lesser coarse-grained constituent is 15% or more: with Sand or with Gravel⁵	5% to 12% fine-grained: with Silt or with Clay³ 15% or more of a second coarse-grained constituent: with Sand or with Gravel⁵

¹All percentages are by weight of total specimen passing a 3-inch sieve.

²The order of terms is: *Modifying Major with Minor*.

³Determined based on behavior.

⁴Determined based on which constituent comprises a larger percentage.

⁵Whichever is the lesser constituent.

MOISTURE CONTENT TERMS

Dry	Absence of moisture, dusty, dry to the touch
Moist	Damp but no visible water
Wet	Visible free water, from below water table

STANDARD PENETRATION TEST (SPT) SPECIFICATIONS

Hammer:	140 pounds with a 30-inch free fall. Rope on 6- to 10-inch-diam. cathead 2-1/4 rope turns, > 100 rpm
Sampler:	10 to 30 inches long Shoe I.D. = 1.375 inches Barrel I.D. = 1.5 inches Barrel O.D. = 2 inches
N-Value:	Sum blow counts for second and third 6-inch increments. Refusal: 50 blows for 6 inches or less; 10 blows for 0 inches.
NOTE: Penetration resistances (N-values) shown on boring logs are as recorded in the field and have not been corrected for hammer efficiency, overburden, or other factors.	













PARTICLE SIZE DEFINITIONS

DESCRIPTION	SIEVE NUMBER AND/OR APPROXIMATE SIZE
FINES	< #200 (0.075 mm = 0.003 in.)
SAND Fine Medium Coarse	#200 to #40 (0.075 to 0.4 mm; 0.003 to 0.02 in.) #40 to #10 (0.4 to 2 mm; 0.02 to 0.08 in.) #10 to #4 (2 to 4.75 mm; 0.08 to 0.187 in.)
GRAVEL Fine Coarse	#4 to 3/4 in. (4.75 to 19 mm; 0.187 to 0.75 in.) 3/4 to 3 in. (19 to 76 mm)
COBBLES	3 to 12 in. (76 to 305 mm)
BOULDERS	> 12 in. (305 mm)

RELATIVE DENSITY / CONSISTENCY

COHESIONLESS SOILS		COHESIVE SOILS	
N, SPT, BLOWS/FT.	RELATIVE DENSITY	N, SPT, BLOWS/FT.	RELATIVE CONSISTENCY
< 4	Very loose	< 2	Very soft
4 - 10	Loose	2 - 4	Soft
10 - 30	Medium dense	4 - 8	Medium stiff
30 - 50	Dense	8 - 15	Stiff
> 50	Very dense	15 - 30	Very stiff
		> 30	Hard

WELL AND BACKFILL SYMBOLS

	Bentonite		Surface Cement Seal
	Cement Grout		Asphalt or Cap
	Bentonite Grout		Slough
	Bentonite Chips		Inclinometer or Non-perforated Casing
	Silica Sand		Vibrating Wire Piezometer
	Gravel		
	Perforated or Screened Casing		

PERCENTAGES TERMS^{1,2}

Trace	< 5%
Few	5 to 10%
Little	15 to 25%
Some	30 to 45%
Mostly	50 to 100%

¹Gravel, sand, and fines estimated by mass. Other constituents, such as organics, cobbles, and boulders, estimated by volume.

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Oregon City, Oregon

SOIL DESCRIPTION AND LOG KEY

February 2016

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FIG. 3
Sheet 1 of 3

UNIFIED SOIL CLASSIFICATION SYSTEM (USCS) (Modified From USACE Tech Memo 3-357, ASTM D2487, and ASTM D2488)					
MAJOR DIVISIONS			GROUP/GRAPHIC SYMBOL		TYPICAL IDENTIFICATIONS
COARSE-GRAINED SOILS (more than 50% retained on No. 200 sieve)	Gravels (more than 50% of coarse fraction retained on No. 4 sieve)	Gravel (less than 5% fines)	GW		Well-Graded Gravel; Well-Graded Gravel with Sand
			GP		Poorly Graded Gravel; Poorly Graded Gravel with Sand
		Silty or Clayey Gravel (more than 12% fines)	GM		Silty Gravel; Silty Gravel with Sand
			GC		Clayey Gravel; Clayey Gravel with Sand
	Sands (50% or more of coarse fraction passes the No. 4 sieve)	Sand (less than 5% fines)	SW		Well-Graded Sand; Well-Graded Sand with Gravel
			SP		Poorly Graded Sand; Poorly Graded Sand with Gravel
		Silty or Clayey Sand (more than 12% fines)	SM		Silty Sand; Silty Sand with Gravel
			SC		Clayey Sand; Clayey Sand with Gravel
FINE-GRAINED SOILS (50% or more passes the No. 200 sieve)	Silts and Clays (liquid limit less than 50)	Inorganic	ML		Silt; Silt with Sand or Gravel; Sandy or Gravelly Silt
			CL		Lean Clay; Lean Clay with Sand or Gravel; Sandy or Gravelly Lean Clay
		Organic	OL		Organic Silt or Clay; Organic Silt or Clay with Sand or Gravel; Sandy or Gravelly Organic Silt or Clay
	Silts and Clays (liquid limit 50 or more)	Inorganic	MH		Elastic Silt; Elastic Silt with Sand or Gravel; Sandy or Gravelly Elastic Silt
			CH		Fat Clay; Fat Clay with Sand or Gravel; Sandy or Gravelly Fat Clay
		Organic	OH		Organic Silt or Clay; Organic Silt or Clay with Sand or Gravel; Sandy or Gravelly Organic Silt or Clay
HIGHLY-ORGANIC SOILS	Primarily organic matter, dark in color, and organic odor		PT		Peat or other highly organic soils (see ASTM D4427)
FILL	Placed by humans, both engineered and nonengineered. May include various soil materials and debris.				The Fill graphic symbol is combined with the soil graphic that best represents the observed material

NOTE: No. 4 size = 4.75 mm = 0.187 in.; No. 200 size = 0.075 mm = 0.003 in.

NOTES

- Dual symbols (symbols separated by a hyphen, i.e., SP-SM, Sand with Silt) are used for soils with between 5% and 12% fines or when the liquid limit and plasticity index values plot in the CL-ML area of the plasticity chart.
- Borderline symbols (symbols separated by a slash, i.e., CL/ML, Lean Clay to Silt; SP-SM/SM, Sand with Silt to Silty Sand) indicate that the soil properties are close to the defining boundary between two groups.
- The soil graphics above represent the various USCS identifications (i.e., GP, SM, etc.) and may be augmented with additional symbology to represent differences within USCS designations. Sandy Silt (ML), for example, may be accompanied by the ML soil graphic with sand grains added.

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SOIL DESCRIPTION AND LOG KEY

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FIG. 3
Sheet 2 of 3

GRADATION TERMS

Poorly Graded	Narrow range of grain sizes present or, within the range of grain sizes present, one or more sizes are missing (Gap Graded). Meets criteria in ASTM D2487, if tested.
Well-Graded	Full range and even distribution of grain sizes present. Meets criteria in ASTM D2487, if tested.

CEMENTATION TERMS¹

Weak	Crumbles or breaks with handling or slight finger pressure
Moderate	Crumbles or breaks with considerable finger pressure
Strong	Will not crumble or break with finger pressure

PLASTICITY²

DESCRIPTION	VISUAL-MANUAL CRITERIA	APPROX. PLASTICITY INDEX RANGE
Nonplastic	A 1/8-in. thread cannot be rolled at any water content.	< 4%
Low	A thread can barely be rolled and a lump cannot be formed when drier than the plastic limit.	4 to 10%
Medium	A thread is easy to roll and not much time is required to reach the plastic limit. The thread cannot be rerolled after reaching the plastic limit. A lump crumbles when drier than the plastic limit.	10 to 20%
High	It take considerable time rolling and kneading to reach the plastic limit. A thread can be rerolled several times after reaching the plastic limit. A lump can be formed without crumbling when drier than the plastic limit.	> 20%

ADDITIONAL TERMS

Mottled	Irregular patches of different colors.
Bioturbated	Soil disturbance or mixing by plants or animals.
Diamict	Nonsorted sediment; sand and gravel in silt and/or clay matrix.
Cuttings	Material brought to surface by drilling.
Slough	Material that caved from sides of borehole.
Sheared	Disturbed texture, mix of strengths.

PARTICLE ANGULARITY AND SHAPE TERMS¹

Angular	Sharp edges and unpolished planar surfaces.
Subangular	Similar to angular, but with rounded edges.
Subrounded	Nearly planar sides with well-rounded edges.
Rounded	Smoothly curved sides with no edges.
Flat	Width/thickness ratio > 3.
Elongated	Length/width ratio > 3.

ACRONYMS AND ABBREVIATIONS

ATD	At Time of Drilling
approx.	Approximate/Approximately
Diam.	Diameter
Elev.	Elevation
ft.	Feet
FeO	Iron Oxide
gal.	Gallons
Horiz.	Horizontal
HSA	Hollow Stem Auger
I.D.	Inside Diameter
in.	Inches
lbs.	Pounds
MgO	Magnesium Oxide
mm	Millimeter
MnO	Manganese Oxide
NA	Not Applicable or Not Available
NP	Nonplastic
O.D.	Outside Diameter
OW	Observation Well
pcf	Pounds per Cubic Foot
PID	Photo-Ionization Detector
PMT	Pressuremeter Test
ppm	Parts per Million
psi	Pounds per Square Inch
PVC	Polyvinyl Chloride
rpm	Rotations per Minute
SPT	Standard Penetration Test
USCS	Unified Soil Classification System
q _u	Unconfined Compressive Strength
VWP	Vibrating Wire Piezometer
Vert.	Vertical
WOH	Weight of Hammer
WOR	Weight of Rods
Wt.	Weight

STRUCTURE TERMS¹

Interbedded	Alternating layers of varying material or color with layers at least 1/4-inch thick; singular: bed.
Laminated	Alternating layers of varying material or color with layers less than 1/4-inch thick; singular: lamination.
Fissured	Breaks along definite planes or fractures with little resistance.
Slickensided	Fracture planes appear polished or glossy; sometimes striated.
Blocky	Cohesive soil that can be broken down into small angular lumps that resist further breakdown.
Lensed	Inclusion of small pockets of different soils, such as small lenses of sand scattered through a mass of clay.
Homogeneous	Same color and appearance throughout.

Berryhill Apartments Landslide
Oregon City, Oregon

**SOIL DESCRIPTION
AND LOG KEY**

February 2016

24-1-03767-005

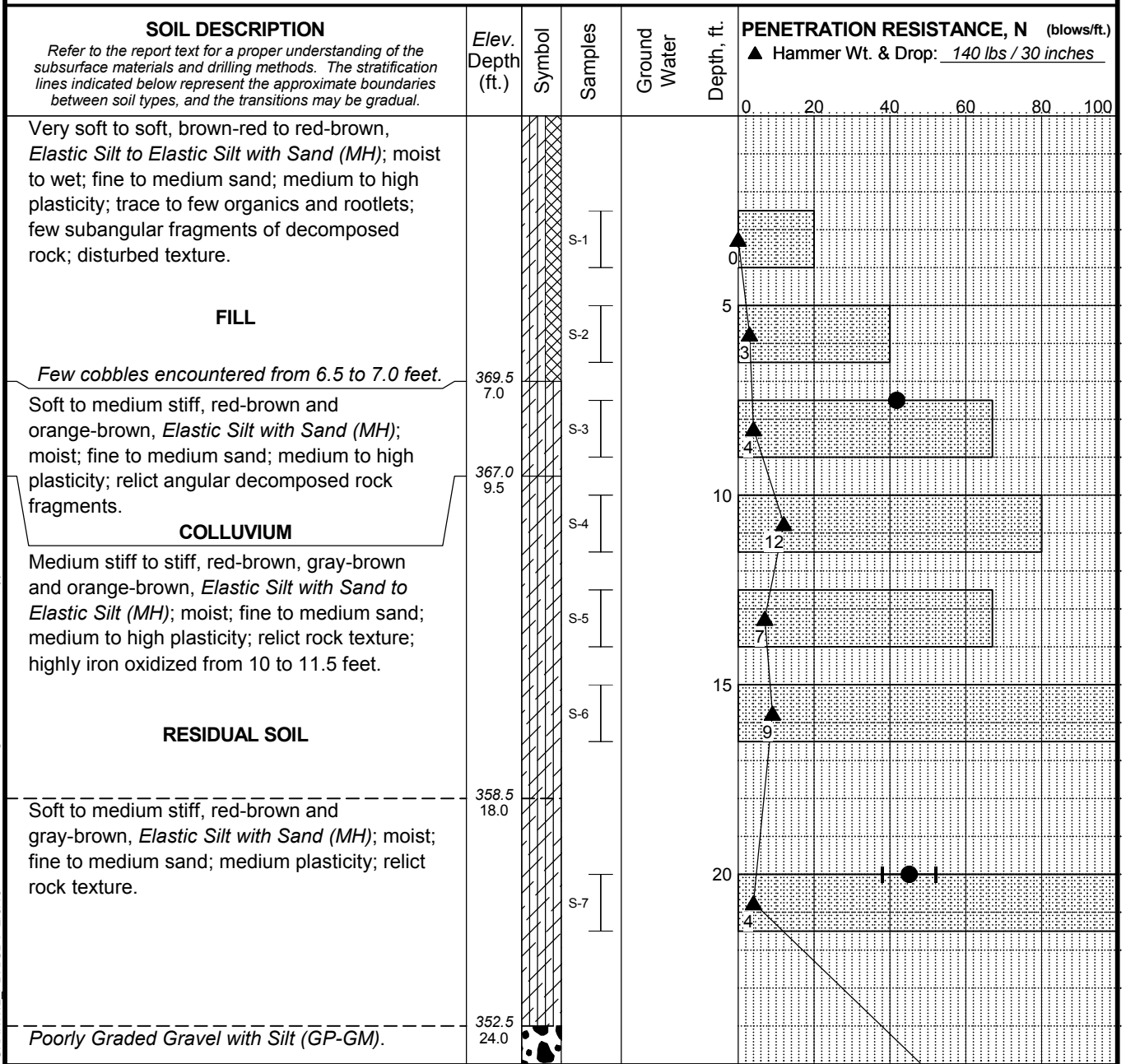
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FIG. 3
Sheet 3 of 3

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²Adapted, with permission, from ASTM D2488 - 09a Standard Practice for Description and Identification of Soils (Visual-Manual Procedure), copyright ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428. A copy of the complete standard may be obtained from ASTM International, www.astm.org.

Total Depth: 41.5 ft. Northing: 615,054.3 ft. Drilling Method: Hollow Stem Auger Hole Diam.: 6 in.
 Top Elevation: 376.5 ft. Easting: 7,667,602.3 ft. Drilling Company: Western States Rod Type: AWJ
 Vert. Datum: _____ Station: _____ Drill Rig Equipment: GeoProbe 7822DT Hammer Type: Automatic
 Horiz. Datum: _____ Offset: _____ Other Comments: Hammer Efficiency = 95.1%



CONTINUED NEXT SHEET

LEGEND

Standard Penetration Test Groundwater Level ATD

Recovery (%)

% Water Content

Plastic Limit Liquid Limit

- NOTES**
- Refer to KEY for explanation of symbols, codes, abbreviations and definitions.
 - Groundwater level, if indicated above, is for the date specified and may vary.
 - Group symbol is based on visual-manual identification and selected lab testing.

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LOG OF BORING B-3

February 2016

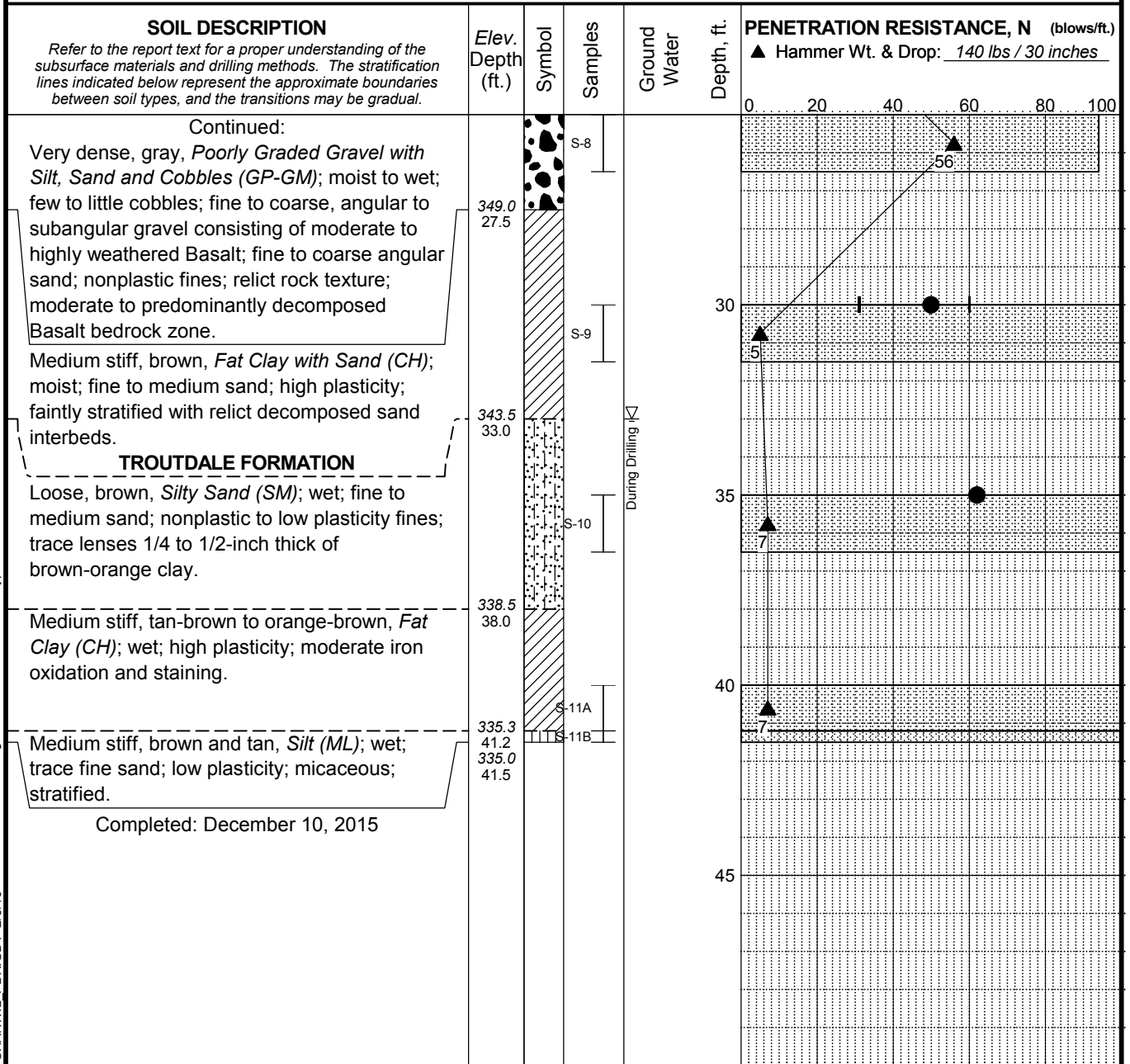
24-1-03767-005

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FIG. 4
Sheet 1 of 2

REV 3

Total Depth: <u>41.5 ft.</u>	Northing: <u>615,054.3 ft.</u>	Drilling Method: <u>Hollow Stem Auger</u>	Hole Diam.: <u>6 in.</u>
Top Elevation: <u>376.5 ft.</u>	Easting: <u>7,667,602.3 ft.</u>	Drilling Company: <u>Western States</u>	Rod Type: <u>AWJ</u>
Vert. Datum: _____	Station: _____	Drill Rig Equipment: <u>GeoProbe 7822DT</u>	Hammer Type: <u>Automatic</u>
Horiz. Datum: _____	Offset: _____	Other Comments: <u>Hammer Efficiency = 95.1%</u>	



LEGEND

Standard Penetration Test Groundwater Level ATD

Recovery (%)

% Water Content

Plastic Limit Liquid Limit

- NOTES**
- Refer to KEY for explanation of symbols, codes, abbreviations and definitions.
 - Groundwater level, if indicated above, is for the date specified and may vary.
 - Group symbol is based on visual-manual identification and selected lab testing.

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Oregon City, Oregon

LOG OF BORING B-3

February 2016

24-1-03767-005

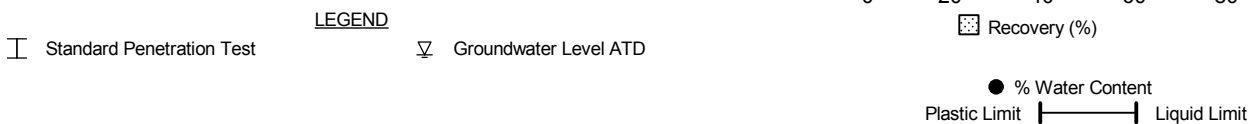
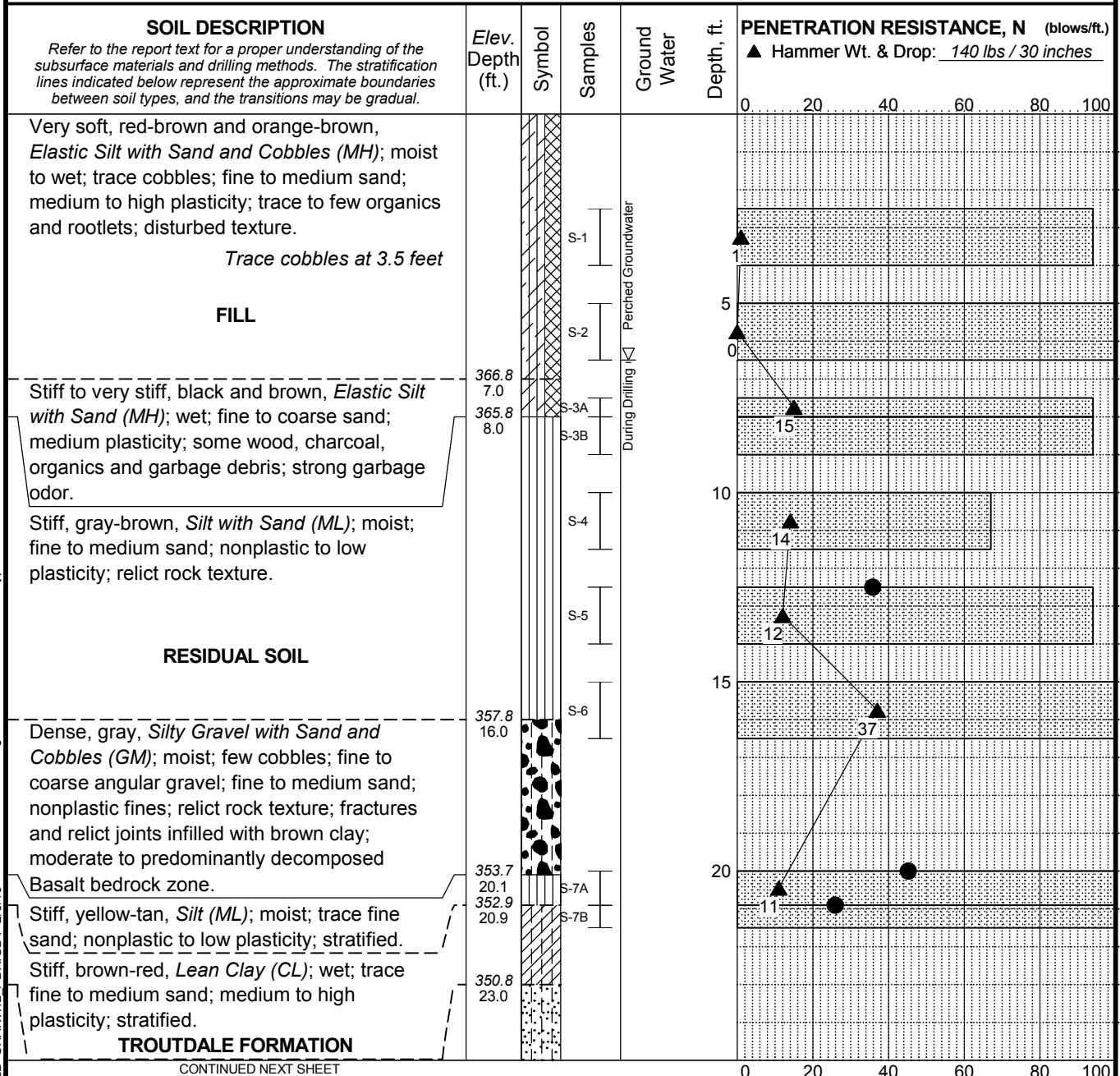
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FIG. 4
Sheet 2 of 2

REV 3

Total Depth: 41.5 ft. Northing: 614,859.8 ft. Drilling Method: Hollow Stem Auger Hole Diam.: 6 in.
 Top Elevation: 373.8 ft. Easting: 7,667,726.7 ft. Drilling Company: Western States Rod Type: AWJ
 Vert. Datum: _____ Station: _____ Drill Rig Equipment: GeoProbe 7822DT Hammer Type: Automatic
 Horiz. Datum: _____ Offset: _____ Other Comments: Hammer Efficiency = 95.1%

Typ: CKS Rev: Log: CKS PDX GDT 2/3/16 MASTER LOG E 24-1-03767-001.GPJ SW2013LIBRARYPDX.GLB SHANNIL



- NOTES**
- Refer to KEY for explanation of symbols, codes, abbreviations and definitions.
 - Groundwater level, if indicated above, is for the date specified and may vary.
 - Group symbol is based on visual-manual identification and selected lab testing.

Berryhill Apartments Landslide
Oregon City, Oregon

LOG OF BORING B-4

February 2016

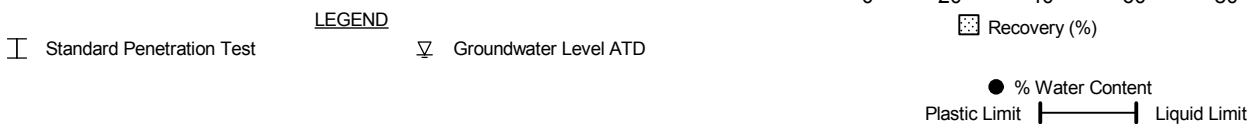
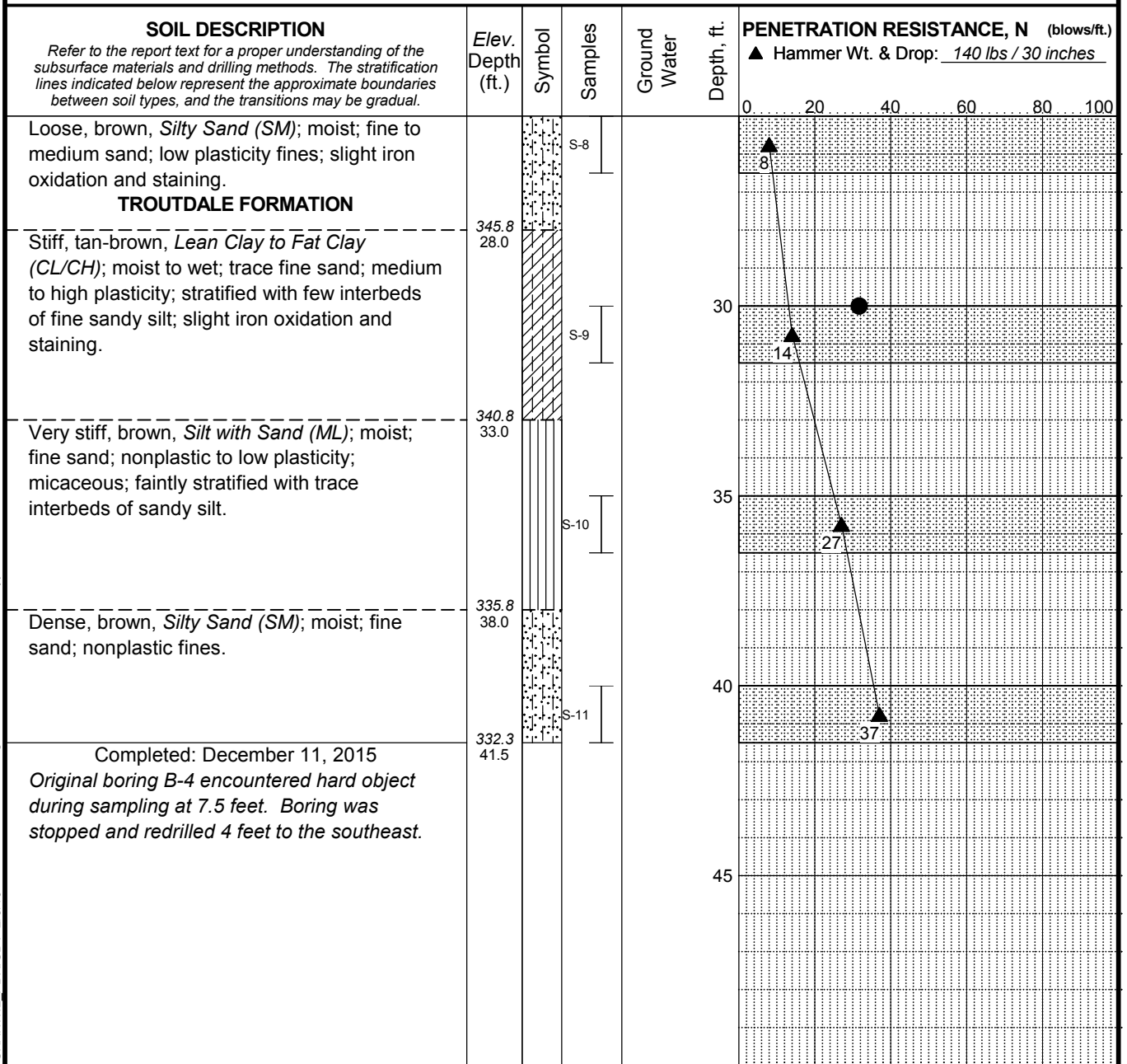
24-1-03767-005

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FIG. 5
Sheet 1 of 2

REV 3

Total Depth: 41.5 ft. Northing: 614,859.8 ft. Drilling Method: Hollow Stem Auger Hole Diam.: 6 in.
 Top Elevation: 373.8 ft. Easting: 7,667,726.7 ft. Drilling Company: Western States Rod Type: AWJ
 Vert. Datum: _____ Station: _____ Drill Rig Equipment: GeoProbe 7822DT Hammer Type: Automatic
 Horiz. Datum: _____ Offset: _____ Other Comments: Hammer Efficiency = 95.1%



- NOTES**
- Refer to KEY for explanation of symbols, codes, abbreviations and definitions.
 - Groundwater level, if indicated above, is for the date specified and may vary.
 - Group symbol is based on visual-manual identification and selected lab testing.

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Oregon City, Oregon

LOG OF BORING B-4

February 2016

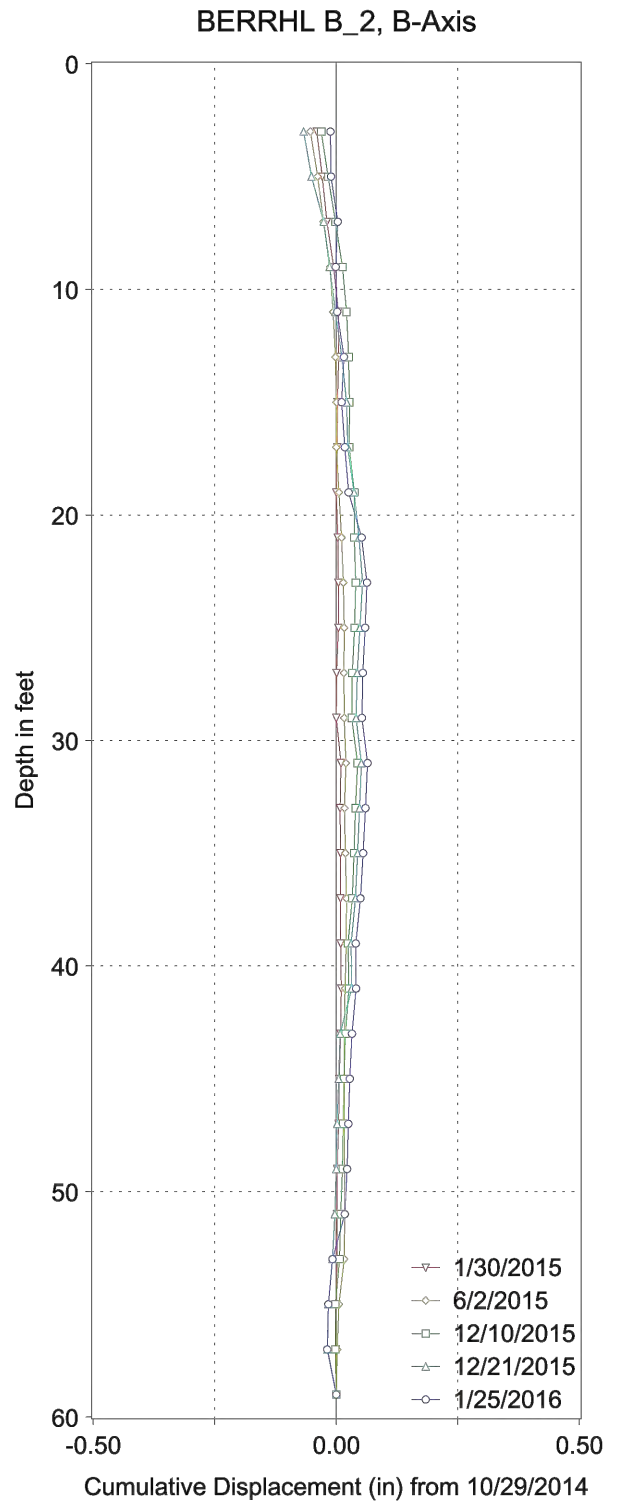
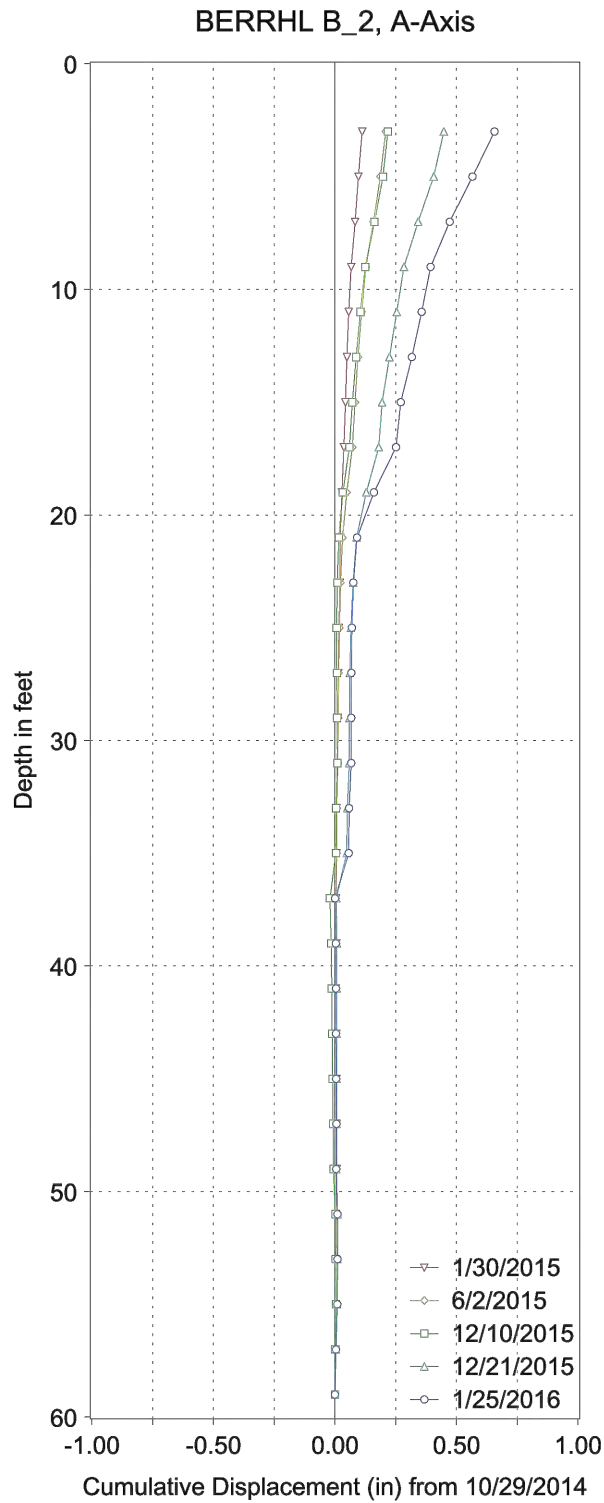
24-1-03767-005

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FIG. 5
Sheet 2 of 2

REV 3

MASTER LOG E 24-1-03767-001.GPJ SW2013LIBRARYPDX.GLB SHANNON PDX.GDT 2/3/16 Log: CKS Rev: Typ: CKS



Berryhill Apartments Landslide
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INCLINOMETER DATA PLOT

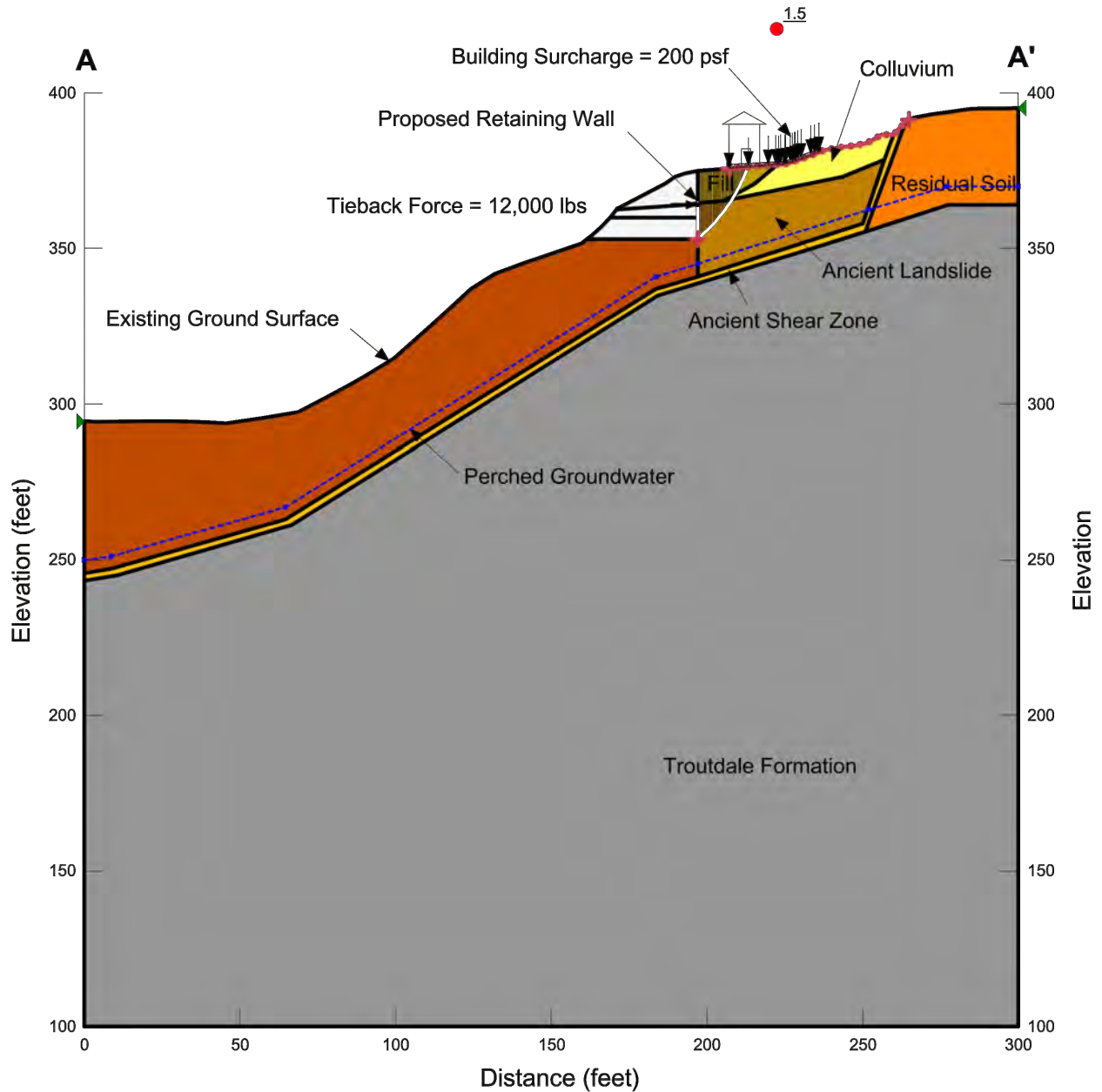
February 2016

24-1-03767-005

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FIG. 6

Name: Active Landslide Unit Weight: 120 pcf Cohesion': 200 psf Phi': 30 °
 Name: Residual Soil Unit Weight: 120 pcf Cohesion': 200 psf Phi': 30 °
 Name: Troutdale Formation Unit Weight: 130 pcf Cohesion': 1,000 psf Phi': 38 °
 Name: Ancient Shear Zone Unit Weight: 120 pcf Cohesion': 0 psf Phi': 20 °
 Name: Fill Unit Weight: 120 pcf Cohesion': 200 psf Phi': 30 °
 Name: Ancient Landslide Unit Weight: 120 pcf Cohesion': 200 psf Phi': 30 °
 Name: Colluvium Unit Weight: 120 pcf Cohesion': 200 psf Phi': 30 °



Berryhill Apartments Landslide
Oregon City, Oregon

**RETAINING WALL
SLOPE STABILITY ANALYSIS
UPPER SLOPE**

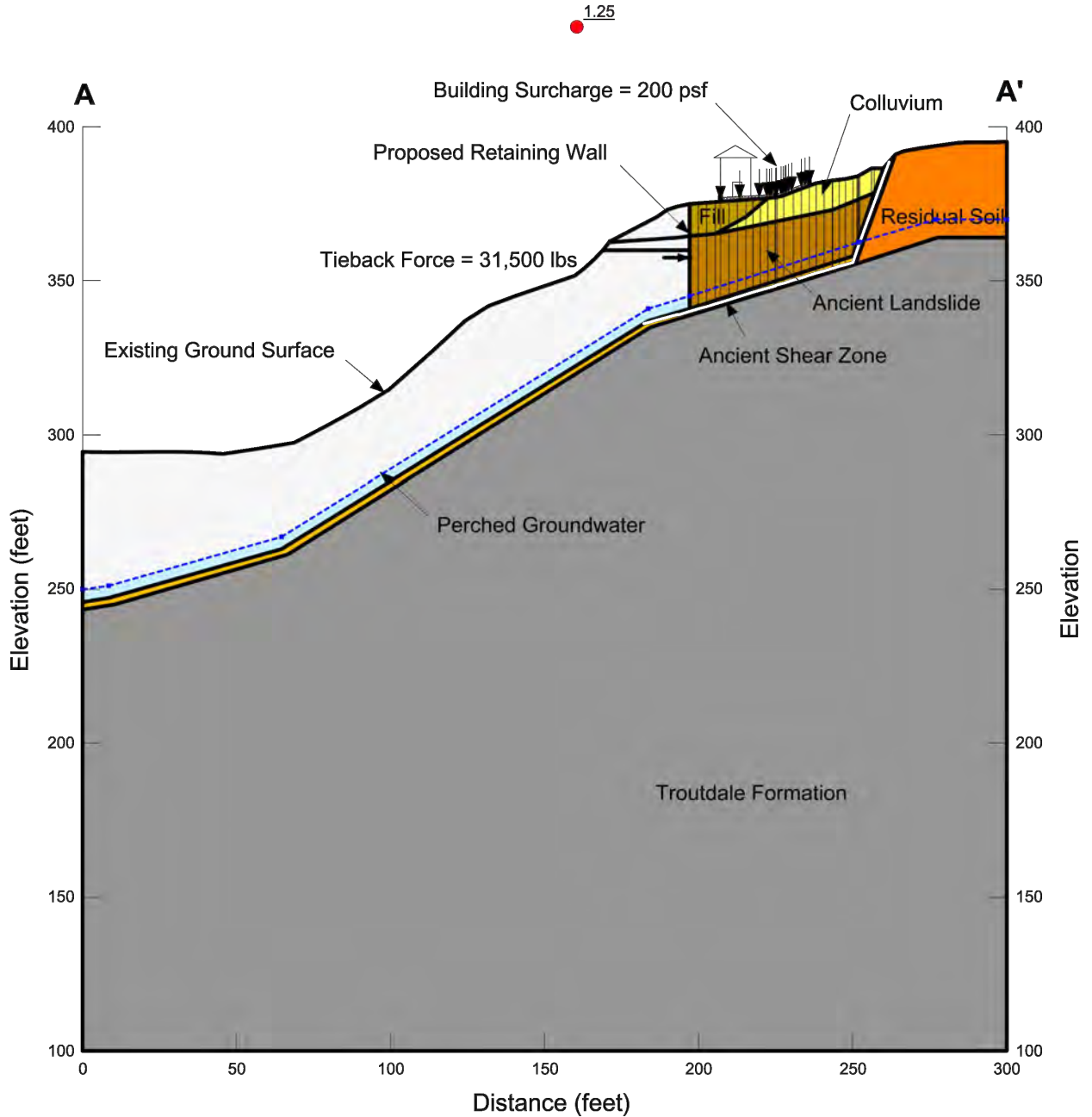
February 2016

24-1-03767-005

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FIG. 7

Name: Residual Soil Unit Weight: 120 pcf Cohesion': 200 psf Φ' : 30 °
 Name: Troutdale Formation Unit Weight: 130 pcf Cohesion': 1,000 psf Φ' : 38 °
 Name: Ancient Shear Zone Unit Weight: 120 pcf Cohesion': 0 psf Φ' : 20 °
 Name: Fill Unit Weight: 120 pcf Cohesion': 200 psf Φ' : 30 °
 Name: Ancient Landslide Unit Weight: 120 pcf Cohesion': 200 psf Φ' : 30 °
 Name: Colluvium Unit Weight: 120 pcf Cohesion': 200 psf Φ' : 30 °



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Oregon City, Oregon

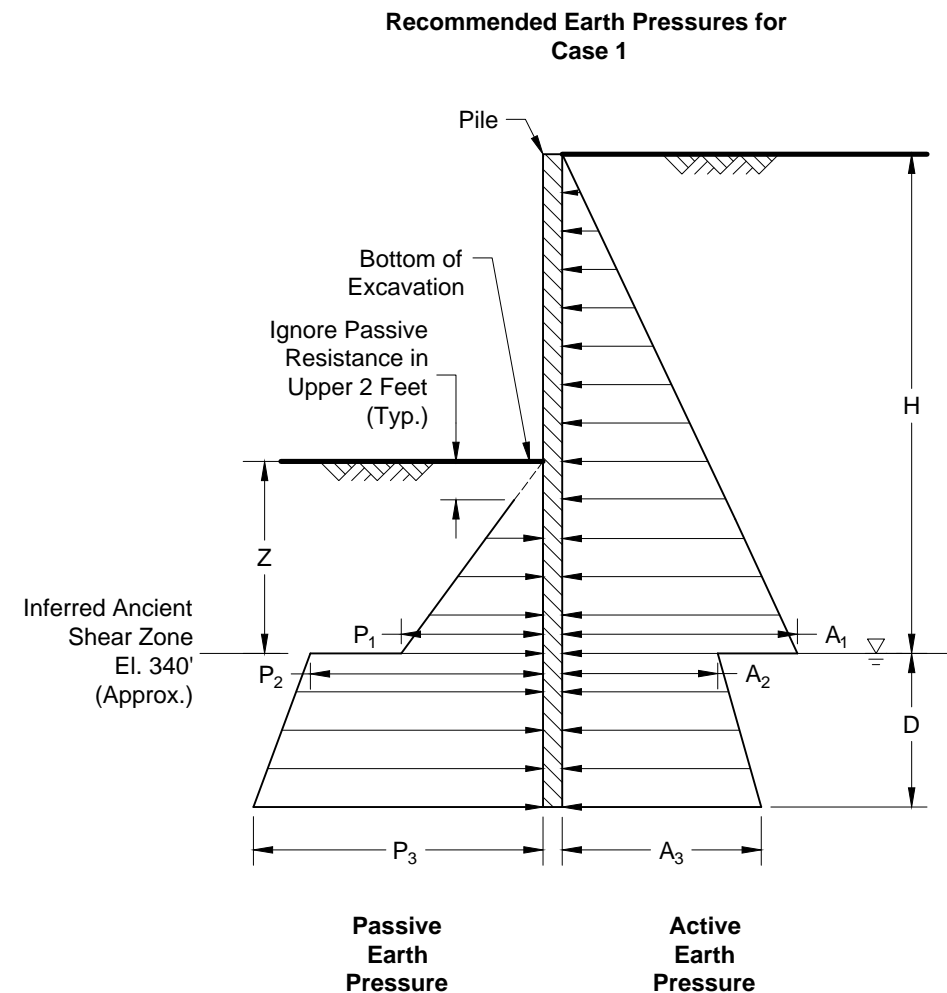
RETAINING WALL
SLOPE STABILITY ANALYSIS
ANCIENT LANDSLIDE WEDGE

February 2016

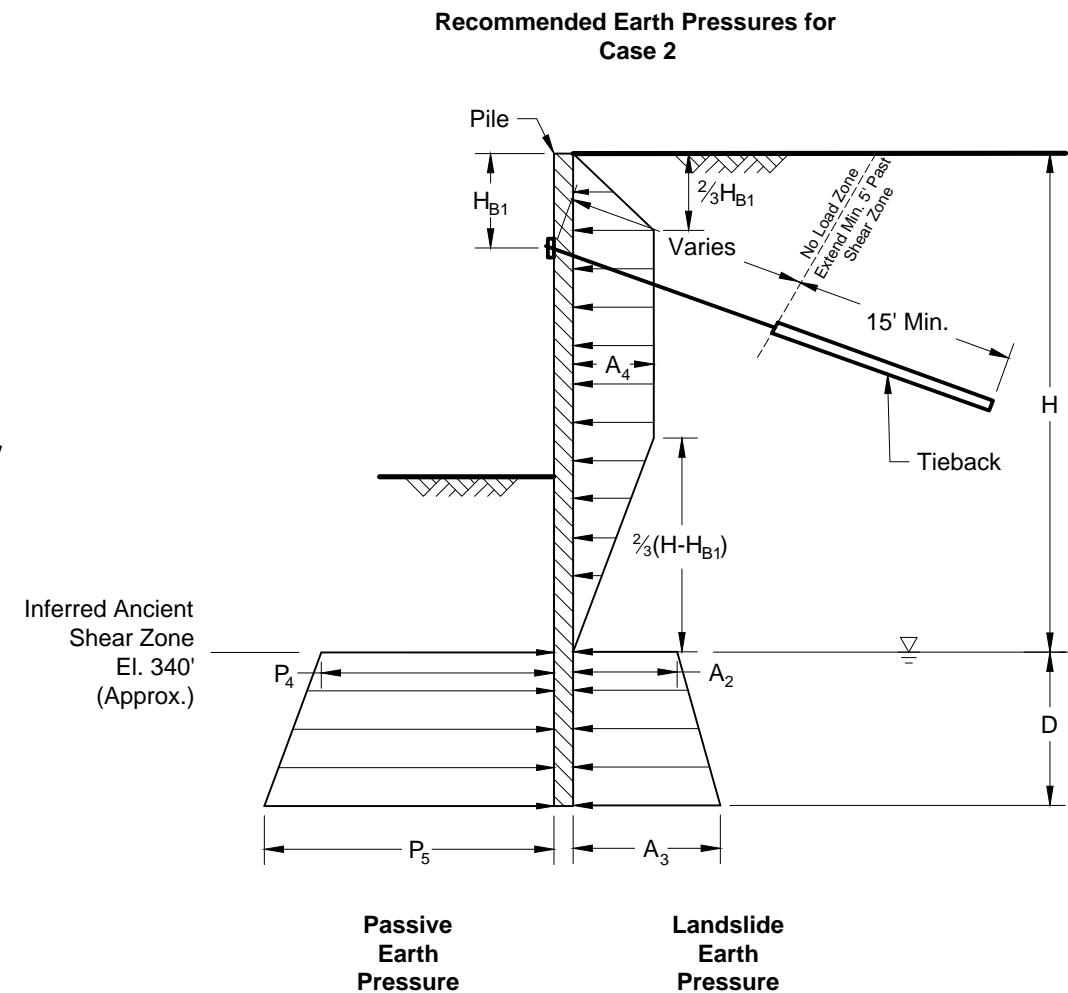
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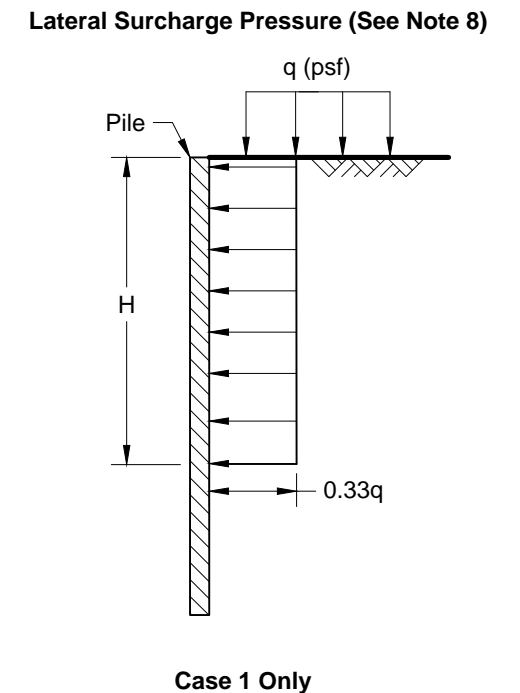
FIG. 8



or



+



NOTES

1. Apply active and landslide pressure over the soldier pile spacing above the bottom of the excavation for Case 1 or above the shear zone for Case 2, and over the soldier pile diameter below the bottom of the excavation for Case 1 or below the shear zone for Case 2. Apply passive resistance over three times the diameter of the piles or the spacing of the piles, whichever is smaller.
2. All earth pressures are in units of pounds per square foot.
3. Free drainage is assumed behind the wall and groundwater is assumed to be below the base of the excavation.
4. Passive pressures are ultimate values. We recommend a factor of safety of 1.5 be applied to determine allowable passive pressure.
5. Wall embedment (D) should consider kickout resistance. Embedment should be determined by satisfying horizontal static equilibrium about the bottom of the pile. Minimum recommended embedment is 10 feet or as required in memo text. Actual embedment will depend on lateral design and the vertical component of the tieback force.
6. Design lagging for 50% of lateral earth pressures.
7. For vertical drilled soldier pile capacity, use the following ultimate values:
Unit side resistance: 1.0 ksf
Unit base resistance: 20 ksf
Factors of safety of 2.0 and 2.5 should be applied to ultimate side and base resistances, respectively. End bearing should be calculated using shaft section area.
8. We recommend a uniform building surcharge (q) of 200 psf. Uniform building surcharge for Case 2 is included in stability analysis to determine the landslide earth pressure, therefore lateral surcharge pressure for Case 2 does not need to be applied.

DIAGRAMS ARE NOT TO SCALE

RECOMMENDED EARTH PRESSURES

$$\begin{aligned} A_1 &= 40H \\ A_2 &= 29H \\ A_3 &= 29H + 16D \\ A_4 &= 39H \\ P_1 &= 360Z \\ P_2 &= 500Z \\ P_3 &= 500Z + 285D \\ P_4 &= 7500 \\ P_5 &= 7500 + 285D \end{aligned}$$

LEGEND

$$\begin{aligned} H &= \text{Depth to Shear Zone Below Top of Wall, feet} \\ H_{B1} &= \text{Depth to Uppermost Tieback, feet} \\ D &= \text{Pile Embedment Below Shear Zone, feet} \\ Z &= \text{Depth to Shear Zone Below Bottom of Excavation in Case 1, feet} \end{aligned}$$

CASE

- 1 = Cantilever Wall - Temporary Loading Condition During Construction
- 2 = Tieback Wall - Permanent Loading Condition

Berryhill Apartments Landslide
Oregon City, Oregon

RECOMMENDED LATERAL PRESSURES FOR SOLDIER PILE AND TIEBACK WALL

April 2016 24-1-03767-005

SHANNON & WILSON, INC.
Geotechnical and Environmental Consultants

FIG. 9

ATTACHMENT A

SLOPE STABILITY ANALYSIS LETTER (DATED JULY 17, 2015)

February 5, 2015
Updated July 17, 2015

Mr. William Davis
Davis Rothwell Earle & Xochihua P.C.
US Bancorp Tower
111 SW Fifth Avenue, Suite 2700
Portland, Oregon 97204-3650

**RE: SLOPE STABILITY ANALYSIS,
BERRYHILL APARTMENTS LANDSLIDE
OREGON CITY, OREGON**

Dear Mr. Davis:

This letter was presented as draft February 5, 2015, and since that time the text has been updated to include conceptual-level soldier pile retaining wall construction cost estimates based on February 2015 information. Other submittals and correspondence dated after February 5, 2015, supersedes this letter, which presents a summary of our slope stability analysis adjacent to the duplex and eighthplex in the northeast corner of the Berryhill Park Apartments Complex as shown in Figure 1, Vicinity Map. The purpose of the analysis was to assess the stability of the hillside immediately adjacent to and downslope of the two residential structures as well as the stability of the ground beneath the structures. A landslide occurred within Forest Edge Apartments downslope and northeast of Berryhill Park Apartments in January 2006. The head scarp of the Forest Edge Apartments Landslide retrogressed upslope toward the top of the hillside to a point within approximately 10 feet of the duplex and eighthplex. The owner of Berryhill Park Apartments has requested we perform a geotechnical evaluation and provide our opinion of both the current and future stability of the two structures and provide conceptual stabilization measures to increase stability.

Our scope of services included field explorations, laboratory testing, inclinometer and groundwater instrumentation monitoring, slope stability analysis, evaluation of stabilization alternatives, and a summary letter report presenting our findings and recommendations.

BACKGROUND INFORMATION

The Forest Edge Apartments landslide occurred January 13, 2006, after a period of heavy precipitation. On January 26, 2006, several ground cracks were observed near the top of the hillside within approximately 10 feet of the duplex and eightplex. Between 2006 and 2011, the vertical offset of the ground cracks increased in size, and several landslides occurred on the hillside below the cracks. The landslides were a result of the continued movement of the Forrest Edge Apartments landslide and retrogression upslope toward the top of the hillside. By 2011, a head scarp had formed at the location where the cracks were first observed in 2006, and several smaller ground cracks were observed between the head scarp and the two structures. Foundation cracks appeared in the both the duplex and eightplex in January 2011. Shannon & Wilson, Inc., first visited the site in February 2013, and over several site visits between 2013 and January 2015, we have observed that the ground cracks and foundation cracking have not significantly changed.

During the two-year period of this project, you provided us with several landslide-related documents, including geotechnical reports performed by others. These reports included boring logs and groundwater piezometer and slope inclinometer measurements. Based upon review of this information, our review of local geologic mapping, and our observations since 2013, we understand that the landslides on the hillside below the head scarp occur due to movement of the larger downslope Forest Edge Apartments landslide. There has not been significant movement of the Forest Edge Apartments landslide or landslides on the hillside since March 2011. Landslide movements since 2011 have likely been limited to small-scale creeping movement not more than a couple inches per year.

Based upon review of local geologic mapping, we understand that the duplex and eightplex are constructed on a slump block of an ancient landslide. The head scarp of the ancient landslide is at the location of the short slope between the front of the structures and the parking lot to the west. The locations of the duplex and eightplex and the recent and ancient scarps are shown in the attached Site Plan and Cross Section, Figure 2.

FIELD EXPLORATIONS

Shannon & Wilson explored the subsurface conditions in the area of the duplex and eightplex with two geotechnical borings, designated B-1 and B-2. The borings were drilled between October 22 and October 23, 2014, using mud rotary drilling techniques and a CME 850 track-

mounted drill rig provided and operated by Hard Core Drilling, Inc., of Dundee, Oregon. Disturbed samples were collected in the borings, typically at 2.5- to 5-foot depth intervals using a standard 2-inch outside diameter (O.D.) split spoon sampler in conjunction with Standard Penetration Testing. Soil samples were described and identified visually in the field in general accordance with ASTM D2488, Standard Practice for Description and Identification of Soils (Visual-Manual Procedure). The specific terminology used is defined in the Soil Description and Log Key, Figure 3. An inclinometer casing and vibrating wire pressure transducer were installed in boring B-2 to measure ground movement and groundwater levels. A Shannon & Wilson geologist was on site during the explorations to locate the borings, collect soil samples, and log the materials encountered. Boring B-1 was backfilled in accordance with Oregon Department of Water Resources regulations, using bentonite chips. In Boring B-2, the inclinometer casing and pressure transducer were grouted in with bentonite-cement grout and covered with a steel flush-mount monument cover.

Locations of the borings are shown in Figure 2. Summary logs of borings are presented in Figures 4 and 5. Soil descriptions and interfaces on the logs are interpretive, and actual changes may be gradual. The left-hand portion of the boring logs gives our description, identification, and geotechnical unit designation for the soils encountered in the borings. The right-hand portion of the boring logs shows a graphic log, sample locations and designations, groundwater information, and a graphical representation of N-values, natural water contents, sample recovery, and Atterberg limits. Standard Penetration Test (SPT) N-values presented on the logs are in blows per foot (bpf) as counted in the field. No corrections have been applied.

LABORATORY TESTING

Laboratory tests were performed on selected samples from the explorations to determine basic index and engineering properties of the soils encountered. The laboratory testing program included moisture content analyses and Atterberg limits tests. All laboratory tests were performed by Northwest Testing, Inc., of Wilsonville, Oregon, with applicable ASTM International (ASTM) standard test procedures. Results of the laboratory tests are attached to the end of this report and included on the logs of borings in Figures 4 and 5.

SUBSURFACE CONDITIONS

We grouped the materials encountered in our field explorations into four geotechnical units described as fill, colluvium, residual soil, and Troutdale Formation. Descriptions of these units

are included on the boring logs Figures 4 and 5. These geotechnical units were grouped based on their engineering properties, geologic origins, and their distribution in the subsurface. Our interpretation of the subsurface conditions is based on Shannon & Wilson explorations, geotechnical explorations performed by others and provided by you, and regional geologic information from published sources. A geologic cross section was developed based upon our field explorations and information provided by you. The geologic cross section is presented on Figure 2. The contacts between the units may be more gradational than shown in the boring logs and cross section.

GROUNDWATER

The groundwater level in Boring B-1 was not observed during drilling. The groundwater level in Boring B-2 was measured on October 23, 2014, at a depth of 28.5 feet after the boring was left open overnight. Using the vibrating wire pressure transducer installed in Borings B-2, groundwater was measured at depths of 55.1 feet on October 29, 2014; 54.5 feet on December 29, 2014; and 54.4 feet on January 30, 2015. The groundwater level measured at a depth of 28.5 feet during drilling is within residual soil and is perched on the surface of the Troutdale Formation. Groundwater levels measured by the pressure transducer between depths of 54.4 feet and 55.1 feet are within the Troutdale Formation and represent static groundwater. Additional groundwater information not from Shannon & Wilson explorations and shown on Figure 2 is from measurements performed by others and provided by you. Groundwater levels should be expected to change seasonally and with changes in precipitation. In the vicinity of the project site, groundwater highs typically occur in the winter and spring, and groundwater lows typically occur in the late summer and early fall.

In our opinion, the perched groundwater level at the project site influences the stability of the landslide and the ground beneath the duplex and eightplex. Therefore, the measured perched groundwater level of 28.5 feet was used in our slope stability back-calculation to evaluate the landslide.

INCLINOMETERS

A 2.75-inch inside-diameter slope inclinometer casing was installed to a depth of 60 feet below the ground surface in Boring B-2 to measure earth movements. Inclinometer readings are performed in the casing by taking measurements every 2 feet with a down-hole probe. The

probe contains accelerometers that indicate the probe's orientation. The manufacturer-stated accuracy of the probe system is ± 0.01 inch per reading or ± 0.3 inches accumulated over 50 readings. After the initial reading, subsequent readings are compared to the initial to determine if movement has occurred. The inclinometer in B-2 was initialized on October 29, 2014, and subsequent readings were taken on December 29, 2014, and January 30, 2015. Cumulative displacements over that time span are shown in the Inclinometer Data Plot, Figures 6. The plot shows up to about 0.1 inch of measured movement in B-2 over a period of three months. The movement initiates at a depth of approximately 22 feet below ground surface and is indicative of the creeping of the upper slope above the head scarp of the landslide and is not in response to a specific period of heavy rainfall.

Based upon the above inclinometer measurements and information provided by you, as mentioned in the Background Information section, our opinion is that the upper slope creeping movement (measured in the B-2 inclinometer) is occurring due to the creeping movement of the downslope Forest Edge Apartments landslide, resulting in a loss of support to the upper slope.

SLOPE STABILITY ANALYSIS

General Approach

Slope stability is influenced by various factors including: (1) the geometry of the soil mass and subsurface materials; (2) the weight of soil materials overlying the failure surface; (3) the shear strength of soils and/or rock along the failure surface; and (4) the hydrostatic pressure (groundwater levels) present within the failure mass and along the failure surface. The stability of a slope is expressed in terms of factor of safety, FS, which is defined as the ratio of resisting forces to driving forces. At equilibrium, the FS is equal to 1, and the driving forces are balanced by the resisting forces. Failure occurs when the driving forces exceed the resisting forces, i.e., FS less than 1. An increase in the factor of safety above 1, whether by increasing the resisting forces or decreasing the driving forces, reflects a corresponding increase in the stability of the mass. The actual factor of safety may differ from the calculated factor of safety due to variations in soil strengths, subsurface geometry, failure surface location and orientation, groundwater levels, and other factors that are not completely known or understood. In this regard, we have used information developed from our field explorations, geotechnical information from others and provided by you and laboratory testing, to develop the slope stability analysis model in our computer software. Our engineering analyses and conclusions are based upon the assumption

that subsurface conditions everywhere within the failure mass are not significantly different from those encountered by the field explorations.

Slope stability analyses were performed using the method of slices within the SLOPE/W computer program. The analyses included calculations of factors of safety for various assumed conditions along the geologic cross section in Figure 2.

Slope stability analyses were performed using the method of slices within SLOPE/W computer program. The analyses included calculations of factors of safety for various assumed conditions along the geologic cross section in Figure 2. The geologic cross section was developed based on the information from borings B-1 and B-2 as well as boring logs, water level and inclinometer readings performed by others and provided by you. The landslide failure boundaries were configured based on our geologic reconnaissance, and are presented on Figure 2.

Soil Material Parameters

Soil parameters for the Fill, Colluvium, Ancient Landslide, Active Landslide, and Troutdale Formation were determined based on information from our subsurface explorations, and laboratory testing, as well as information provided by you.

We evaluated the residual friction angle within the shear zone using a back-calculation method. Back-calculation is an iterative process where the strength properties of a given soil material are adjusted in order to obtain an expected result. In this case, the residual friction angle of the shear zone was adjusted until a factor of safety of 1.0 was obtained for the Forest Edge Apartments active slide mass. Table 1 presents the geologic unit designations and the parameters utilized in our stability analyses.

TABLE 1: MATERIAL PROPERTIES FOR SLOPE STABILITY ANALYSIS

Soil Unit	Wet density γ_{wet} (pcf)	Friction Angle Φ	Cohesion C (psf)
Fill, Colluvium, Ancient Landslide, and Active Landslide (Forest Edge Apartments)	120	30°	200
Shear Zones	120	16°	0
Troutdale Formation	140	40°	1,000

Slope Stability Analyses

As indicated above, the initial phase of our slope stability analysis included back-calculation analyses of the Forest Edge Apartments failure mass in order to evaluate the residual friction angle of shearing resistance on the failure planes of the landslide. In this regard, we believe that a probable mode of failure is along a weak zone at the surface of the Troutdale Formation. Back-calculation analyses were performed using the groundwater levels based upon observation during the field explorations and data from previous explorations and measurements.

The back-calculated landslide residual friction angle for the shear plane is within the range of the estimated soil residual friction angles as shown in Table 1. The back-calculation slope stability analysis is presented on Figure 7, which shows that a factor of safety of 1.0 is obtained with a friction angle, ϕ_r , of 16 degrees, and cohesion of 0 psf.

By applying the back calculated residual friction angle to the shear zone below the ancient slump block, we evaluated the stability of the slope adjacent to and below the apartments. Two cases were considered: (1) assume that the downslope (the Forest Edge Apartments landslide) mass was intact, and fully supports the upper slope, as presented in Figure 8; and (2) the downslope slide mass was removed, as presented in Figure 9. These analyses indicated that the downslope support provided by the Forest Edge Apartments landslide currently stabilizes the upper slope immediately adjacent to and below the duplex and eightplex, and that if the Forest Edge Apartments landslide continues to move, the upper slope will be unstable. This conclusion is demonstrated by our inclinometer measurement in Boring B-2.

We believe that the Forest Edge Apartments landslide could accelerate due to a period of heavy rainfall, which may trigger additional landslides on the hillside below the head scarp and destabilize ground beneath the duplex and eightplex. Significant movement of the Forest Edge Apartments landslide could trigger an unstable condition for the ground beneath the duplex and

eightplex. In that condition, the duplex and eightplex apartments could be damaged and will not be safe to occupy.

GEOTECHNICAL RECOMMENDATIONS

Conceptual Design

We recommend that the upper slope be mitigated to stabilize the ground beneath the duplex and eightplex to avoid possible future damage to the structures and development of unsafe conditions. To mitigate the creeping ground movement below the duplex and eightplex and stabilize the foundation soils under current conditions, a soldier pile wall will need to be installed parallel to the slope crest. To mitigate the potential that future acceleration of the downslope Forest Edge Apartments landslide may further destabilize the upper slope, tieback anchors should be installed in the wall.

The soldier piles should be 2 to 3 feet in diameter, have center-to-center spacing of approximately 6 feet, and extend a minimum of 15 feet to the north and south edges of the building foundations. The soldier piles should be backfilled with lean mix concrete to allow for lagging installation. Two-stage construction may be implemented, with the initial phase consisting of soldier pile installation. Under current conditions, the soldier piles should stabilize the ground beneath the duplex and eightplex due to the creeping movement of the downslope Forest Edge Apartments landslide. However, if the Forest Edge Apartments landslide experiences significant movement, the soldier pile wall will become unstable, and tiebacks and lagging will need to be installed immediately to prevent significant damage to the duplex and eightplex structures and unsafe conditions. Additional geotechnical explorations and design recommendations, as well as recommendations from a structural engineer, will be needed for final design of the soldier pile and tieback wall. Shannon & Wilson can provide final design recommendations and provide design support to a structural engineer upon request.

Conceptual-Level Construction Cost Estimate

Based on our conceptual-level design and discussions with local contractors in February 2015, we are providing these preliminary estimates of costs for construction of the soldier pile wall with tiebacks. The construction of a soldier pile wall without tieback anchors may cost approximately \$300,000. The installation of tieback anchors may cost an additional approximate \$200,000. These costs do not include additional final design and construction monitoring fees,

which may be in the range of \$50,000 to \$100,000 for the soldier pile and tieback anchor retaining wall.

Note: This is a preliminary estimate based on conceptual-level discussions with contractors in February 2015 and based upon the conceptual-level design and the landslide conditions at that time. Therefore, the cost estimates may not be reasonable if the landslide conditions have changed, or if the final design of the landslide mitigation is significantly different than the conceptual-level design described above. Therefore, they should not be relied upon for the actual cost of construction nor be considered a guarantee of maximum cost. A more accurate construction cost estimate should be based upon actual construction bids on the final landslide mitigation design plans and specifications if and when they are completed.

Drainage and Monitoring

Surface drainage will not stabilize the landslide, but conditions could become worse if current surface drainage is not maintained. We recommend that drainage from all roof drains, hard surfaces, and catch basins continue to be collected and conveyed to the sewer. All drains should be routinely inspected and maintained to confirm they are operating properly and are not leaking. We recommend that the plastic sheeting be removed from the surface of the hillside below the duplex and eightplex and the ground surface be smoothed, filling in ground cracks. Grass seed should be planted on the surface, and it should be covered by an erosion-control blanket of North American Green SC150 or equivalent. The inclinometer in Boring B-2 should be read every two months during the wet season (November through April) and once during the summer. We should be notified immediately if there are indications of ground movement, such as ground cracks, fallen trees, or landslides on the hillside. We should also be notified immediately if there is additional foundation cracking in the duplex or eightplex or if there are additional indications of structural distress, such as sticking doors, broken windows, or audible creaking.

LIMITATIONS

The analyses, conclusions, and recommendations contained in this report are based on site conditions as they presently exist, and further assume that the explorations are representative of the subsurface conditions throughout the site; that is, the subsurface conditions everywhere are not significantly different from those disclosed by the explorations. If subsurface conditions different from those encountered in the explorations are encountered or appear to be present during construction, we should be advised at once so that we can review these conditions and

reconsider our recommendations, where necessary. If there is a substantial lapse of time between the submission of this report and the start of construction at the site, or if conditions have changed because of natural forces or construction operations at or adjacent to the site, we recommend that we review our report to determine the applicability of the conclusions and recommendations.

Within the limitations of scope, schedule, and budget, the analyses, conclusions, and recommendations presented in this report were prepared in accordance with generally accepted professional geotechnical engineering principles and practices in this area at the time this report was prepared. We make no other warranty, either express or implied. These conclusions and recommendations were based on our understanding of the project as described in this report and the site conditions as observed at the time of our explorations.

Unanticipated soil conditions are commonly encountered and cannot be fully determined by merely taking soil samples from test borings. Such unexpected conditions frequently require that additional expenditures be made to attain a properly constructed project. Therefore, some contingency fund is recommended to accommodate such potential extra costs.

This report was prepared for the exclusive use of the owner and you in the evaluation of the landslide. The data and report should not be used for final design and construction.

The scope of our present services does not include environmental assessments or evaluations regarding the presence or absence of wetlands, or hazardous or toxic substances in the soil, surface water, groundwater, or air, on or below or around this site, or for the evaluation or disposal of contaminated soils or groundwater should any be encountered.

Shannon & Wilson, Inc., has prepared and included in the Appendix, "Important Information About Your Geotechnical Report," to assist you and others in understanding the use and limitations of our report.

Mr. William Davis
Davis Rothwell Earle & Xochihua P.C.
February 5, 2015
Updated July 17, 2015
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SHANNON & WILSON, INC.

Sincerely,

SHANNON & WILSON, INC.

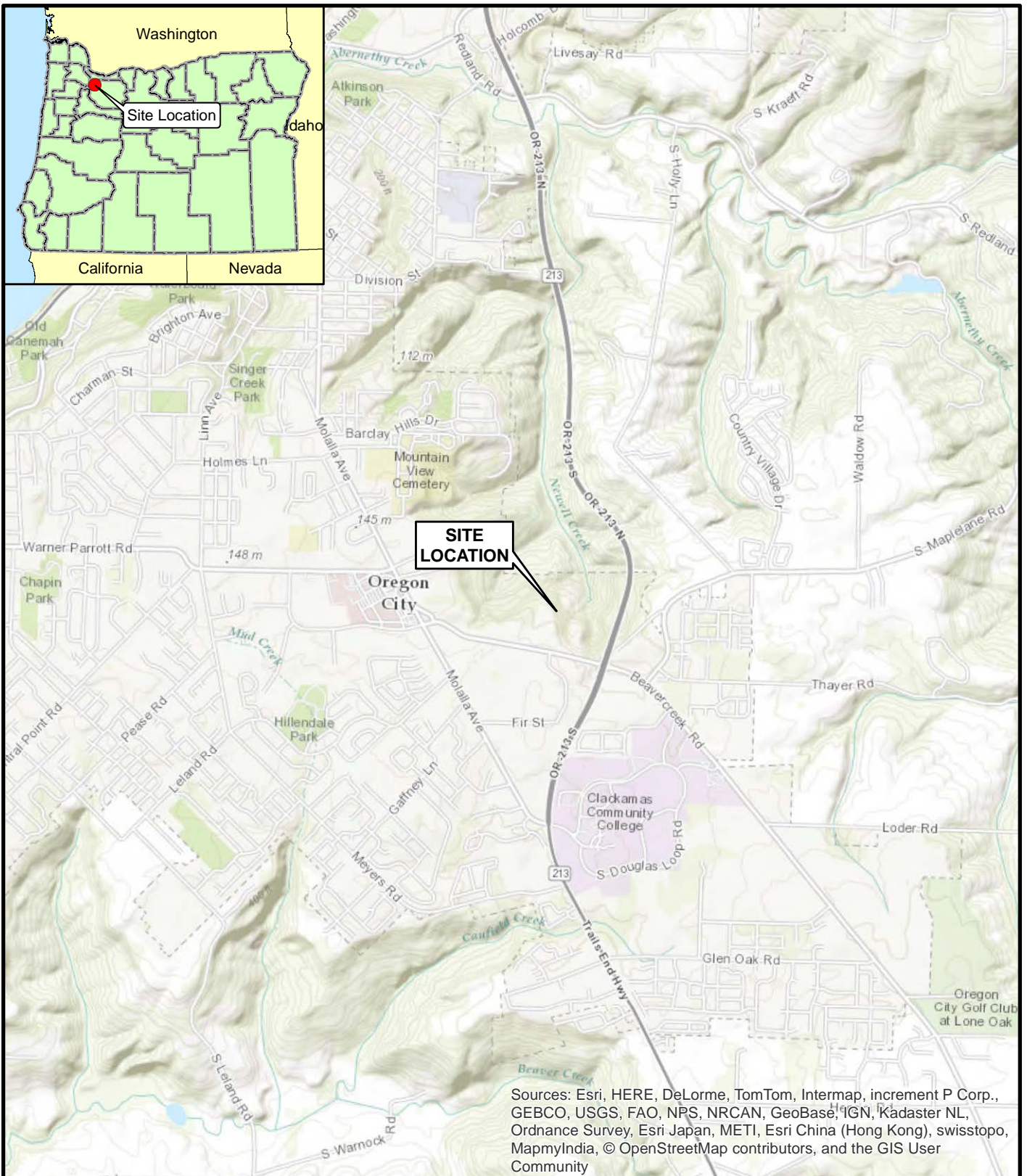


David J. Higgins, CEG
Associate | Engineering Geologist

Risheng "Park" Piao
Vice President | Geotechnical Engineer

DJH:RPP:JJW/aeb:amn

Enc: Figure 1 – Vicinity Map
Figure 2 – Site Plan and Cross Section
Figure 3 – Soil Description and Log Key
Figure 4 – Log of Boring B-1
Figure 5 – Log of Boring B-2
Figure 6 – Inclinator Plot
Figure 7 – Back Analysis Forest Edge Landslide [A1]
Figure 8 – Stability Analysis with Downslope Support
Figure 9 – Stability Analysis without Downslope Support
Laboratory Testing Results
Important Information About Your Geotechnical/Environmental Report



Berryhill Apartments Landslide
Oregon City, Oregon

VICINITY MAP

February 2015

24-1-03767-002

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FIG. 1

EXPLANATION

Approximate Location of Boring

Approximate Location of Well

Ancient Head Scarp

Recent Head Scarp

Recent Scarp

EXPLANATION

Existing Ground Surface

Interpreted Contact

Head Scarp

Active Landslide

Ancient Landslide

NOTE

Ground surface line generated from 2004 Oregon City LIDAR obtained through DOGAMI.

Approximate Elevation (feet NAVD88)

400

350

300

250

200

150

Approximate Distance (feet)

0

50

100

150

200

250

300

350

400

450

500

550

600

650

700

750

800

850

COLLUVIUM

TROUTDALE FORMATION

FILL

RESIDUAL SOIL

10/23/2014

10/23/2014

9/28/2006

1/23/2006

Apartment Complex

LT-6

AC-2

B-1

B-2

A

A'

Berryhill Apartments Landslide

Oregon City, Oregon

SITE PLAN AND CROSS SECTION

February 2015

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FIG. 2

Shannon & Wilson, Inc. (S&W), uses a soil identification system modified from the Unified Soil Classification System (USCS). Elements of the USCS and other definitions are provided on this and the following pages. Soil descriptions are based on visual-manual procedures (ASTM D2488) and laboratory testing procedures (ASTM D2487), if performed.

S&W INORGANIC SOIL CONSTITUENT DEFINITIONS

CONSTITUENT ²	FINE-GRAINED SOILS (50% or more fines) ¹	COARSE-GRAINED SOILS (less than 50% fines) ¹
Major	Silt, Lean Clay, Elastic Silt, or Fat Clay³	Sand or Gravel⁴
Modifying (Secondary) Precedes major constituent	30% or more coarse-grained: Sandy or Gravelly⁴	More than 12% fine-grained: Silty or Clayey³
Minor Follows major constituent	15% to 30% coarse-grained: with Sand or with Gravel⁴ 30% or more total coarse-grained and lesser coarse-grained constituent is 15% or more: with Sand or with Gravel⁵	5% to 12% fine-grained: with Silt or with Clay³ 15% or more of a second coarse-grained constituent: with Sand or with Gravel⁵

¹All percentages are by weight of total specimen passing a 3-inch sieve.

²The order of terms is: *Modifying Major with Minor*.

³Determined based on behavior.

⁴Determined based on which constituent comprises a larger percentage.

⁵Whichever is the lesser constituent.

MOISTURE CONTENT TERMS

Dry	Absence of moisture, dusty, dry to the touch
Moist	Damp but no visible water
Wet	Visible free water, from below water table

STANDARD PENETRATION TEST (SPT) SPECIFICATIONS

Hammer:	140 pounds with a 30-inch free fall. Rope on 6- to 10-inch-diam. cathead 2-1/4 rope turns, > 100 rpm
Sampler:	10 to 30 inches long Shoe I.D. = 1.375 inches Barrel I.D. = 1.5 inches Barrel O.D. = 2 inches
N-Value:	Sum blow counts for second and third 6-inch increments. Refusal: 50 blows for 6 inches or less; 10 blows for 0 inches.
NOTE: Penetration resistances (N-values) shown on boring logs are as recorded in the field and have not been corrected for hammer efficiency, overburden, or other factors.	

PARTICLE SIZE DEFINITIONS

DESCRIPTION	SIEVE NUMBER AND/OR APPROXIMATE SIZE
FINES	< #200 (0.075 mm = 0.003 in.)
SAND Fine Medium Coarse	#200 to #40 (0.075 to 0.4 mm; 0.003 to 0.02 in.) #40 to #10 (0.4 to 2 mm; 0.02 to 0.08 in.) #10 to #4 (2 to 4.75 mm; 0.08 to 0.187 in.)
GRAVEL Fine Coarse	#4 to 3/4 in. (4.75 to 19 mm; 0.187 to 0.75 in.) 3/4 to 3 in. (19 to 76 mm)
COBBLES	3 to 12 in. (76 to 305 mm)
BOULDERS	> 12 in. (305 mm)

RELATIVE DENSITY / CONSISTENCY

COHESIONLESS SOILS		COHESIVE SOILS	
N, SPT, BLOWS/FT.	RELATIVE DENSITY	N, SPT, BLOWS/FT.	RELATIVE CONSISTENCY
< 4	Very loose	< 2	Very soft
4 - 10	Loose	2 - 4	Soft
10 - 30	Medium dense	4 - 8	Medium stiff
30 - 50	Dense	8 - 15	Stiff
> 50	Very dense	15 - 30	Very stiff
		> 30	Hard

WELL AND BACKFILL SYMBOLS

	Bentonite Cement Grout		Surface Cement Seal
	Bentonite Grout		Asphalt or Cap
	Bentonite Chips		Slough
	Silica Sand		Inclinometer or Non-perforated Casing
	Gravel		Vibrating Wire Piezometer
	Perforated or Screened Casing		

PERCENTAGES TERMS^{1,2}

Trace	< 5%
Few	5 to 10%
Little	15 to 25%
Some	30 to 45%
Mostly	50 to 100%

¹Gravel, sand, and fines estimated by mass. Other constituents, such as organics, cobbles, and boulders, estimated by volume.

²Reprinted, with permission, from ASTM D2488 - 09a Standard Practice for Description and Identification of Soils (Visual-Manual Procedure), copyright ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428. A copy of the complete standard may be obtained from ASTM International, www.astm.org.

Berryhill Apartments Landslide
Oregon City, Oregon

SOIL DESCRIPTION AND LOG KEY

February 2015

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FIG. 3
Sheet 1 of 3

UNIFIED SOIL CLASSIFICATION SYSTEM (USCS) (Modified From USACE Tech Memo 3-357, ASTM D2487, and ASTM D2488)					
MAJOR DIVISIONS			GROUP/GRAPHIC SYMBOL	TYPICAL IDENTIFICATIONS	
COARSE-GRAINED SOILS (more than 50% retained on No. 200 sieve)	Gravels (more than 50% of coarse fraction retained on No. 4 sieve)	Gravel (less than 5% fines)	GW		Well-Graded Gravel; Well-Graded Gravel with Sand
			GP		Poorly Graded Gravel; Poorly Graded Gravel with Sand
		Silty or Clayey Gravel (more than 12% fines)	GM		Silty Gravel; Silty Gravel with Sand
			GC		Clayey Gravel; Clayey Gravel with Sand
	Sands (50% or more of coarse fraction passes the No. 4 sieve)	Sand (less than 5% fines)	SW		Well-Graded Sand; Well-Graded Sand with Gravel
			SP		Poorly Graded Sand; Poorly Graded Sand with Gravel
		Silty or Clayey Sand (more than 12% fines)	SM		Silty Sand; Silty Sand with Gravel
			SC		Clayey Sand; Clayey Sand with Gravel
FINE-GRAINED SOILS (50% or more passes the No. 200 sieve)	Silts and Clays (liquid limit less than 50)	Inorganic	ML		Silt; Silt with Sand or Gravel; Sandy or Gravelly Silt
			CL		Lean Clay; Lean Clay with Sand or Gravel; Sandy or Gravelly Lean Clay
		Organic	OL		Organic Silt or Clay; Organic Silt or Clay with Sand or Gravel; Sandy or Gravelly Organic Silt or Clay
	Silts and Clays (liquid limit 50 or more)	Inorganic	MH		Elastic Silt; Elastic Silt with Sand or Gravel; Sandy or Gravelly Elastic Silt
			CH		Fat Clay; Fat Clay with Sand or Gravel; Sandy or Gravelly Fat Clay
		Organic	OH		Organic Silt or Clay; Organic Silt or Clay with Sand or Gravel; Sandy or Gravelly Organic Silt or Clay
HIGHLY-ORGANIC SOILS	Primarily organic matter, dark in color, and organic odor		PT		Peat or other highly organic soils (see ASTM D4427)
FILL	Placed by humans, both engineered and nonengineered. May include various soil materials and debris.				The Fill graphic symbol is combined with the soil graphic that best represents the observed material

NOTE: No. 4 size = 4.75 mm = 0.187 in.; No. 200 size = 0.075 mm = 0.003 in.

NOTES

1. Dual symbols (symbols separated by a hyphen, i.e., SP-SM, Sand with Silt) are used for soils with between 5% and 12% fines or when the liquid limit and plasticity index values plot in the CL-ML area of the plasticity chart.
2. Borderline symbols (symbols separated by a slash, i.e., CL/ML, Lean Clay to Silt; SP-SM/SM, Sand with Silt to Silty Sand) indicate that the soil properties are close to the defining boundary between two groups.
3. The soil graphics above represent the various USCS identifications (i.e., GP, SM, etc.) and may be augmented with additional symbology to represent differences within USCS designations. Sandy Silt (ML), for example, may be accompanied by the ML soil graphic with sand grains added.

Berryhill Apartments Landslide
Oregon City, Oregon

SOIL DESCRIPTION AND LOG KEY

February 2015

24-1-03767-002

SHANNON & WILSON, INC.
Geotechnical and Environmental Consultants

FIG. 3
Sheet 2 of 3

GRADATION TERMS

Poorly Graded	Narrow range of grain sizes present or, within the range of grain sizes present, one or more sizes are missing (Gap Graded). Meets criteria in ASTM D2487, if tested.
Well-Graded	Full range and even distribution of grain sizes present. Meets criteria in ASTM D2487, if tested.

CEMENTATION TERMS¹

Weak	Crumbles or breaks with handling or slight finger pressure
Moderate	Crumbles or breaks with considerable finger pressure
Strong	Will not crumble or break with finger pressure

PLASTICITY²

DESCRIPTION	VISUAL-MANUAL CRITERIA	APPROX. PLASTICITY INDEX RANGE
Nonplastic	A 1/8-in. thread cannot be rolled at any water content.	< 4%
Low	A thread can barely be rolled and a lump cannot be formed when drier than the plastic limit.	4 to 10%
Medium	A thread is easy to roll and not much time is required to reach the plastic limit. The thread cannot be rerolled after reaching the plastic limit. A lump crumbles when drier than the plastic limit.	10 to 20%
High	It take considerable time rolling and kneading to reach the plastic limit. A thread can be rerolled several times after reaching the plastic limit. A lump can be formed without crumbling when drier than the plastic limit.	> 20%

ADDITIONAL TERMS

Mottled	Irregular patches of different colors.
Bioturbated	Soil disturbance or mixing by plants or animals.
Diamict	Nonsorted sediment; sand and gravel in silt and/or clay matrix.
Cuttings	Material brought to surface by drilling.
Slough	Material that caved from sides of borehole.
Sheared	Disturbed texture, mix of strengths.

PARTICLE ANGULARITY AND SHAPE TERMS¹

Angular	Sharp edges and unpolished planar surfaces.
Subangular	Similar to angular, but with rounded edges.
Subrounded	Nearly planar sides with well-rounded edges.
Rounded	Smoothly curved sides with no edges.
Flat	Width/thickness ratio > 3.
Elongated	Length/width ratio > 3.

ACRONYMS AND ABBREVIATIONS

ATD	At Time of Drilling
approx.	Approximate/Approximately
Diam.	Diameter
Elev.	Elevation
ft.	Feet
FeO	Iron Oxide
gal.	Gallons
Horiz.	Horizontal
HSA	Hollow Stem Auger
I.D.	Inside Diameter
in.	Inches
lbs.	Pounds
MgO	Magnesium Oxide
mm	Millimeter
MnO	Manganese Oxide
NA	Not Applicable or Not Available
NP	Nonplastic
O.D.	Outside Diameter
OW	Observation Well
pcf	Pounds per Cubic Foot
PID	Photo-Ionization Detector
PMT	Pressuremeter Test
ppm	Parts per Million
psi	Pounds per Square Inch
PVC	Polyvinyl Chloride
rpm	Rotations per Minute
SPT	Standard Penetration Test
USCS	Unified Soil Classification System
q _u	Unconfined Compressive Strength
VWP	Vibrating Wire Piezometer
Vert.	Vertical
WOH	Weight of Hammer
WOR	Weight of Rods
Wt.	Weight

STRUCTURE TERMS¹

Interbedded	Alternating layers of varying material or color with layers at least 1/4-inch thick; singular: bed.
Laminated	Alternating layers of varying material or color with layers less than 1/4-inch thick; singular: lamination.
Fissured	Breaks along definite planes or fractures with little resistance.
Slickensided	Fracture planes appear polished or glossy; sometimes striated.
Blocky	Cohesive soil that can be broken down into small angular lumps that resist further breakdown.
Lensed	Inclusion of small pockets of different soils, such as small lenses of sand scattered through a mass of clay.
Homogeneous	Same color and appearance throughout.

Berryhill Apartments Landslide
Oregon City, Oregon

**SOIL DESCRIPTION
AND LOG KEY**

February 2015

24-1-03767-002

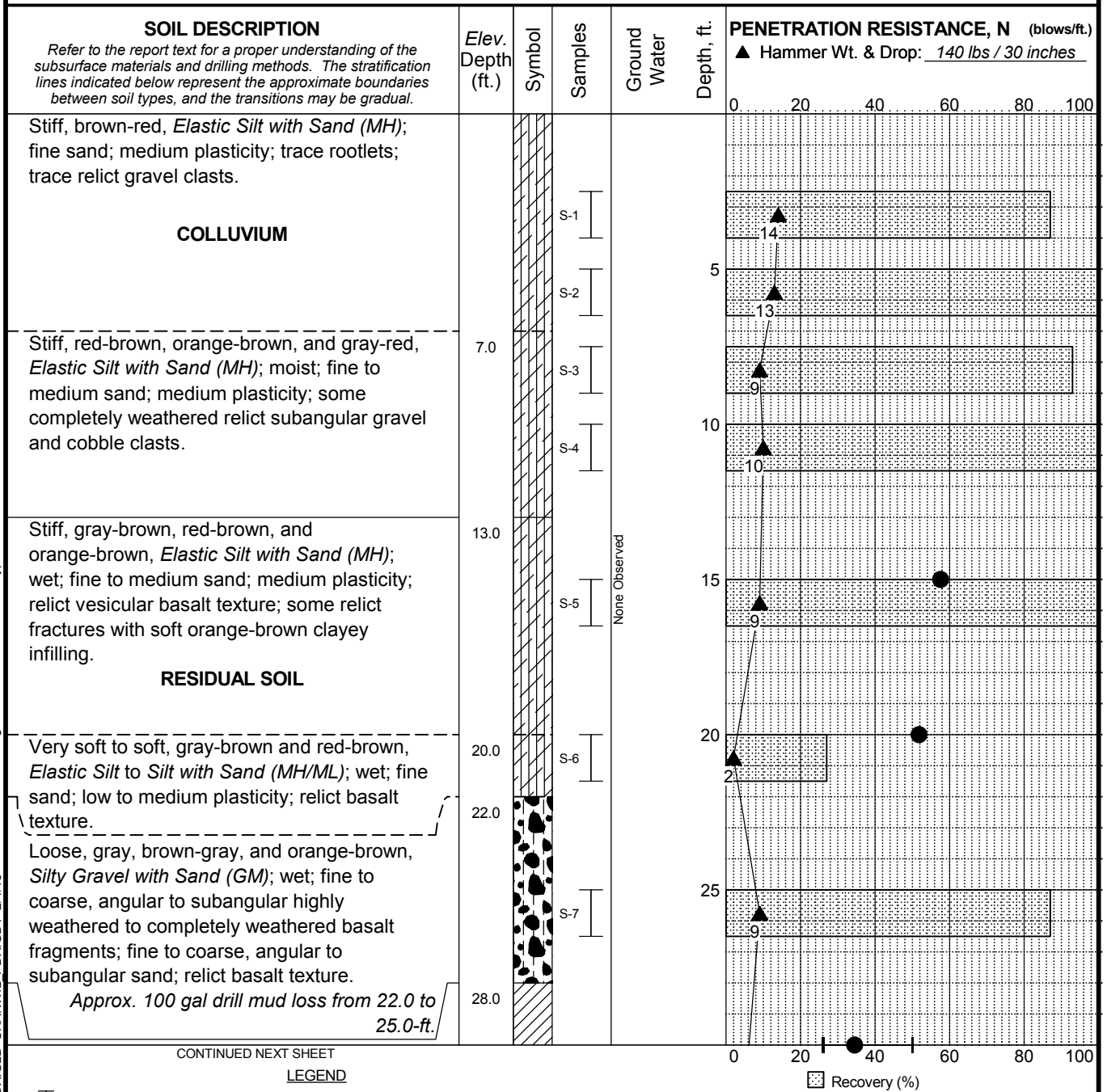
SHANNON & WILSON, INC.
Geotechnical and Environmental Consultants

FIG. 3
Sheet 3 of 3

¹Reprinted, with permission, from ASTM D2488 - 09a Standard Practice for Description and Identification of Soils (Visual-Manual Procedure), copyright ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428. A copy of the complete standard may be obtained from ASTM International, www.astm.org.

²Adapted, with permission, from ASTM D2488 - 09a Standard Practice for Description and Identification of Soils (Visual-Manual Procedure), copyright ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428. A copy of the complete standard may be obtained from ASTM International, www.astm.org.

Total Depth: 51.5 ft. Northing: ~ Drilling Method: Mud Rotary Hole Diam.: 5 in.
 Top Elevation: ~ Easting: ~ Drilling Company: Hardcore Drilling Rod Type: NWJ
 Vert. Datum: ~ Station: ~ Drill Rig Equipment: CME-850 track rig Hammer Type: Automatic
 Horiz. Datum: ~ Offset: ~ Other Comments: Hammer Efficiency = 83.9%



- NOTES**
1. Refer to KEY for explanation of symbols, codes, abbreviations and definitions.
 2. Groundwater level, if indicated above, is for the date specified and may vary.
 3. Group symbol is based on visual-manual identification and selected lab testing.
 4. The hole location and elevation should be considered approximate.

Berryhill Apartments Landslide
Oregon City, Oregon

LOG OF BORING B-1

February 2015

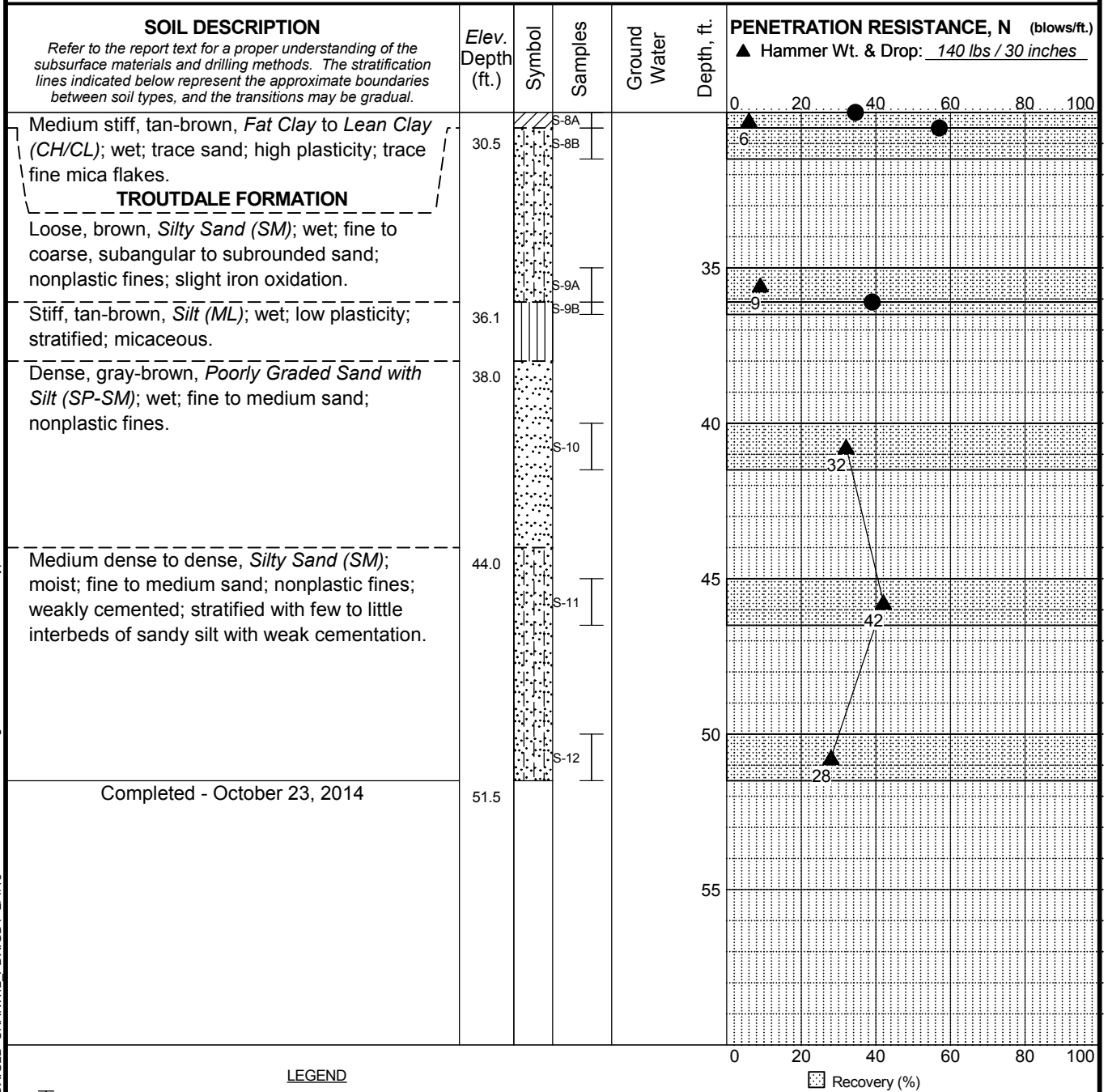
24-1-03767-002

SHANNON & WILSON, INC.
Geotechnical and Environmental Consultants

FIG. 4
Sheet 1 of 2

REV 3

Total Depth: <u>51.5 ft.</u>	Northing: <u>~</u>	Drilling Method: <u>Mud Rotary</u>	Hole Diam.: <u>5 in.</u>
Top Elevation: <u>~</u>	Easting: <u>~</u>	Drilling Company: <u>Hardcore Drilling</u>	Rod Type: <u>NWJ</u>
Vert. Datum: <u>~</u>	Station: <u>~</u>	Drill Rig Equipment: <u>CME-850 track rig</u>	Hammer Type: <u>Automatic</u>
Horiz. Datum: <u>~</u>	Offset: <u>~</u>	Other Comments: <u>Hammer Efficiency = 83.9%</u>	



LEGEND
 I Standard Penetration Test

- NOTES
1. Refer to KEY for explanation of symbols, codes, abbreviations and definitions.
 2. Groundwater level, if indicated above, is for the date specified and may vary.
 3. Group symbol is based on visual-manual identification and selected lab testing.
 4. The hole location and elevation should be considered approximate.

Berryhill Apartments Landslide
 Oregon City, Oregon

LOG OF BORING B-1

February 2015

24-1-03767-002

SHANNON & WILSON, INC.
 Geotechnical and Environmental Consultants

FIG. 4
 Sheet 2 of 2

REV 3

Total Depth: 61.5 ft. Northing: ~ Drilling Method: Mud Rotary Hole Diam.: 5 in.
Top Elevation: ~ Easting: ~ Drilling Company: Hardcore Drilling Rod Type: NWJ
Vert. Datum: Station: ~ Drill Rig Equipment: CME-850 track rig Hammer Type: Automatic
Horiz. Datum: Offset: ~ Other Comments: Hammer Efficiency = 83.9%

SOIL DESCRIPTION

Refer to the report text for a proper understanding of the subsurface materials and drilling methods. The stratification lines indicated below represent the approximate boundaries between soil types, and the transitions may be gradual.

Soft, brown-red, *Elastic Silt with Sand (MH)*;
wet; trace fine to coarse, subangular to
subrounded gravel; fine to coarse sand;
medium plasticity; disturbed texture.

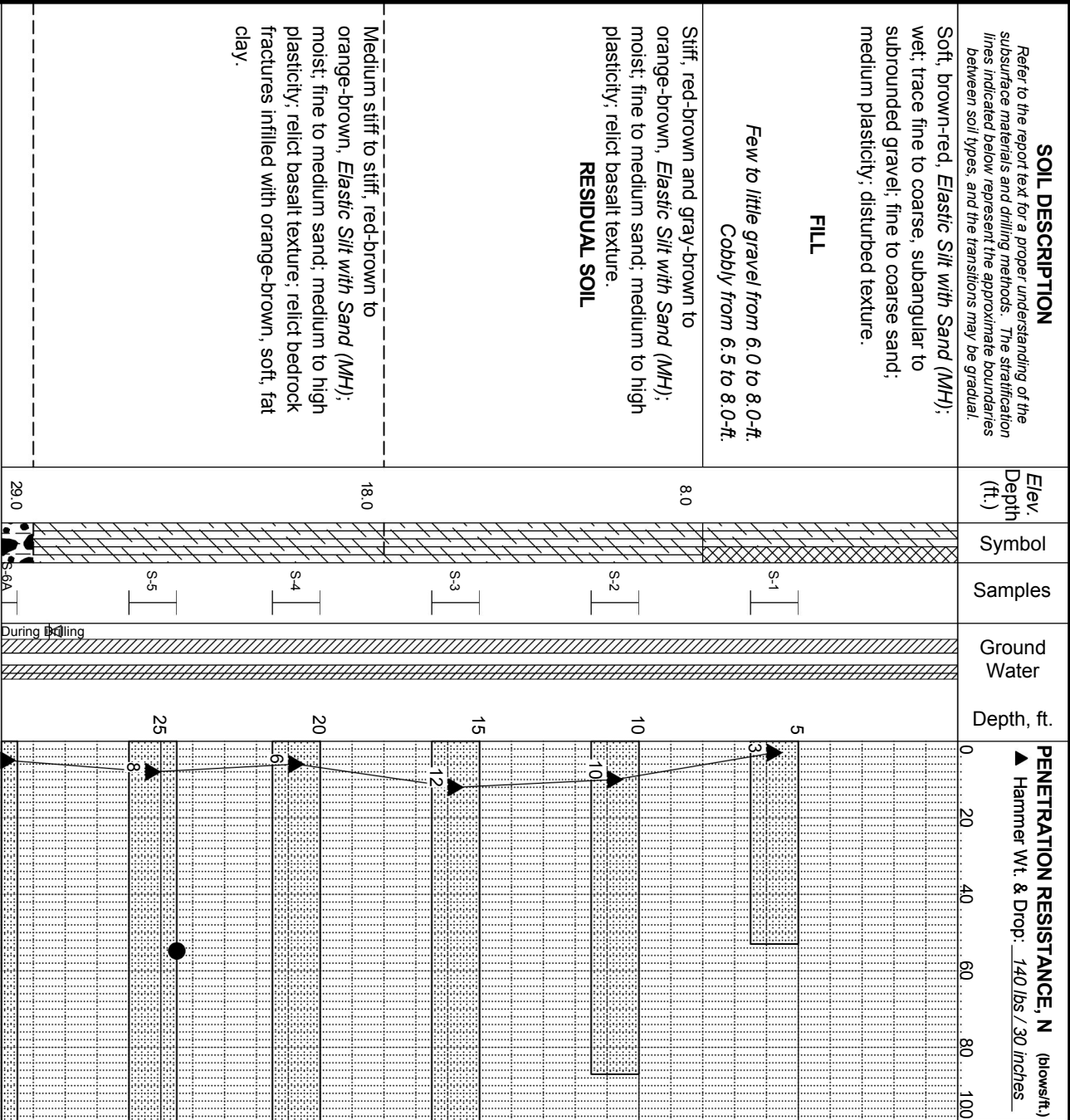
FILL

*Few to little gravel from 6.0 to 8.0-ft.
Cobbly from 6.5 to 8.0-ft.*

Stiff, red-brown and gray-brown to
orange-brown, *Elastic Silt with Sand (MH)*;
moist; fine to medium sand; medium to high
plasticity; relict basalt texture.

RESIDUAL SOIL

Medium stiff to stiff, red-brown to
orange-brown, *Elastic Silt with Sand (MH)*;
moist; fine to medium sand; medium to high
plasticity; relict basalt texture; relict bedrock
fractures infilled with orange-brown, soft, fat
clay.



LEGEND

Standard Penetration Test

Groundwater Level ATD
Groundwater Level on Date Shown

Recovery (%)
% Water Content
Plastic Limit
Liquid Limit

Berryhill Apartments Landslide
Oregon City, Oregon

LOG OF BORING B-2

February 2015 24-1-03767-002

SHANNON & WILSON, INC.
Geotechnical and Environmental Consultants

FIG. 5
Sheet 1 of 3

REV 3

Total Depth: 61.5 ft. Northing: ~ Hole Diam.: 5 in.
Top Elevation: ~ Easting: ~ Rod Type: NWJ
Vert. Datum: ~ Station: ~ Drill Rig Equipment: CME-850 track rig Hammer Type: Automatic
Horiz. Datum: ~ Offset: ~ Other Comments: Hammer Efficiency = 83.9%

SOIL DESCRIPTION

Refer to the report text for a proper understanding of the subsurface materials and drilling methods. The stratification lines indicated below represent the approximate boundaries between soil types, and the transitions may be gradual.

Loose, red-brown, *Poorly Graded Gravel with Sand and Silt (GP-GM)*; wet, highly to completely weathered angular to subangular basalt fragments; fine to coarse sand; low plasticity fines; relict basalt texture.
Approx. 100-gal. drill mud loss from 29 to 34.5-ft.

Medium stiff, tan-brown, *Lean Clay (CL)*; wet; trace sand; high plasticity; trace fine mica flakes.

TROUTDALE FORMATION

Loose, brown, *Silty Sand (SM)*; wet; fine to coarse, subrounded sand; nonplastic fines; slight iron oxidation.

Medium stiff, tan-brown, *Fat Clay to Lean Clay (CH/CL)*; moist to wet; high plasticity; stratified.
Medium dense, brown, *Poorly Graded Sand (SP)*; moist to wet; fine to medium sand; stratified.

Medium dense to dense, brown, *Silty Sand (SM)*; moist; fine to medium sand; nonplastic fines; weakly cemented.

Dense to hard, brown, *Silt with Sand to Sandy Silt (ML)*; fine to medium sand; nonplastic to low plasticity fines; micaceous; weakly cemented.

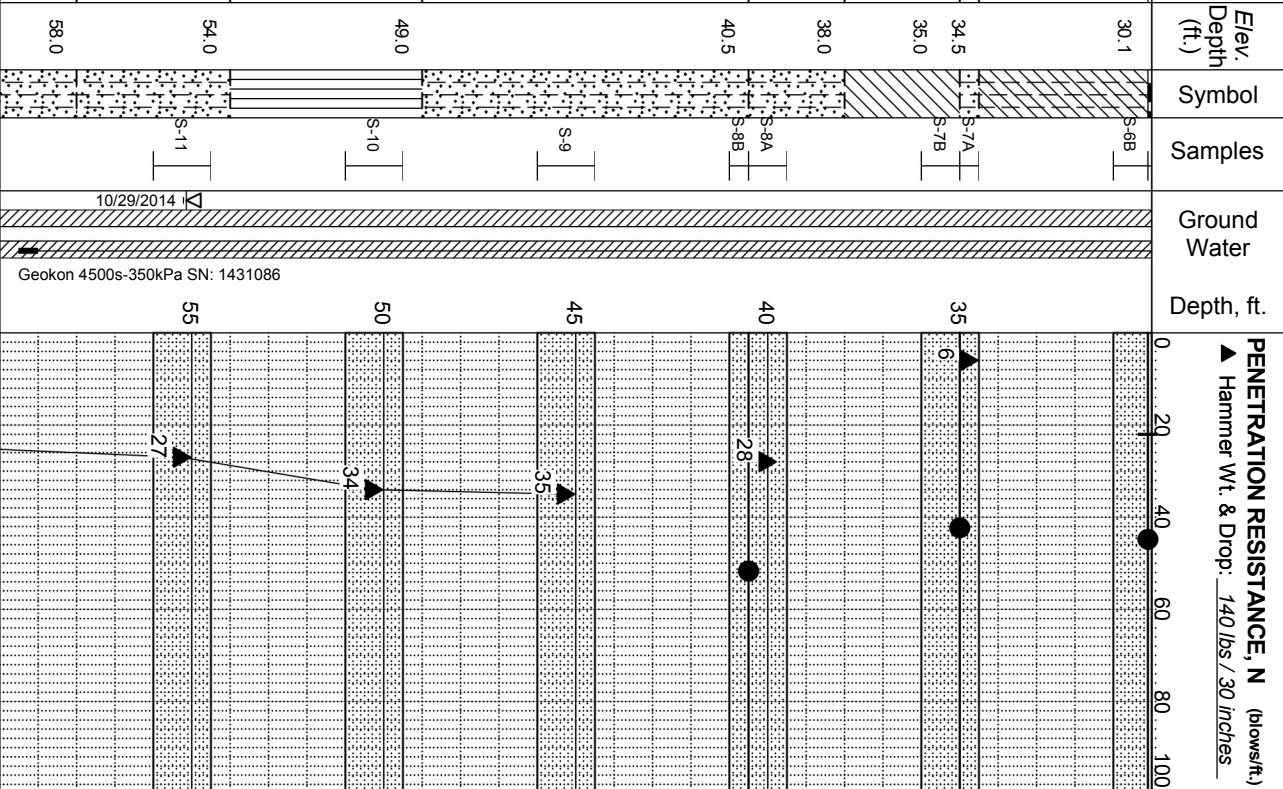
Medium dense, *Silty Sand to Poorly Graded Sand with Silt (SM/SP-SM)*; moist to wet; fine to coarse, subangular to subrounded sand; nonplastic fines; weakly cemented.

Medium dense, brown, *Silty Sand (SM)*; moist to wet; fine sand; nonplastic fines; weakly

CONTINUED NEXT SHEET

LEGEND

Standard Penetration Test Groundwater Level ATD
Groundwater Level on Date Shown



NOTES

1. Refer to KEY for explanation of symbols, codes, abbreviations and definitions.
2. Groundwater level, if indicated above, is for the date specified and may vary.
3. Group symbol is based on visual-manual identification and selected lab testing.
4. The hole location and elevation should be considered approximate.

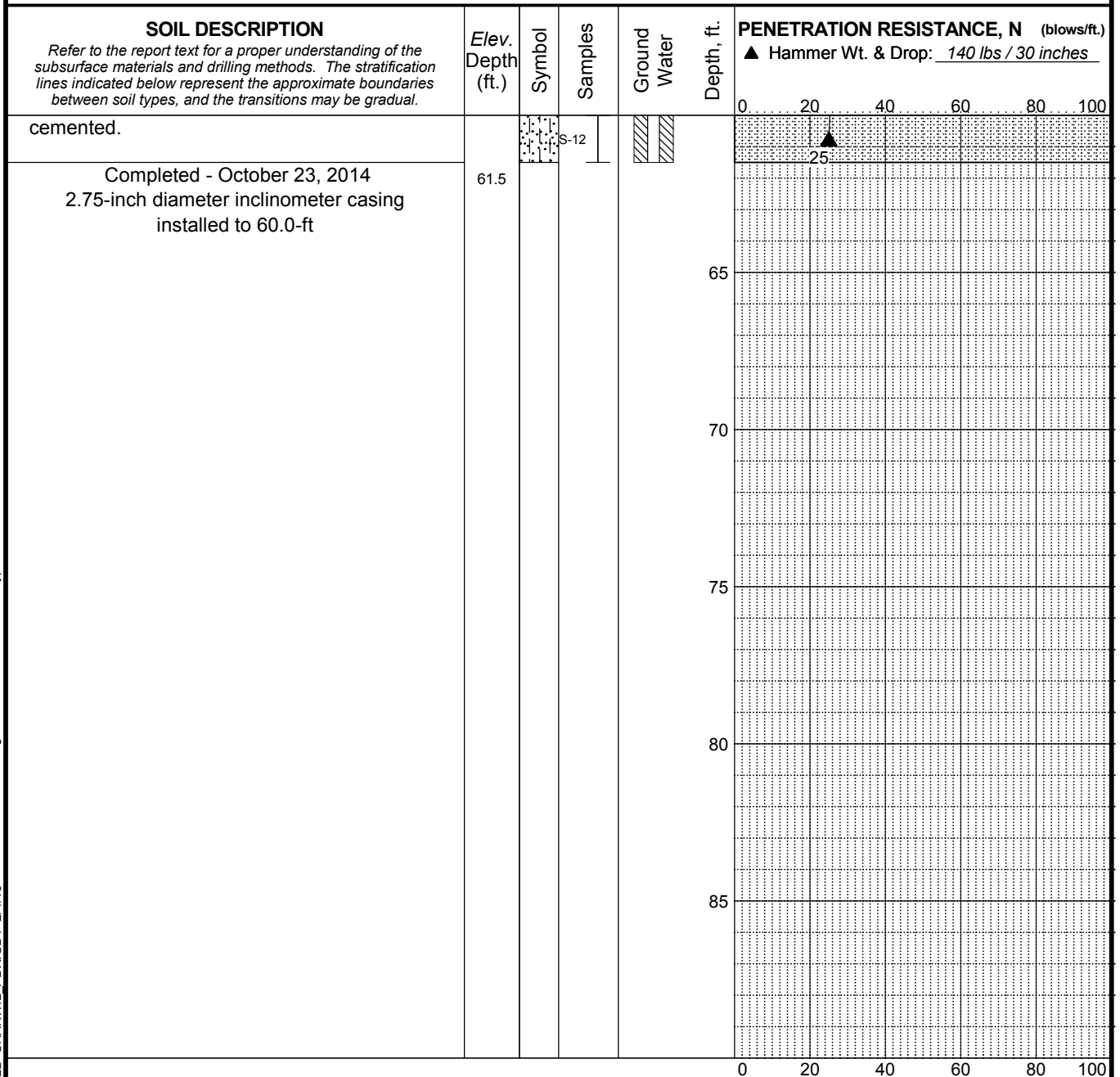
Berryhill Apartments Landslide
Oregon City, Oregon

LOG OF BORING B-2

February 2015 24-1-03767-002

SHANNON & WILSON, INC. **FIG. 5**
Geotechnical and Environmental Consultants Sheet 2 of 3

Total Depth: 61.5 ft. Northing: ~ Drilling Method: Mud Rotary Hole Diam.: 5 in.
 Top Elevation: ~ Easting: ~ Drilling Company: Hardcore Drilling Rod Type: NWJ
 Vert. Datum: ~ Station: ~ Drill Rig Equipment: CME-850 track rig Hammer Type: Automatic
 Horiz. Datum: ~ Offset: ~ Other Comments: Hammer Efficiency = 83.9%



LEGEND

Standard Penetration Test

Groundwater Level ATD

Groundwater Level on Date Shown

Recovery (%)

% Water Content

Plastic Limit Liquid Limit

NOTES

1. Refer to KEY for explanation of symbols, codes, abbreviations and definitions.
2. Groundwater level, if indicated above, is for the date specified and may vary.
3. Group symbol is based on visual-manual identification and selected lab testing.
4. The hole location and elevation should be considered approximate.

Berryhill Apartments Landslide
Oregon City, Oregon

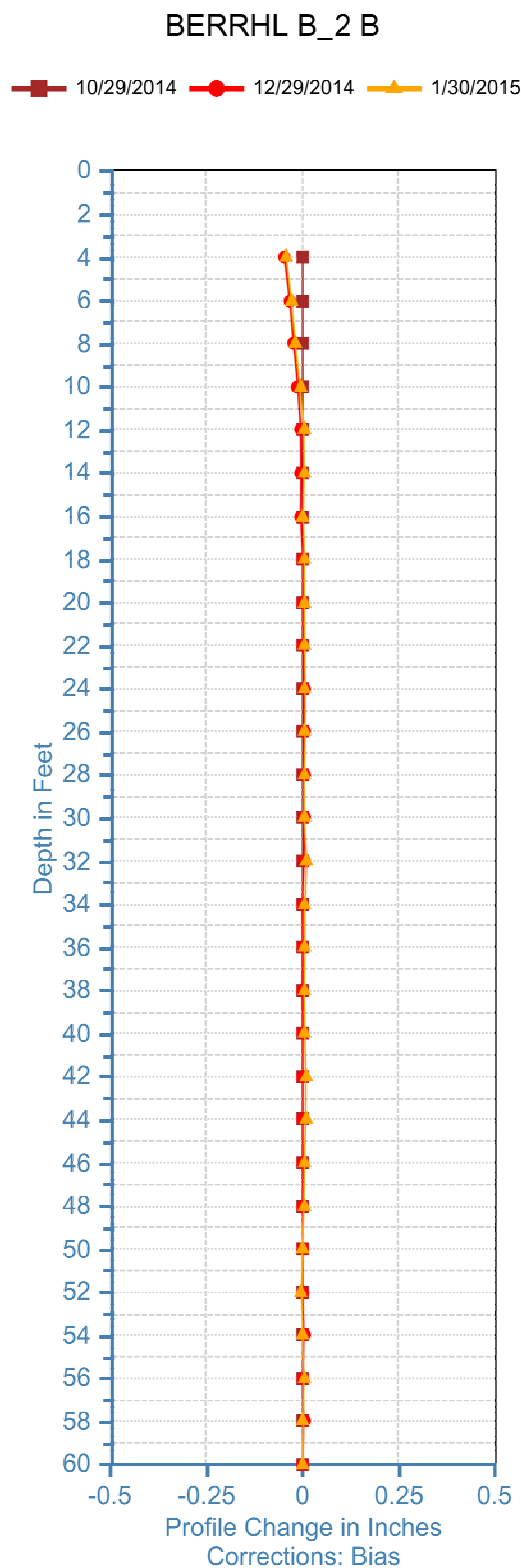
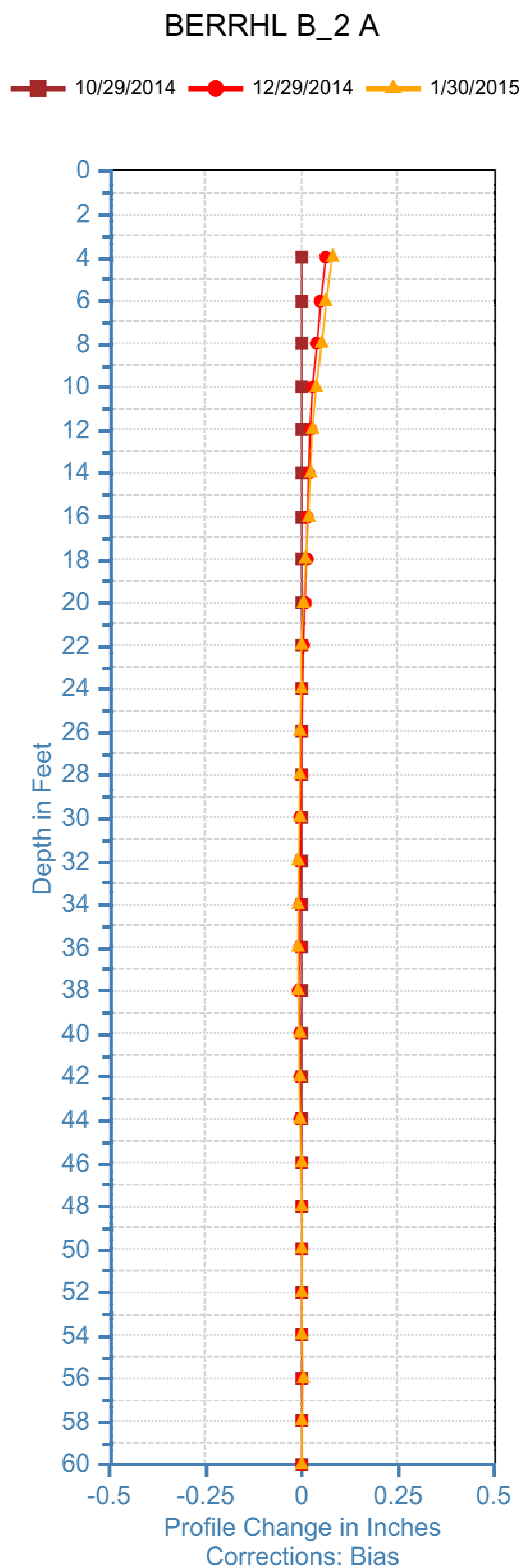
LOG OF BORING B-2

February 2015

24-1-03767-002

SHANNON & WILSON, INC.
Geotechnical and Environmental Consultants

FIG. 5
Sheet 3 of 3



Berryhill Apartments Landslide
Oregon City, Oregon

INCLINOMETER PLOT

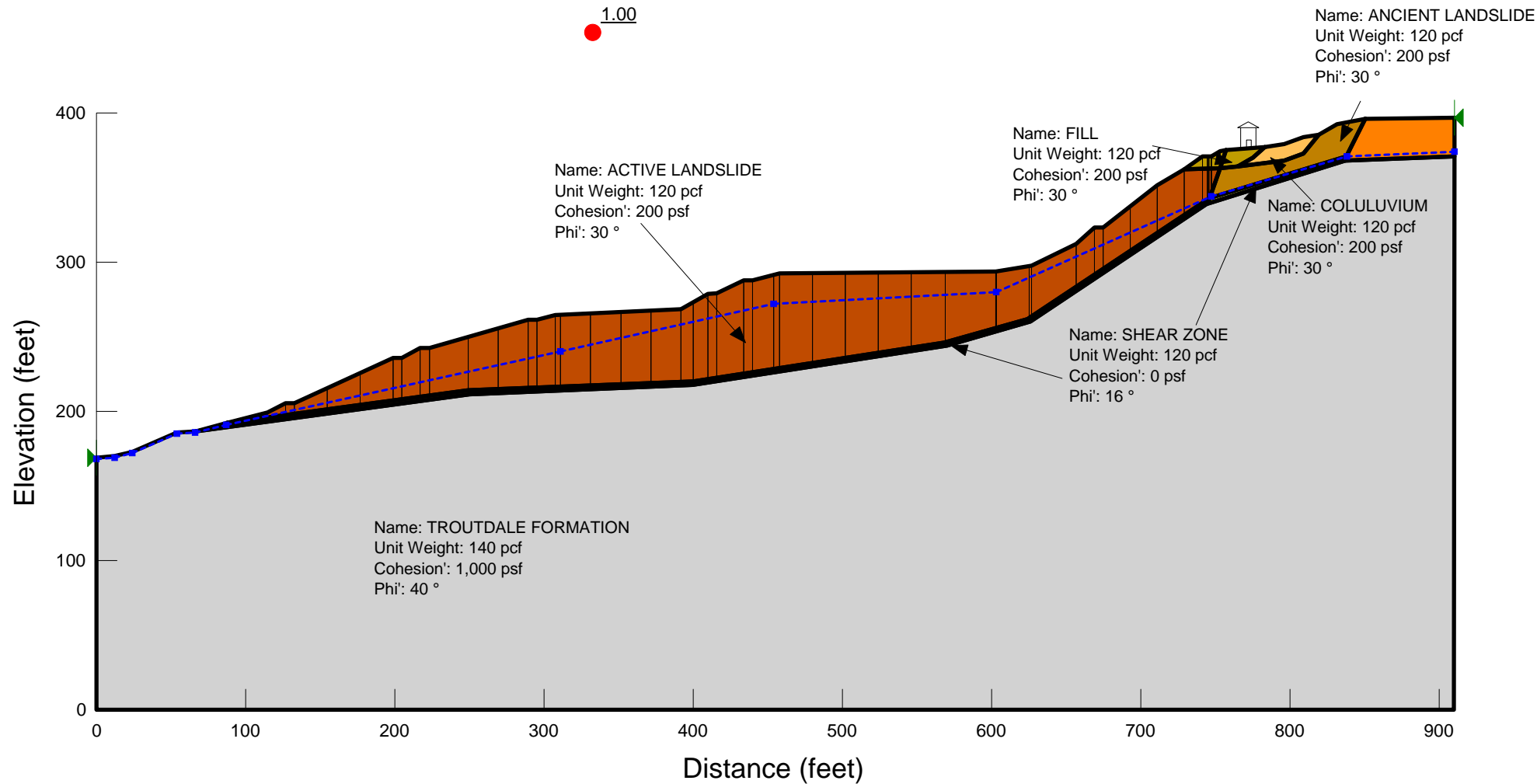
February 2015

24-1-03767-002

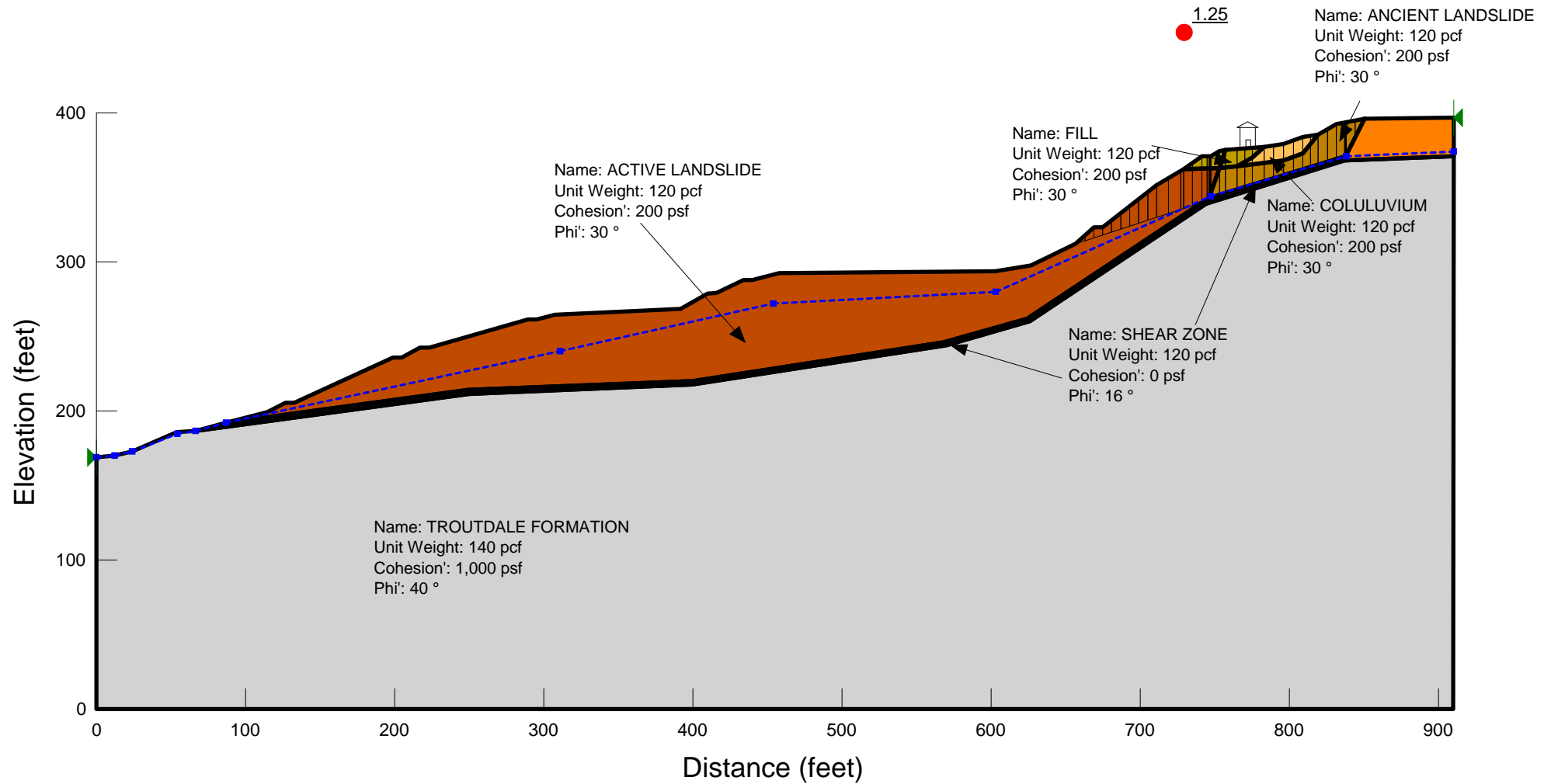
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Geotechnical and Environmental Consultants

FIG. 6

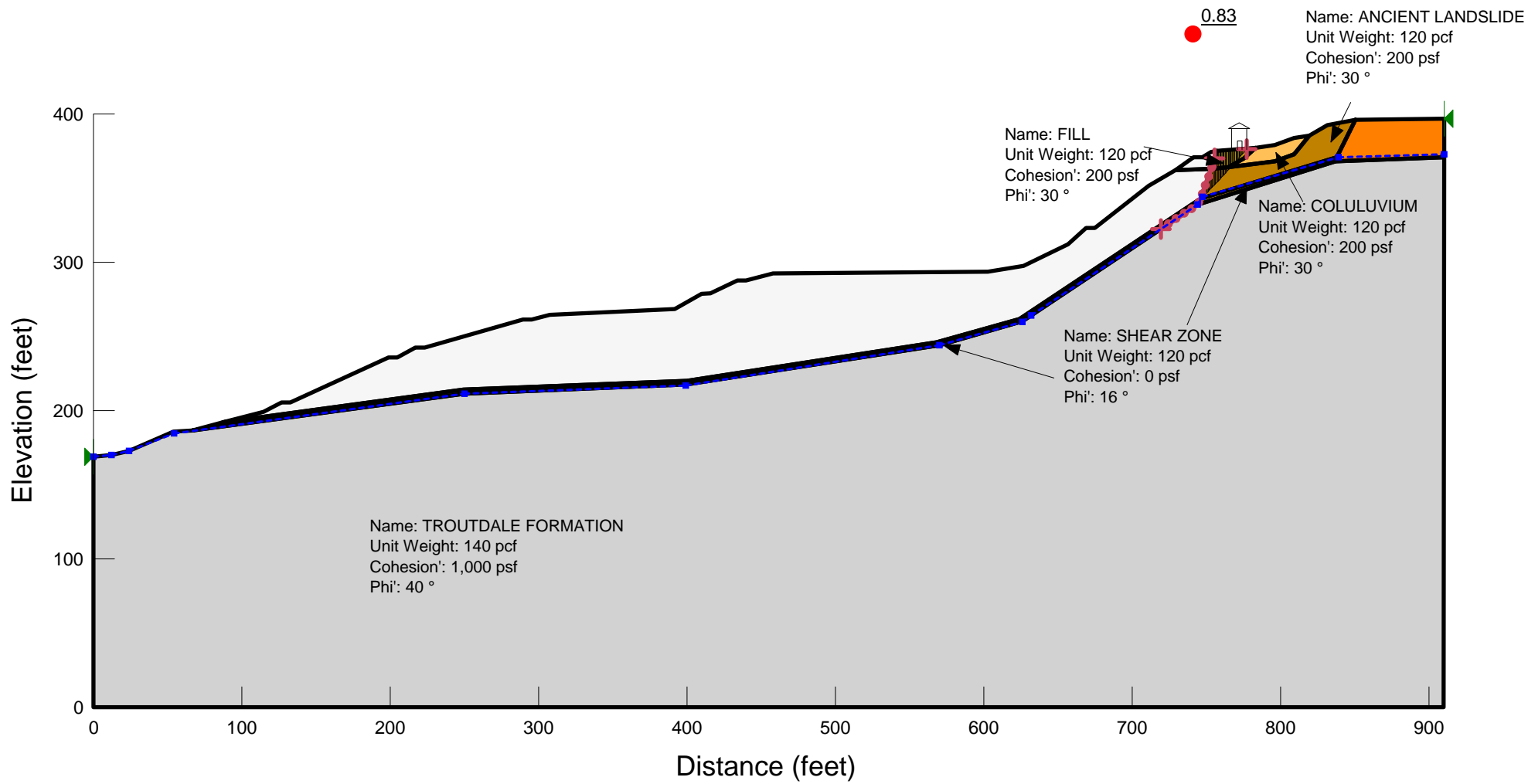
24-1-03767-002
Berryhill Apartments Landslide
1 - Back Calculation



24-1-03767-002
Berryhill Apartments Landslide
2 - Ancient Block w/Buttress



24-1-03767-002
Berryhill Apartments Landslide
6 - Local Rotational failure





TECHNICAL REPORT

Report To: Ms. Aimee Holmes, P.E., C.E.G.
Shannon & Wilson, Inc.
3990 S.W. Collins Way, Suite 203
Lake Oswego, Oregon 97035

Date: 11/10/14

Lab No.: 14-444

Project: Laboratory Testing – (24-1-03767-002)

Project No.: 1984.1.1

Report of: Moisture content and Atterberg limits

Sample Identification

NTI completed moisture content and Atterberg limits testing on samples of delivered to our laboratory on November 3, 2014. Testing was performed in accordance with the standards indicated. Our laboratory test results are summarized on the following tables.

Laboratory Testing

Moisture Content of Soil – Method B (ASTM D2216)			
Sample ID	Moisture Content (Percent)	Sample ID	Moisture Content (Percent)
B-1 S-5 @ 15 – 16.5 ft.	57.6	B-2 S-5 @ 24.5 – 26 ft.	54.8
B-1 S-6 @ 20 – 21.5 ft.	51.8	B-2 S-6B @ 30.1 – 31 ft.	44.8
B-1 S-8A @ 30 – 30.5 ft.	34.5	B-2 S-7B @ 35 – 36 ft.	42.3
B-1 S-8B @ 30.5 – 31.5 ft.	57.0	B-2 S-8B @ 40.5 – 41 ft.	51.7
B-1 S-9B @ 36.1 – 36.5 ft.	39.0		

Atterberg Limits (ASTM D4318)			
Sample ID	Liquid Limit	Plastic Limit	Plasticity Index
B-1 S-8A @ 30 – 30.5 ft.	50	26	24
B-2 S-6B @ 30.1 – 31 ft.	45	22	23

Copies: Addressee
Dave Higgins, Shannon & Wilson, Inc.

BKA



Date: February 5, 2015, Updated July 17, 2015
To: Mr. William Davis
Davis Rothwell Earle & Xochihua P.C

IMPORTANT INFORMATION ABOUT YOUR GEOTECHNICAL/ENVIRONMENTAL REPORT

CONSULTING SERVICES ARE PERFORMED FOR SPECIFIC PURPOSES AND FOR SPECIFIC CLIENTS.

Consultants prepare reports to meet the specific needs of specific individuals. A report prepared for a civil engineer may not be adequate for a construction contractor or even another civil engineer. Unless indicated otherwise, your consultant prepared your report expressly for you and expressly for the purposes you indicated. No one other than you should apply this report for its intended purpose without first conferring with the consultant. No party should apply this report for any purpose other than that originally contemplated without first conferring with the consultant.

THE CONSULTANT'S REPORT IS BASED ON PROJECT-SPECIFIC FACTORS.

A geotechnical/environmental report is based on a subsurface exploration plan designed to consider a unique set of project-specific factors. Depending on the project, these may include: the general nature of the structure and property involved; its size and configuration; its historical use and practice; the location of the structure on the site and its orientation; other improvements such as access roads, parking lots, and underground utilities; and the additional risk created by scope-of-service limitations imposed by the client. To help avoid costly problems, ask the consultant to evaluate how any factors that change subsequent to the date of the report may affect the recommendations. Unless your consultant indicates otherwise, your report should not be used: (1) when the nature of the proposed project is changed (for example, if an office building will be erected instead of a parking garage, or if a refrigerated warehouse will be built instead of an unrefrigerated one, or chemicals are discovered on or near the site); (2) when the size, elevation, or configuration of the proposed project is altered; (3) when the location or orientation of the proposed project is modified; (4) when there is a change of ownership; or (5) for application to an adjacent site. Consultants cannot accept responsibility for problems that may occur if they are not consulted after factors which were considered in the development of the report have changed.

SUBSURFACE CONDITIONS CAN CHANGE.

Subsurface conditions may be affected as a result of natural processes or human activity. Because a geotechnical/environmental report is based on conditions that existed at the time of subsurface exploration, construction decisions should not be based on a report whose adequacy may have been affected by time. Ask the consultant to advise if additional tests are desirable before construction starts; for example, groundwater conditions commonly vary seasonally.

Construction operations at or adjacent to the site and natural events such as floods, earthquakes, or groundwater fluctuations may also affect subsurface conditions and, thus, the continuing adequacy of a geotechnical/environmental report. The consultant should be kept apprised of any such events, and should be consulted to determine if additional tests are necessary.

MOST RECOMMENDATIONS ARE PROFESSIONAL JUDGMENTS.

Site exploration and testing identifies actual surface and subsurface conditions only at those points where samples are taken. The data were extrapolated by your consultant, who then applied judgment to render an opinion about overall subsurface conditions. The actual interface between materials may be far more gradual or abrupt than your report indicates. Actual conditions in areas not sampled may differ from those predicted in your report. While nothing can be done to prevent such situations, you and your consultant can work together to help reduce their impacts. Retaining your consultant to observe subsurface construction operations can be particularly beneficial in this respect.

A REPORT'S CONCLUSIONS ARE PRELIMINARY.

The conclusions contained in your consultant's report are preliminary because they must be based on the assumption that conditions revealed through selective exploratory sampling are indicative of actual conditions throughout a site. Actual subsurface conditions can be discerned only during earthwork; therefore, you should retain your consultant to observe actual conditions and to provide conclusions. Only the consultant who prepared the report is fully familiar with the background information needed to determine whether or not the report's recommendations based on those conclusions are valid and whether or not the contractor is abiding by applicable recommendations. The consultant who developed your report cannot assume responsibility or liability for the adequacy of the report's recommendations if another party is retained to observe construction.

THE CONSULTANT'S REPORT IS SUBJECT TO MISINTERPRETATION.

Costly problems can occur when other design professionals develop their plans based on misinterpretation of a geotechnical/environmental report. To help avoid these problems, the consultant should be retained to work with other project design professionals to explain relevant geotechnical, geological, hydrogeological, and environmental findings, and to review the adequacy of their plans and specifications relative to these issues.

BORING LOGS AND/OR MONITORING WELL DATA SHOULD NOT BE SEPARATED FROM THE REPORT.

Final boring logs developed by the consultant are based upon interpretation of field logs (assembled by site personnel), field test results, and laboratory and/or office evaluation of field samples and data. Only final boring logs and data are customarily included in geotechnical/environmental reports. These final logs should not, under any circumstances, be redrawn for inclusion in architectural or other design drawings, because drafters may commit errors or omissions in the transfer process.

To reduce the likelihood of boring log or monitoring well misinterpretation, contractors should be given ready access to the complete geotechnical engineering/environmental report prepared or authorized for their use. If access is provided only to the report prepared for you, you should advise contractors of the report's limitations, assuming that a contractor was not one of the specific persons for whom the report was prepared, and that developing construction cost estimates was not one of the specific purposes for which it was prepared. While a contractor may gain important knowledge from a report prepared for another party, the contractor should discuss the report with your consultant and perform the additional or alternative work believed necessary to obtain the data specifically appropriate for construction cost estimating purposes. Some clients hold the mistaken impression that simply disclaiming responsibility for the accuracy of subsurface information always insulates them from attendant liability. Providing the best available information to contractors helps prevent costly construction problems and the adversarial attitudes that aggravate them to a disproportionate scale.

READ RESPONSIBILITY CLAUSES CLOSELY.

Because geotechnical/environmental engineering is based extensively on judgment and opinion, it is far less exact than other design disciplines. This situation has resulted in wholly unwarranted claims being lodged against consultants. To help prevent this problem, consultants have developed a number of clauses for use in their contracts, reports and other documents. These responsibility clauses are not exculpatory clauses designed to transfer the consultant's liabilities to other parties; rather, they are definitive clauses that identify where the consultant's responsibilities begin and end. Their use helps all parties involved recognize their individual responsibilities and take appropriate action. Some of these definitive clauses are likely to appear in your report, and you are encouraged to read them closely. Your consultant will be pleased to give full and frank answers to your questions.

The preceding paragraphs are based on information provided by the
ASFE/Association of Engineering Firms Practicing in the Geosciences, Silver Spring, Maryland

ATTACHMENT B
LABORATORY TESTING RESULTS



TECHNICAL REPORT

Report To: Ms. Aimee Holmes, P.E., C.E.G.
Shannon & Wilson, Inc.
3990 S.W. Collins Way, Suite 203
Lake Oswego, Oregon 97035

Date: 12/21/15

Lab No.: 15-414

Project: Laboratory Testing – 24-1-03767

Project No.: 2966.1.1

Report of: Moisture content and Atterberg limits

Sample Identification

NTI completed moisture content and Atterberg limits testing on samples delivered to our laboratory on December 15, 2015. Testing was performed in accordance with the standards indicated. Our laboratory test results are summarized on the following tables.

Laboratory Testing

Moisture Content of Soil and Dry Density (ASTM D2216)			
Sample ID	Moisture Content (Percent)	Sample ID	Moisture Content (Percent)
B-3 S-3 @ 7.5 – 9.0 ft.	41.8	B-4 S-5 @ 12.5 – 14.0 ft.	35.8
B-3 S-7 @ 20 – 21.5 ft.	45.1	B-4 S-7A @ 20 – 20.9 ft.	45.2
B-3 S-9 @ 30 – 31.5 ft.	49.9	B-4 S-7B @ 20.9 – 21.5 ft.	25.9
B-3 S-10 @ 35 – 36.5 ft.	62.0	B-4 S-9 @ 30 – 31.5 ft.	31.7

Atterberg Limits (ASTM D4318)			
Sample ID	Liquid Limit	Plastic Limit	Plasticity Index
B-3 S-7 @ 20 – 21.5 ft.	52	38	14
B-3 S-9 @ 30 – 31.5 ft.	60	31	29

Attachments: Laboratory Test Results

Copies: Addressee
Eric Paslack, Shannon & Wilson, Inc.

This report shall not be reproduced except in full, without written approval of Northwest Testing, Inc. *BKA*
SHEET 1 of 1
REVIEWED BY: Bridgett Adame

TECHNICAL REPORT

\\Ngi-fs2\laboratory\Lab Reports\2015 Lab Reports\2966.1.1 Shannon & Wilson\15-414 Moistures & Atterbergs.docx

ATTACHMENT C

**IMPORTANT INFORMATION ABOUT YOUR
GEOTECHNICAL/ENVIRONMENTAL REPORT**



Date: April 5, 2016

To: Mr. Scott D. Stehman
Reliance Residential, LLC

IMPORTANT INFORMATION ABOUT YOUR GEOTECHNICAL/ENVIRONMENTAL REPORT

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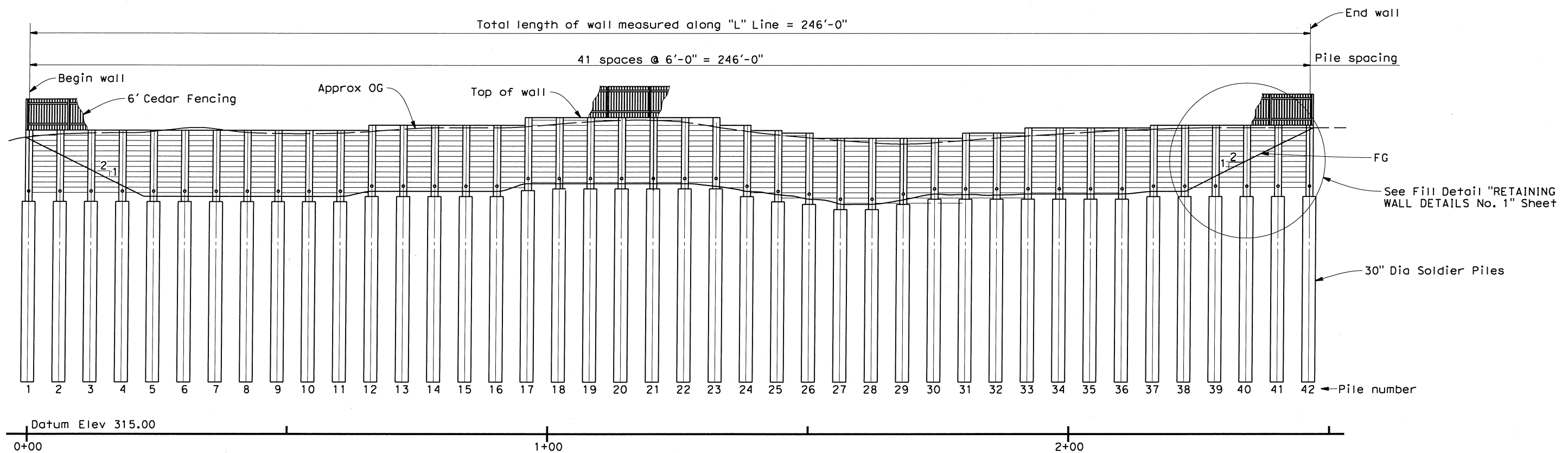
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To reduce the likelihood of boring log or monitoring well misinterpretation, contractors should be given ready access to the complete geotechnical engineering/environmental report prepared or authorized for their use. If access is provided only to the report prepared for you, you should advise contractors of the report's limitations, assuming that a contractor was not one of the specific persons for whom the report was prepared, and that developing construction cost estimates was not one of the specific purposes for which it was prepared. While a contractor may gain important knowledge from a report prepared for another party, the contractor should discuss the report with your consultant and perform the additional or alternative work believed necessary to obtain the data specifically appropriate for construction cost estimating purposes. Some clients hold the mistaken impression that simply disclaiming responsibility for the accuracy of subsurface information always insulates them from attendant liability. Providing the best available information to contractors helps prevent costly construction problems and the adversarial attitudes that aggravate them to a disproportionate scale.

READ RESPONSIBILITY CLAUSES CLOSELY.

Because geotechnical/environmental engineering is based extensively on judgment and opinion, it is far less exact than other design disciplines. This situation has resulted in wholly unwarranted claims being lodged against consultants. To help prevent this problem, consultants have developed a number of clauses for use in their contracts, reports and other documents. These responsibility clauses are not exculpatory clauses designed to transfer the consultant's liabilities to other parties; rather, they are definitive clauses that identify where the consultant's responsibilities begin and end. Their use helps all parties involved recognize their individual responsibilities and take appropriate action. Some of these definitive clauses are likely to appear in your report, and you are encouraged to read them closely. Your consultant will be pleased to give full and frank answers to your questions.

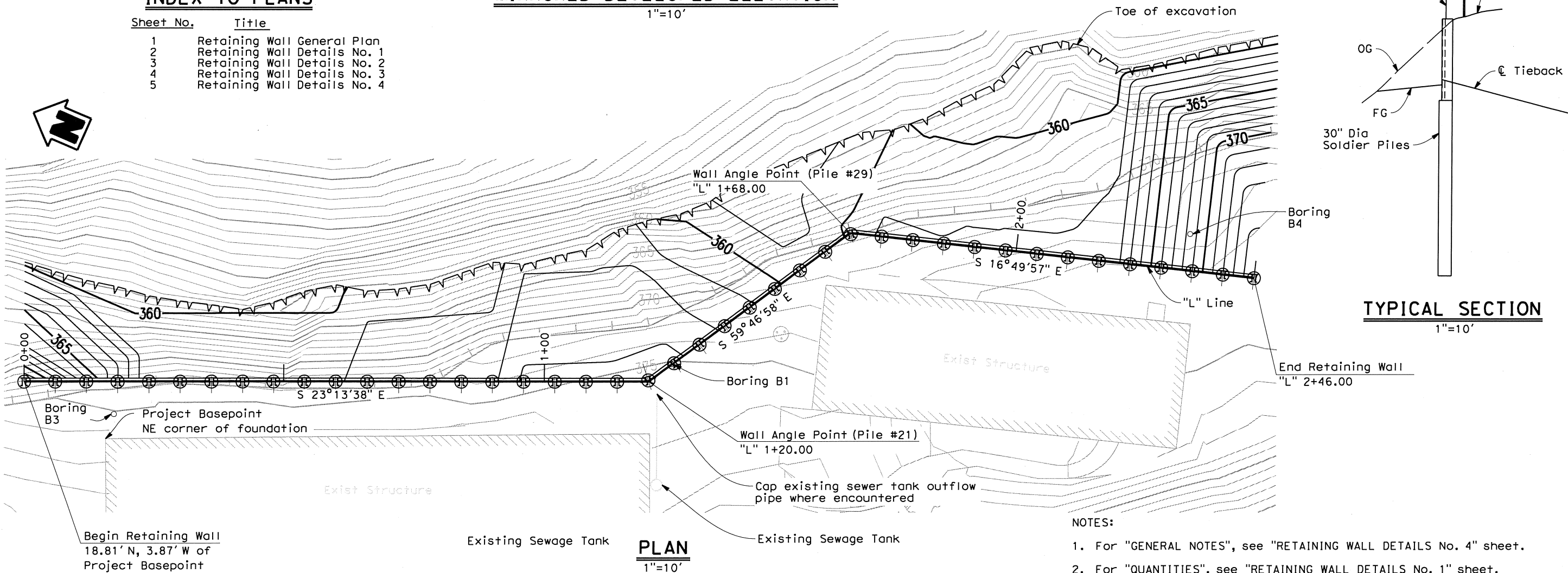
The preceding paragraphs are based on information provided by the
ASFE/Association of Engineering Firms Practicing in the Geosciences, Silver Spring, Maryland



INDEX TO PLANS

Sheet No.	Title
1	Retaining Wall General Plan
2	Retaining Wall Details No. 1
3	Retaining Wall Details No. 2
4	Retaining Wall Details No. 3
5	Retaining Wall Details No. 4

MIRRORED DEVELOPED ELEVATION

$$1'' = 10'$$


Technical drawing of a retaining wall cross-section. The wall consists of a concrete base and a lagging section. The lagging is made of treated timber, with dimensions of 6" x 12" and a thickness of 3". The lagging is supported by steel soldier piles (MC 18x42.7) which are 30" in diameter. The wall is anchored with tiebacks (4" diameter) at a depth of 4'-0" from the bottom of the lagging. The wall is topped with 6' cedar fencing. The ground surface is labeled FG = OG. The wall is shown in two sections: a main section and a detail section (DETAIL M). The wall is located on a 3000 concrete base. The wall is shown in two sections: a main section and a detail section (DETAIL M). The wall is located on a 3000 concrete base.

*Except at angle points

"L" Line = ϕ Pile*

6' Cedar Fencing

2'-0"

FG = OG

6" Min

Treated Timber Lagging

Approximate OG

Limits of 6" x 12" Treated Timber Lagging, see "RETAINING WALL DETAILS No. 3" sheet

FG

1'-0"

Bottom of Lagging

ϕ Tieback

4, see Note 2

4'-0"

D, see Note 1

DETAIL M

Elev = 340

Limits of Lean Concrete

Limits of Class 3000 Concrete

30" Dia drilled hole with 2-MC18x42.7 Steel Soldier Piles

Bottom of Pile Elev = 325.00

Limits of payment for Steel Soldier Piling MC 18x42.7

Limits of payment for Drilled Shaft Excavation, 30in diameter

3" Cir

No Scale

Notes:

1. See "PILE DATA TABLE" on "RETAINING WALL DETAILS No. 3" sheet for D and 4.

$$\frac{\text{Top of Lagging} - \text{Top of Wall}}{\text{Top of piling}}$$

Pull prefabricated drainage composite through lowest gap in lagging above FG

Do not excavate
below this level
until tiebacks are
tested and locked
off

Install these members after
testing and locking off
tieback

DETAIL M

No Scale

Note: Trim excavation neat to back of lagging

Compact fill only
as far as directed
by Engineer

LEGEND:

 Structure Excavation

 Selected General Backfill

EXCAVATION LIMITS

No Scale

QUANTITIES

CLSM	1	LS
Structure Excavation	1560	CUYD
Drilled Shaft Excavation, 30in Diameter	2030	FT
General Structural Concrete, Class 3300	1	LS
Steel Soldier Piling MC 18x42.7	4101	FT
Timber Lagging	18.9	MFBM
Tieback Anchor (45ft Unbonded Length)	8	FT
Tieback Anchor (50ft Unbonded Length)	28	FT
Tieback Anchor (60ft Unbonded Length)	6	FT

—Prefabricated Drainage Composite

— Backfill voids behind Timber Lagging with pea gravel to 8'-0" Min above tieback and 2'-0" Min below the tieback immediately after installation of lagging and prior to testing and locking off tieback

↳ \mathbb{Q} Tieback

"L" Line

Top of Wall

— Back of lagging

Varies

1'-0" →

1'-6" →

1'-6"

End of wall

Finish grade

Finish grade

Note: This detail typical for both ends of wall

 Selected General Backfill

FILL DETAIL

No Scale

SUMMARY

2 OF 5

BERRYHILL PARK APARTMENTS
RETAINING WALL DETAILS No. 1

PREPARED UNDER THE SUPERVISION OF :

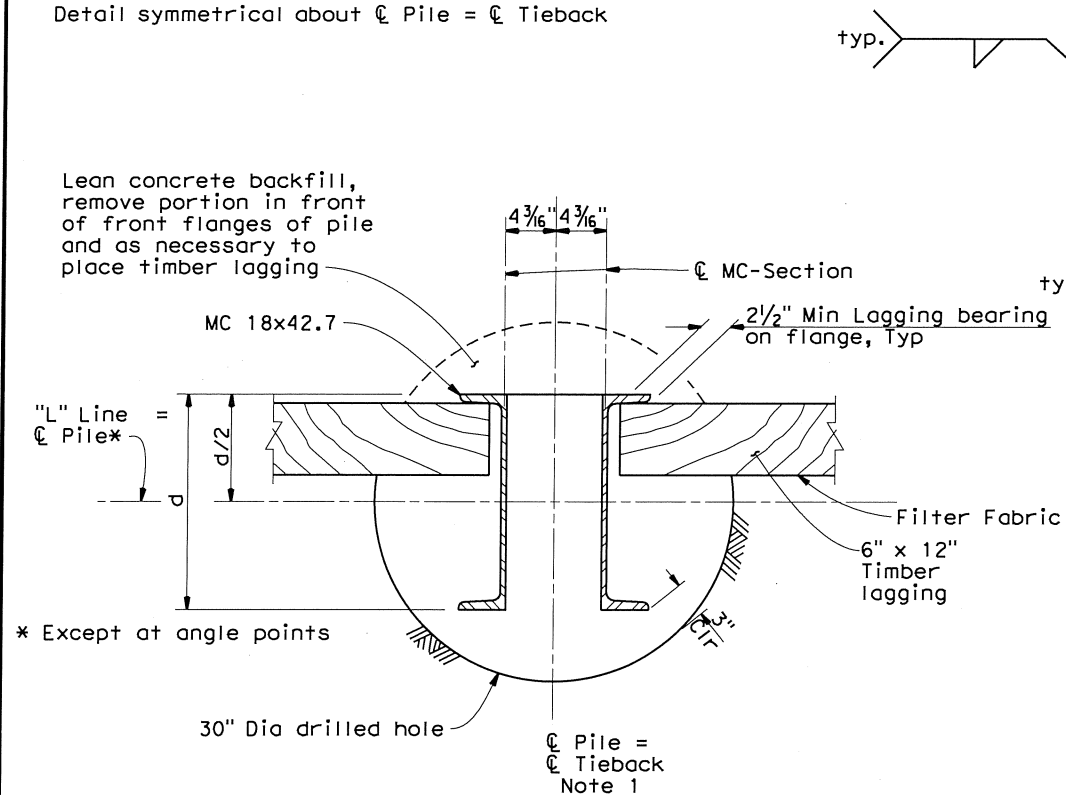
Brett William Karnes
REGISTERED CIVIL ENGINEER

REGISTERED CIVIL ENGINEER

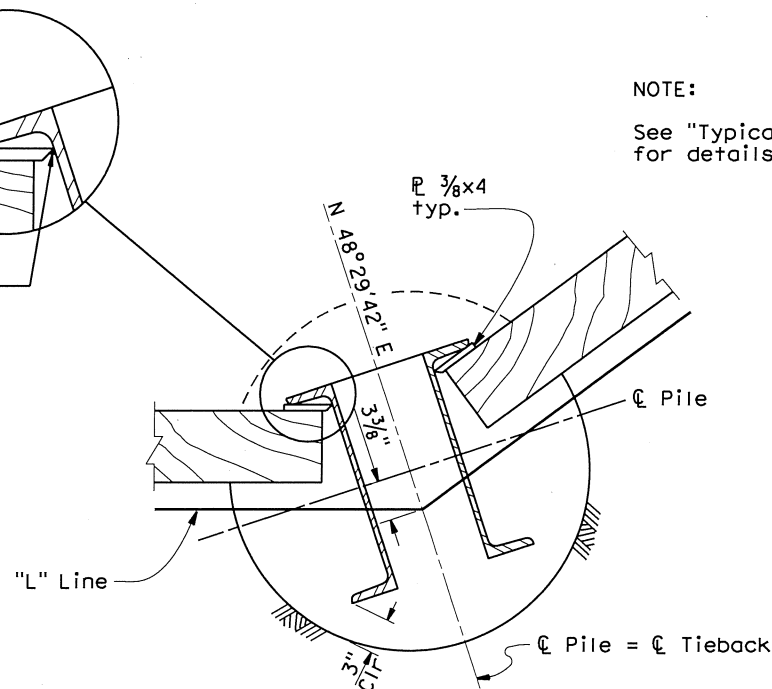
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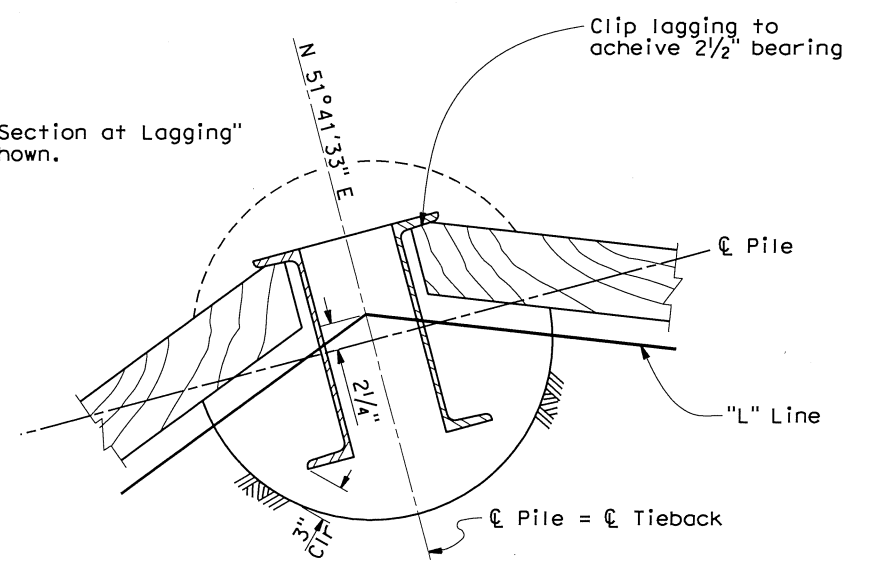
NOTE:
Detail symmetrical about C Pile = C Tieback



TYPICAL PILE SECTION AT LAGGING
No Scale



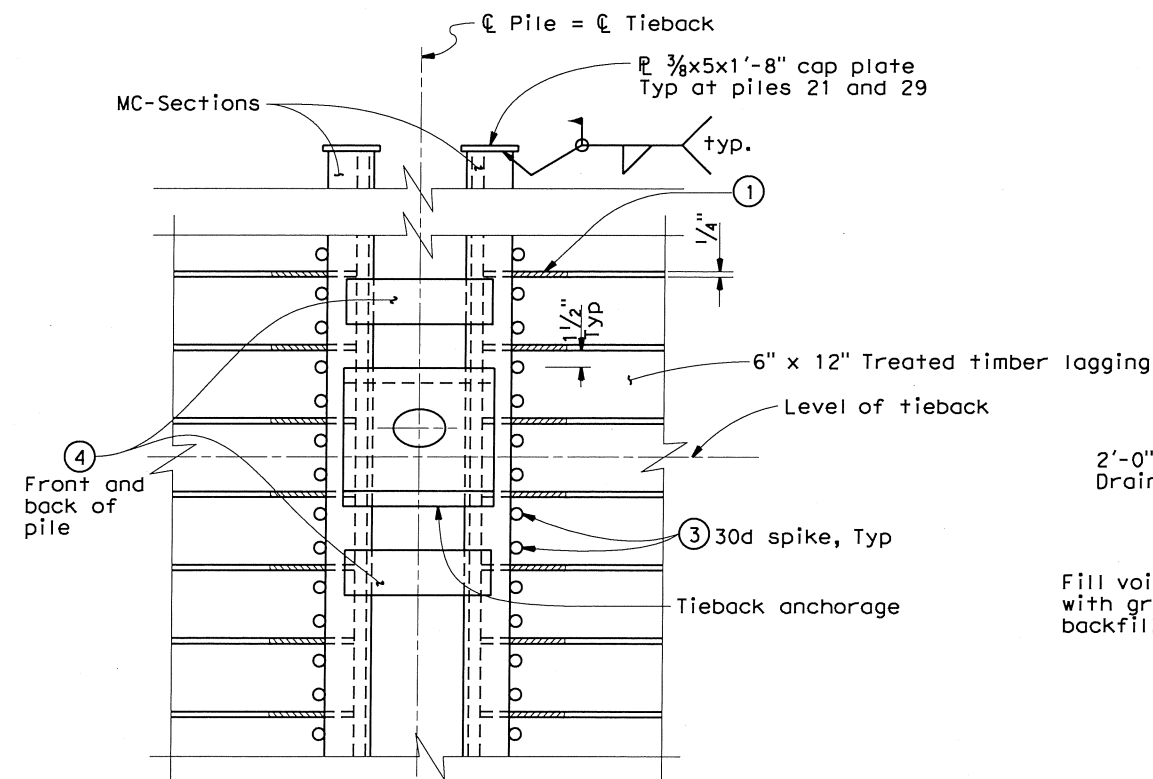
PILE #21 SECTION
No Scale



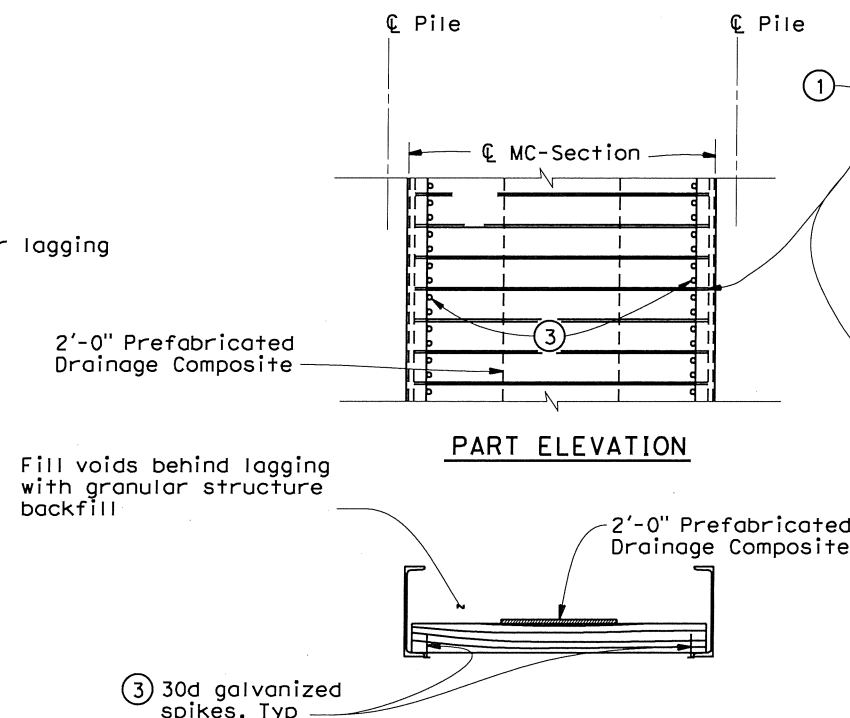
PILE #29 SECTION
No Scale

○ 1/4" x 6" Polyethylene pad between lagging members at ends secured with 2 - 12d galvanized nails, typical. Width of pad to match lagging thickness.

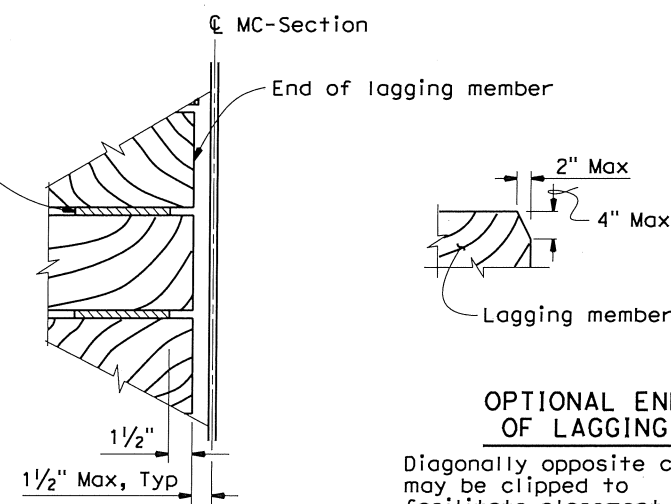
- ③ 30d spike (galvanized), 2 at each end of lagging member.
- ④ Stay plate, 8 total minimum. 4 per tieback, 2 at top of pile, 2 at bottom of pile, and others as required to maintain alignment. Location to be approved by Engineer, see "STAY PLATE DETAIL" on "RETAINING WALL DETAILS No. 3" sheet.



PART ELEVATION OF SOLDIER PILE
No Scale



PART PLAN OF LAGGING MEMBER



END OF LAGGING

LAGGING DETAILS
No Scale

OPTIONAL END OF LAGGING

Diagonally opposite corners may be clipped to facilitate placement

SHEET	3 OF 5	BERRYHILL PARK APARTMENTS RETAINING WALL DETAILS No. 2	PREPARED UNDER THE SUPERVISION OF: Brett William Karnes REGISTERED CIVIL ENGINEER OREGON EX. 61381/17	CHECKED: J. Goodall Job No: 577-200	DATE: 3/25/16	DRAWN: P. Kenney	REVISION

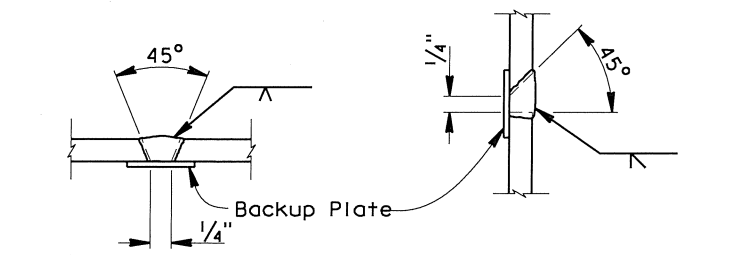
FOR REDUCED PLANS
3 ORIGINAL SCALE IS IN INCHES
2
1
0

FOR REDUCED PLANS 0 1 2 3 ORIGINAL SCALE IS IN INCHES

SINGLE VEE-GROOVE SINGLE BEVEL-GROOVE

PILE WELDING DETAIL - BUTT JOINTS

No Scale



1. Single Vee-groove permitted for all positions.
2. Single Bevel-Groove permitted for horizontal joints only.



GENERAL NOTES

DESIGN:

2014 Oregon Structural Specialty Code, and Federal Highway Administration Publication FHWA-IF-99-015, "Ground Anchors and Anchored Systems"

CONCRETE:

$f'_c = 3300$ psi (Concrete compressive strength at 28 days)

STRUCTURAL STEEL:

Steel piles - ASTM Designation: A709/A709M, Grade 50W or A588/A588M, Grade 50
Angles and plates - ASTM Designation: A709/A709M, Grade 50W or A588/A588M, Grade 50
Welded pipe - ASTM Designation: A53

TIMBER:

Treated Douglas Fir, Grade No.1 or better
Lagging members shall be full sawn.

TIEBACKS:

Tendon- ASTM Designation: A416, A779, or A722
 T = Design force per tieback, see "PILE DATA TABLE" on "RETAINING WALL DETAILS No. 3" sheet
 Δ = Angle to horizontal, see "PILE DATA TABLE" on "RETAINING WALL DETAILS No. 3" sheet
 f_{pu} = Minimum tensile strength of prestressing steel, Kips per square inches

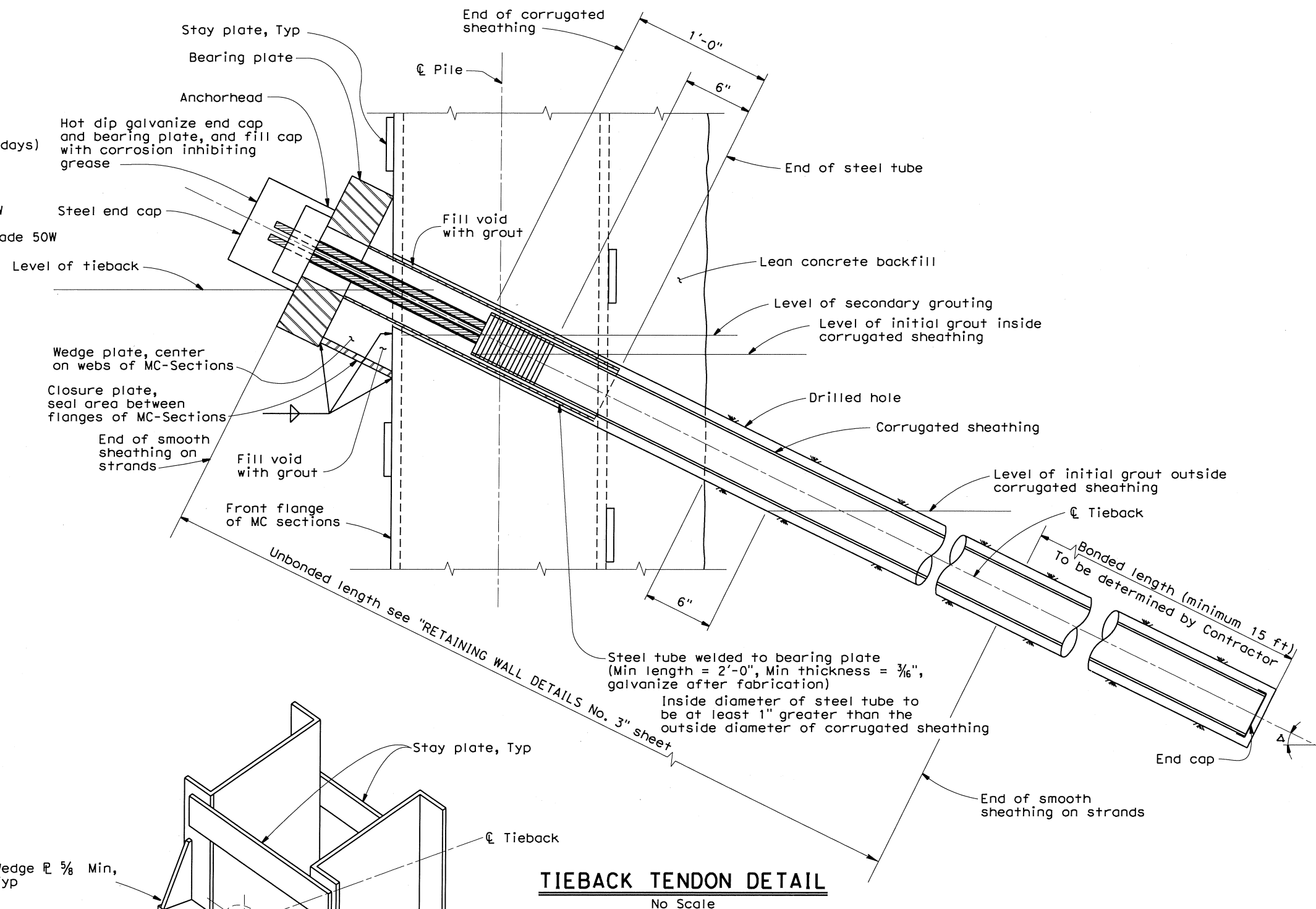
$A_s(\min)$ = Minimum cross sectional area of prestressing steel in tieback tendon, square inches

$$A_s(\min) = \frac{1.33 T}{0.75 f_{pu}}$$

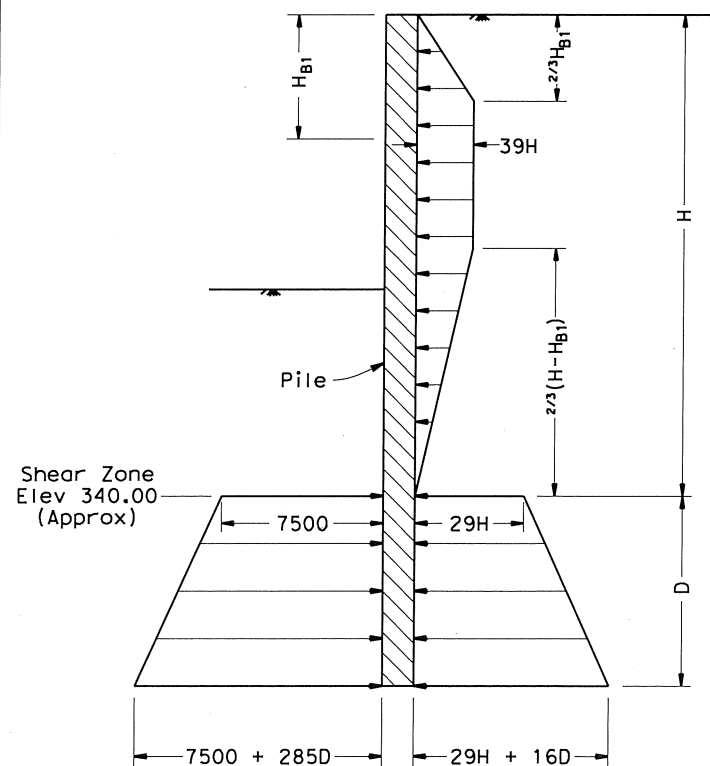
Lockoff tendons at 80% T

DESIGN LOADING:

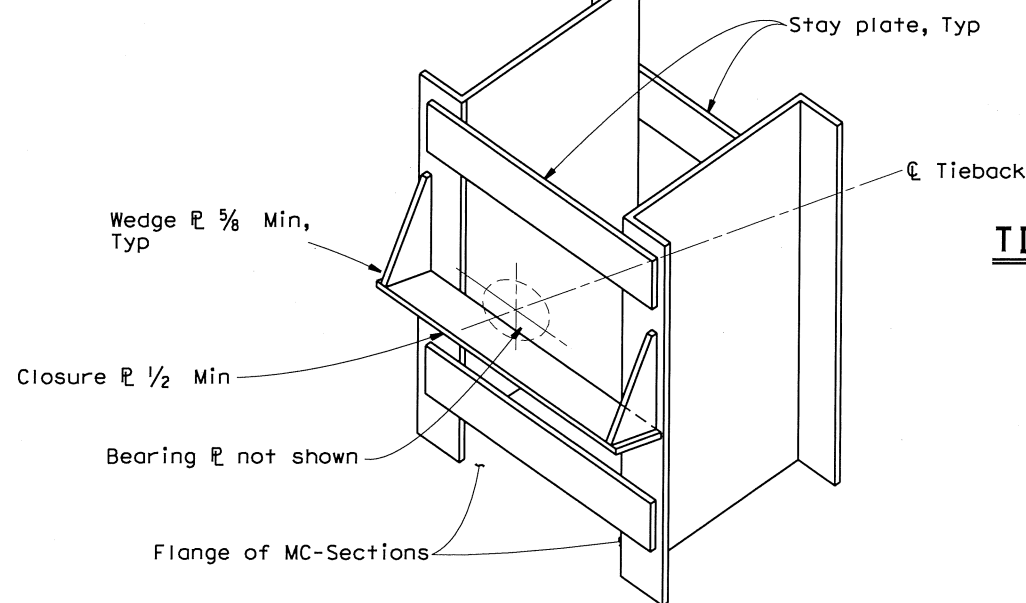
H_{B1} = height to tieback
Units in lbs and feet



TIEBACK TENDON DETAIL
No Scale



ISOMETRIC VIEW
No Scale

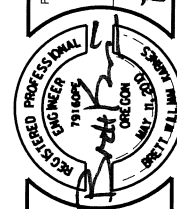


REVISION

NO.	DATE	BY	CHKD
1	3/25/16	P. Kenney	J. Goodall
2	3/25/16	Job No: 577-200	

PREPARED UNDER THE SUPERVISION OF:

Brett William Karnes
REGISTERED CIVIL ENGINEER



BERRYHILL PARK APARTMENTS
RETAINING WALL DETAILS No. 4

SHEET

5 OF 5

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BERRYHILL PARK APARTMENTS

EROSION AND SEDIMENT CONTROL PLAN (ESCP) DRAWINGS

APPLICANT

SHANNON & WILSON, INC.
CONTACT: DAVID HIGGINS
3990 COLLINS WAY, SUITE 100
LAKE OSWEGO, OR 97035-3480
PH: (503) 223-6147
FAX: (503) 223-6140

CIVIL ENGINEERING FIRM

AKS ENGINEERING & FORESTRY, LLC
CONTACT: JOHN CHRISTIANSEN
12965 SW HERMAN ROAD, SUITE 100
TUALATIN, OR 97062
PH: (503) 563-6151
FAX: (503) 563-6152

NARRATIVE DESCRIPTIONS

EXISTING SITE CONDITIONS

EXISTING EIGHTPLEX AND DUPLEX MULTI-FAMILY RESIDENTIAL HOUSING IS LOCATED ON SUBJECT SITE. EXISTING DETACHED GARAGE FACILITY SERVING RESIDENTS AT ADJACENT PROPERTY IS LOCATED DOWNSLOPE.

DEVELOPED CONDITIONS:

EXISTING DWELLINGS TO REMAIN. NEW RETAINING WALL INSTALLED NEAR TOP OF SLOPE ALONG SHARED PROPERTY LINE OF TAX LOTS 803 AND 807.

NATURE OF CONSTRUCTION ACTIVITY AND TIMETABLE FOR MAJOR ACTIVITIES:

- MOBILIZATION/GRADING/RETAINING WALL CONSTRUCTION (AUG. - OCT. 2016)
- FINAL STABILIZATION (OCT. 2016)

TOTAL SITE AREA = 16.81± ACRES

TAX LOT 803 = 4.04± ACRES
TAX LOT 807 = 12.77± ACRES

TOTAL DISTURBED AREA = 0.90 ACRES±

SITE SOIL CLASSIFICATION:

92F - XEROCHREPTS AND HAPLOXEROLLS, VERY STEEP

RECEIVING WATER BODIES:

- RECEIVING TRIBUTARIES LISTED FROM UPPER TO LOWER REACHES:
- NEWELL CREEK
 - ABERNETHY CREEK
 - WILLAMETTE RIVER

PERMITEE'S SITE INSPECTOR:

NATHAN GARITY
COMPANY/AGENCY: AKS ENGINEERING & FORESTRY, LLC
PHONE: 503-563-6151
FAX: 503-563-6152
E-MAIL: nathang@aks-eng.com
DESCRIPTION OF EXPERIENCE: FIVE YEARS EXPERIENCE INSTALLING/ MAINTAINING AND FIVE YEARS INSPECTING EROSION AND SEDIMENT CONTROLS.

INSPECTION FREQUENCY

SITE CONDITION	MINIMUM FREQUENCY
1. ACTIVE PERIOD	DAILY WHEN STORMWATER RUNOFF, INCLUDING RUNOFF FROM SNOWMELT, IS OCCURRING. AT LEAST ONCE EVERY FOURTEEN (14) CALENDAR DAYS REGARDLESS OF WHETHER STORMWATER RUNOFF IS OCCURRING.
2. PRIOR TO THE SITE BECOMING INACTIVE OR IN ANTICIPATION OF SITE INACCESSIBILITY.	ONCE TO ENSURE THAN EROSION AND SEDIMENT CONTROL MEASURES ARE IN WORKING ORDER. ANY NECESSARY MAINTENANCE AND REPAIR MUST BE MADE PRIOR TO LEAVING THE SITE.
3. INACTIVE PERIODS GREATER THAN FOURTEEN (14) CONSECUTIVE CALENDAR DAYS.	ONCE EVERY MONTH.
4. PERIODS DURING WHICH THE SITE IS INACCESSIBLE DUE TO INCLEMENT WEATHER.	IF PRACTICAL, INSPECTIONS MUST OCCUR DAILY AT A RELEVANT AND ACCESSIBLE DISCHARGE POINT OR DOWNSTREAM LOCATION.
5. PERIODS DURING WHICH DISCHARGE IS UNLIKELY DUE TO FROZEN CONDITIONS.	MONTHLY, RESUME MONITORING IMMEDIATELY UPON MELT, OR WHEN WEATHER CONDITIONS MAKE DISCHARGES LIKELY.

- HOLD A PRE-CONSTRUCTION MEETING OF PROJECT CONSTRUCTION PERSONNEL THAT INCLUDES THE INSPECTOR TO DISCUSS EROSION AND SEDIMENT CONTROL MEASURES AND CONSTRUCTION LIMITS.
- ALL INSPECTIONS MUST BE MADE IN ACCORDANCE WITH DEQ 1200-C PERMIT REQUIREMENTS.
- INSPECTION LOGS MUST BE KEPT IN ACCORDANCE WITH DEQ 1200-C PERMIT REQUIREMENTS.
- REVISIONS TO APPROVED ESC PLAN OR INSPECTOR MUST BE SUBMITTED TO DE1 OR AGEN IN ACCORDANCE WITH CURRENT 1200-C PERMIT.

STANDARD EROSION AND SEDIMENT CONTROL PLAN DRAWING NOTES

- HOLD A PRE-CONSTRUCTION MEETING OF PROJECT CONSTRUCTION PERSONNEL THAT INCLUDES THE INSPECTOR TO DISCUSS EROSION AND SEDIMENT CONTROL MEASURES AND CONSTRUCTION LIMITS. (SCHEDULE A.8.C.I.(3))
- ALL INSPECTIONS MUST BE MADE IN ACCORDANCE WITH DEQ 1200-C PERMIT REQUIREMENTS. (SCHEDULE A.12.B AND SCHEDULE B.1)
- INSPECTION LOGS MUST BE KEPT IN ACCORDANCE WITH DEQ'S 1200-C PERMIT REQUIREMENTS. (SCHEDULE B.1.C AND B.2) RETAIN A COPY OF THE ESCP AND ALL REVISIONS ON SITE AND MAKE IT AVAILABLE ON REQUEST TO DEQ, AGENT, OR THE LOCAL MUNICIPALITY. DURING INACTIVE PERIODS OF GREATER THAN SEVEN (7) CONSECUTIVE CALENDAR DAYS, THE ABOVE RECORDS MUST BE RETAINED BY THE PERMIT REGISTRANT BUT DO NOT NEED TO BE AT THE CONSTRUCTION SITE. (SCHEDULE B.2.C)
- ALL PERMIT REGISTRANTS MUST IMPLEMENT THE ESCP. FAILURE TO IMPLEMENT ANY OF THE CONTROL MEASURES OR PRACTICES DESCRIBED IN THE ESCP IS A VIOLATION OF THE PERMIT. (SCHEDULE A.8.A)
- THE ESCP MUST BE ACCURATE AND REFLECT SITE CONDITIONS. (SCHEDULE A.12.C.I)
- SUBMISSION OF ALL ESCP REVISIONS IS NOT REQUIRED. SUBMITTAL OF THE ESCP REVISIONS IS ONLY UNDER SPECIFIC CONDITIONS. SUBMIT ALL NECESSARY REVISION TO DEQ OR AGENT WITHIN 10 DAYS. (SCHEDULE A.12.C.IV. AND V)
- PHASE CLEARING AND GRADING TO THE MAXIMUM EXTENT PRACTICAL TO PREVENT EXPOSED INACTIVE AREAS FROM BECOMING A SOURCE OF EROSION. (SCHEDULE A.7.A.III)
- IDENTIFY, MARK, AND PROTECT (BY CONSTRUCTION FENCING OR OTHER MEANS) CRITICAL RIPARIAN AREAS AND VEGETATION INCLUDING IMPORTANT TREES AND ASSOCIATED ROOTING ZONES, AND VEGETATION AREAS TO BE PRESERVED. IDENTIFY VEGETATIVE BUFFER ZONES BETWEEN THE SITE AND SENSITIVE AREAS (E.G., WETLANDS), AND OTHER AREAS TO BE PRESERVED, ESPECIALLY IN PERIMETER AREAS. (SCHEDULE A.8.C.I.(1) AND (2))
- PRESERVE EXISTING VEGETATION WHEN PRACTICAL AND RE-VEGETATE OPEN AREAS. RE-VEGETATE OPEN AREAS WHEN PRACTICABLE BEFORE AND AFTER GRADING OR CONSTRUCTION. IDENTIFY THE TYPE OF VEGETATIVE SEED MIX USED. (SCHEDULE A.7.A.V)
- MAINTAIN AND DELINEATE ANY EXISTING NATURAL BUFFER WITHIN THE 50-FEET OF WATERS OF THE STATE. (SCHEDULE A.7.B.I.AND (2)(A)(8))
- INSTALL PERIMETER SEDIMENT CONTROL, INCLUDING STORM DRAIN INLET PROTECTION AS WELL AS ALL SEDIMENT BASINS, TRAPS, AND BARRIERS PRIOR TO LAND DISTURBANCE. (SCHEDULE A.8.C.I.(5))
- CONTROL BOTH PEAK FLOW RATES AND TOTAL STORMWATER VOLUME, TO MINIMIZE EROSION AT OUTLETS AND DOWNSTREAM CHANNELS AND STREAMBANKS. (SCHEDULE A.7.C)
- CONTROL SEDIMENT AS NEEDED ALONG THE SITE PERIMETER AND AT ALL OPERATIONAL INTERNAL STORM DRAIN INLETS AT ALL TIMES DURING CONSTRUCTION, BOTH INTERNALLY AND AT THE SITE BOUNDARY. (SCHEDULE A.7.D.I)
- ESTABLISH CONCRETE TRUCK AND OTHER CONCRETE EQUIPMENT WASHOUT AREAS BEFORE BEGINNING CONCRETE WORK. (SCHEDULE A.8.C.I.(6))
- APPLY TEMPORARY AND/OR PERMANENT SOIL STABILIZATION MEASURES IMMEDIATELY ON ALL DISTURBED AREAS AS GRADING PROGRESSES. TEMPORARY OR PERMANENT STABILIZATIONS MEASURES ARE NOT REQUIRED FOR AREAS THAT ARE INTENDED TO BE LEFT UNVEGETATED, SUCH AS DIRT ACCESS ROADS OR UTILITY POLE PADS. (SCHEDULE A.8.C.II.(3))
- USE BMPs TO PREVENT OR MINIMIZE STORMWATER EXPOSURE TO POLLUTANTS FROM SPILLS; VEHICLE AND EQUIPMENT FUELING, MAINTENANCE, AND STORAGE; OTHER CLEANING AND MAINTENANCE ACTIVITIES; AND WASTE HANDLING ACTIVITIES. THESE POLLUTANTS INCLUDE FUEL, HYDRAULIC FLUID, AND OTHER OILS FROM VEHICLES AND MACHINERY, AS WELL AS DEBRIS, FERTILIZER, PESTICIDES AND HERBICIDES, PAINTS, SOLVENTS, CURING COMPOUNDS AND ADHESIVES FROM CONSTRUCTION OPERATIONS. (SCHEDULE A.7.E.I.(2))
- IMPLEMENT THE FOLLOWING BMPs WHEN APPLICABLE: WRITTEN SPILL PREVENTION AND RESPONSE PROCEDURES, EMPLOYEE TRAINING ON SPILL PREVENTION AND PROPER DISPOSAL PROCEDURES, SPILL KITS IN ALL VEHICLES, REGULAR MAINTENANCE SCHEDULE FOR VEHICLES AND MACHINERY, MATERIAL DELIVERY AND STORAGE CONTROLS, TRAINING AND SIGNAGE, AND COVERED STORAGE AREAS FOR WASTE AND SUPPLIES. (SCHEDULE A. 7.E.III.)
- USE WATER, SOIL-BINDING AGENT OR OTHER DUST CONTROL TECHNIQUE AS NEEDED TO AVOID WIND-BLOWN SOIL. (SCHEDULE A.7.A.IV)
- THE APPLICATION RATE OF FERTILIZERS USED TO REESTABLISH VEGETATION MUST FOLLOW MANUFACTURER'S RECOMMENDATIONS TO MINIMIZE NUTRIENT RELEASES TO SURFACE WATERS. EXERCISE CAUTION WHEN USING TIME-RELEASE FERTILIZERS WITHIN ANY WATERWAY RIPARIAN ZONE. (SCHEDULE A.9.B.III)
- IF AN ACTIVE TREATMENT SYSTEM (FOR EXAMPLE, ELECTRO-COAGULATION, FLOCCULATION, FILTRATION, ETC.) FOR SEDIMENT OR OTHER POLLUTANT REMOVAL IS EMPLOYED, SUBMIT AN OPERATION AND MAINTENANCE PLAN (INCLUDING SYSTEM SCHEMATIC, LOCATION OF SYSTEM, LOCATION OF INLET, LOCATION OF DISCHARGE, DISCHARGE DISPERSION DEVICE DESIGN, AND A SAMPLING PLAN AND FREQUENCY) BEFORE OPERATING THE TREATMENT SYSTEM. OBTAIN PLAN APPROVAL BEFORE OPERATING THE TREATMENT SYSTEM. OPERATE AND MAINTAIN THE TREATMENT SYSTEM ACCORDING TO MANUFACTURER'S SPECIFICATIONS. (SCHEDULE A.9.D)
- TEMPORARILY STABILIZE SOILS AT THE END OF THE SHIFT BEFORE HOLIDAYS AND WEEKENDS, IF NEEDED. THE REGISTRANT IS RESPONSIBLE FOR ENSURING THAT SOILS ARE STABLE DURING RAIN EVENTS AT ALL TIMES OF THE YEAR. (SCHEDULE A.7.B)
- AS NEEDED BASED ON WEATHER CONDITIONS, AT THE END OF EACH WORKDAY SOIL STOCKPILES MUST BE STABILIZED OR COVERED, OR OTHER BMPs MUST BE IMPLEMENTED TO PREVENT DISCHARGES TO SURFACE WATERS OR CONVEYANCE SYSTEMS LEADING TO SURFACE WATERS. (SCHEDULE A.7.E.II.(2))
- CONSTRUCTION ACTIVITIES MUST AVOID OR MINIMIZE EXCAVATION AND BARE GROUND ACTIVITIES DURING WET WEATHER. (SCHEDULE A.7.A.I)
- SEDIMENT FENCE: REMOVE TRAPPED SEDIMENT BEFORE IT REACHES ONE THIRD OF THE ABOVE GROUND FENCE HEIGHT AND BEFORE FENCE REMOVAL. (SCHEDULE A.9.C.I)
- OTHER SEDIMENT BARRIERS (SUCH AS BIOBAGS): REMOVE SEDIMENT BEFORE IT REACHES TWO INCHES DEPTH ABOVE GROUND HEIGHT AND BEFORE BMP REMOVAL. (SCHEDULE A.9.C.I)
- CATCH BASINS: CLEAN BEFORE RETENTION CAPACITY HAS BEEN REDUCED BY FIFTY PERCENT. SEDIMENT BASINS AND SEDIMENT TRAPS: REMOVE TRAPPED SEDIMENTS BEFORE DESIGN CAPACITY HAS BEEN REDUCED BY FIFTY PERCENT AND AT COMPLETION OF PROJECT. (SCHEDULE A.9.C.III & IV)
- WITHIN 24 HOURS, SIGNIFICANT SEDIMENT THAT HAS LEFT THE CONSTRUCTION SITE, MUST BE REMEDIATED. INVESTIGATE THE CAUSE OF THE SEDIMENT RELEASE AND IMPLEMENT STEPS TO PREVENT A RECURRENCE OF THE DISCHARGE WITHIN THE SAME 24 HOURS. ANY IN-STREAM CLEAN-UP OF SEDIMENT SHALL BE PERFORMED ACCORDING TO THE OREGON DIVISION OF STATE LANDS REQUIRED TIMEFRAME. (SCHEDULE A.9.B.I)
- THE INTENTIONAL WASHING OF SEDIMENT INTO STORM SEWERS OR DRAINAGE WAYS MUST NOT OCCUR. VACUUMING OR DRY SWEEPING AND MATERIAL PICKUP MUST BE USED TO CLEANUP RELEASED SEDIMENTS. (SCHEDULE A.9.B.II)
- THE ENTIRE SITE MUST BE TEMPORARILY STABILIZED USING VEGETATION OR A HEAVY MULCH LAYER, TEMPORARY SEEDING, OR OTHER METHOD SHOULD ALL CONSTRUCTION ACTIVITIES CEASE FOR 30 DAYS OR MORE. (SCHEDULE A.7.F.I)
- PROVIDE TEMPORARY STABILIZATION FOR THAT PORTION OF THE SITE WHERE CONSTRUCTION ACTIVITIES CEASE FOR 14 DAYS OR MORE WITH A COVERING OF BLOWN STRAW AND A TACKIFIER, LOOSE STRAW, OR AN ADEQUATE COVERING OF COMPOST MULCH UNTIL WORK RESUMES ON THAT PORTION OF THE SITE. (SCHEDULE A.7.F.II)
- DO NOT REMOVE TEMPORARY SEDIMENT CONTROL PRACTICES UNTIL PERMANENT VEGETATION OR OTHER COVER OF EXPOSED AREAS IS ESTABLISHED. ONCE CONSTRUCTION IS COMPLETE AND THE SITE IS STABILIZED, ALL TEMPORARY EROSION CONTROLS AND RETAINED SOILS MUST BE REMOVED AND DISPOSED OF PROPERLY, UNLESS DOING SO CONFLICTS WITH LOCAL REQUIREMENTS. (SCHEDULE A.8.C.II.(1) AND D.3.C.II AND III)

NOTE:

THE EROSION CONTROL MEASURES SHOWN ON THESE PLANS ARE INTENDED ONLY FOR VEGETATION ESTABLISHMENT AND PREVENTION OF SURFACE SCOURING AND SEDIMENT TRANSPORT DURING AND AFTER CONSTRUCTION. THE MEASURES SHOWN ON THESE PLANS SHOULD NOT BE USED FOR THE PURPOSE, OR, AS AN ALTERNATE METHOD OF SLOPE STABILITY REMEDIATION.

THE PERMITEE IS REQUIRED TO MEET ALL THE CONDITIONS OF THE 1200-C PERMIT. THIS ESCP AND GENERAL CONDITIONS HAVE BEEN DEVELOPED TO FACILITATE COMPLIANCE WITH THE 1200-C PERMIT REQUIREMENTS. IN CASES OF DISCREPANCIES OR OMISSIONS, THE 1200-C PERMIT REQUIREMENTS SUPERCEDE REQUIREMENTS OF THIS PLAN.

BMP MATRIX FOR CONSTRUCTION PHASES

REFER TO DEQ GUIDANCE MANUAL FOR A COMPREHENSIVE LIST OF AVAILABLE BMP'S.

BMPs	YEAR:		2016													
	MONTH:		8	9	10	11	12									
PIPE SLOPE DRAINS																
ENERGY DISSIPATORS																
TEMPORARY DIVERSION DIKES																
CHECK DAMS																
TEMPORARY SEEDING AND PLANTING																
PERMANENT SEEDING AND PLANTING							x									
MYCORRHIZAE/BIOFERTILIZERS																
MULCHES (SPECIFY TYPE)																
CONSTRUCTION ENTRANCE																
COMPOST BLANKETS																
COMPOST SOCKS																
COMPOST BERM																
SOIL TACKIFIERS																
SODDING VEGETATIVE BUFFER STRIPS																
PLASTIC SHEETING																
SEDIMENT FENCING *			x	x	x											
EROSION CONTROL BLANKETS AND MATS (COCONUT FIBER)					x											
EARTH DIKES (STABILIZED)																
DRAINAGE SWALES																
NATURAL BUFFER ENHANCEMENT **																
ROCK OUTLET PROTECTION			x	x	x											
SEDIMENT TRAP																
STRAW WATLES (LOOSE COMPACTION RICE STRAW)			x	x	x											
STORM DRAIN INLET PROTECTION *			x	x	x											
TEMPORARY OR PERMANENT SEDIMENTATION BASINS																
UNPAVED ROADS GRAVELED OR OTHER BMP ON THE ROAD																
DEWATERING (TREATMENT LOCATION, SCHEMATIC, AND SAMPLING PLAN REQUIRED)																
PAVING OPERATION CONTROLS																
CONCRETE TRUCK WASHOUT			x	x												

* SIGNIFIES BMP THAT WILL BE INSTALLED PRIOR TO ANY GROUND DISTURBING ACTIVITY.

** SIGNIFIES ADDITIONAL BMP(s) REQUIRED FOR WORK WITHIN 50' OF WATER OF THE STATE.

RATIONALE STATEMENT

A COMPREHENSIVE LIST OF AVAILABLE BEST MANAGEMENT PRACTICES (BMP) OPTIONS BASED ON DEQ'S GUIDANCE MANUAL HAS BEEN REVIEWED TO COMPLETE THIS EROSION AND SEDIMENT CONTROL PLAN. SOME OF THE ABOVE LISTED BMP'S WERE NOT CHOSEN BECAUSE THEY WERE DETERMINED TO NOT EFFECTIVELY MANAGE EROSION PREVENTION AND SEDIMENT CONTROL FOR THIS PROJECT BASED ON SPECIFIC SITE CONDITIONS, INCLUDING SOIL CONDITIONS TOPOGRAPHIC CONSTRAINTS, ACCESSIBILITY TO THE SITE, AND OTHER RELATED CONDITIONS, AS THE PROJECT PROGRESSES AND THERE IS A NEED TO REVISE THE ESC PLAN, AN ACTION PLAN WILL BE SUBMITTED.

INITIAL

SHEET INDEX

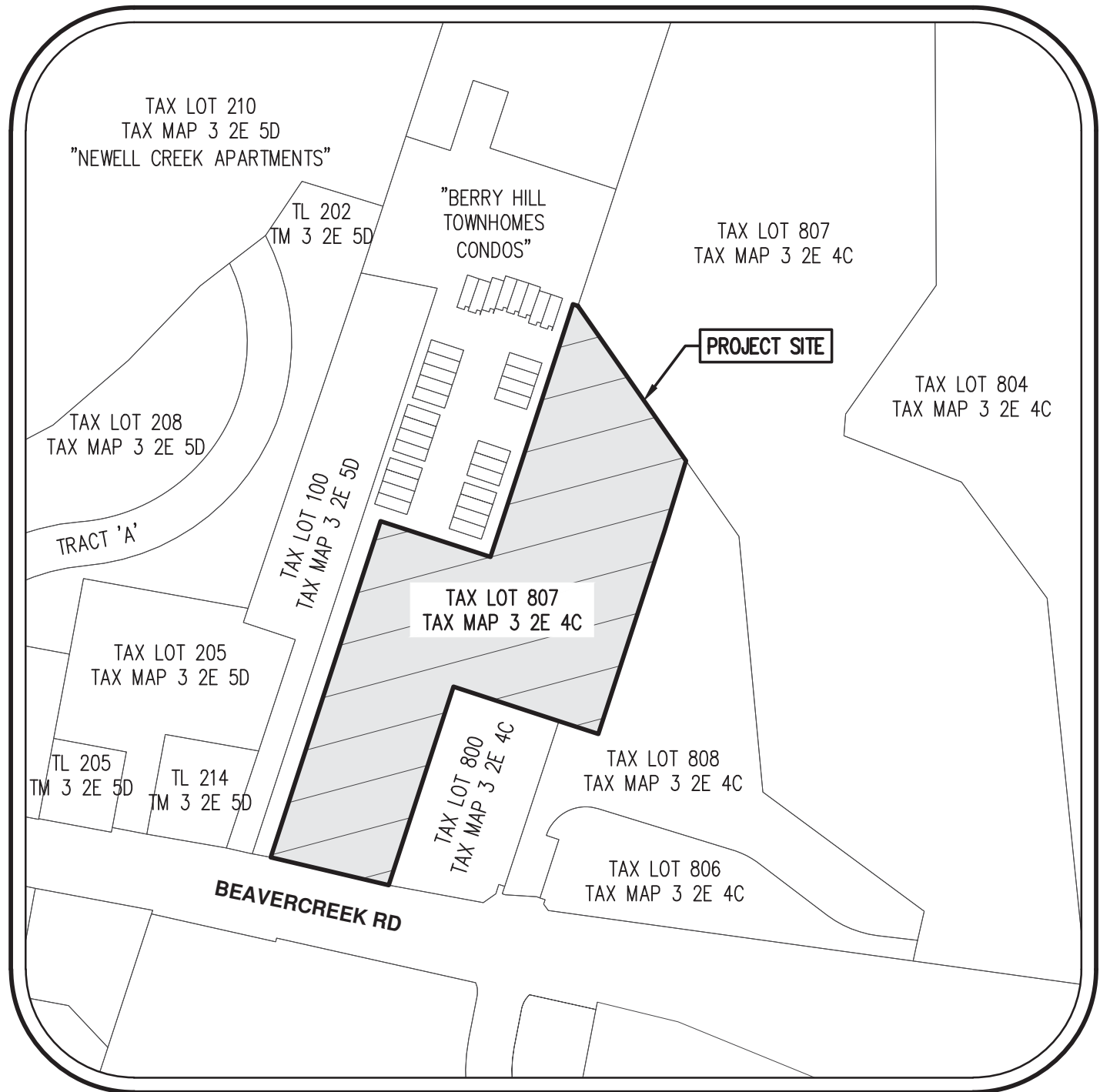
EROSION AND SEDIMENT CONTROL PLANS

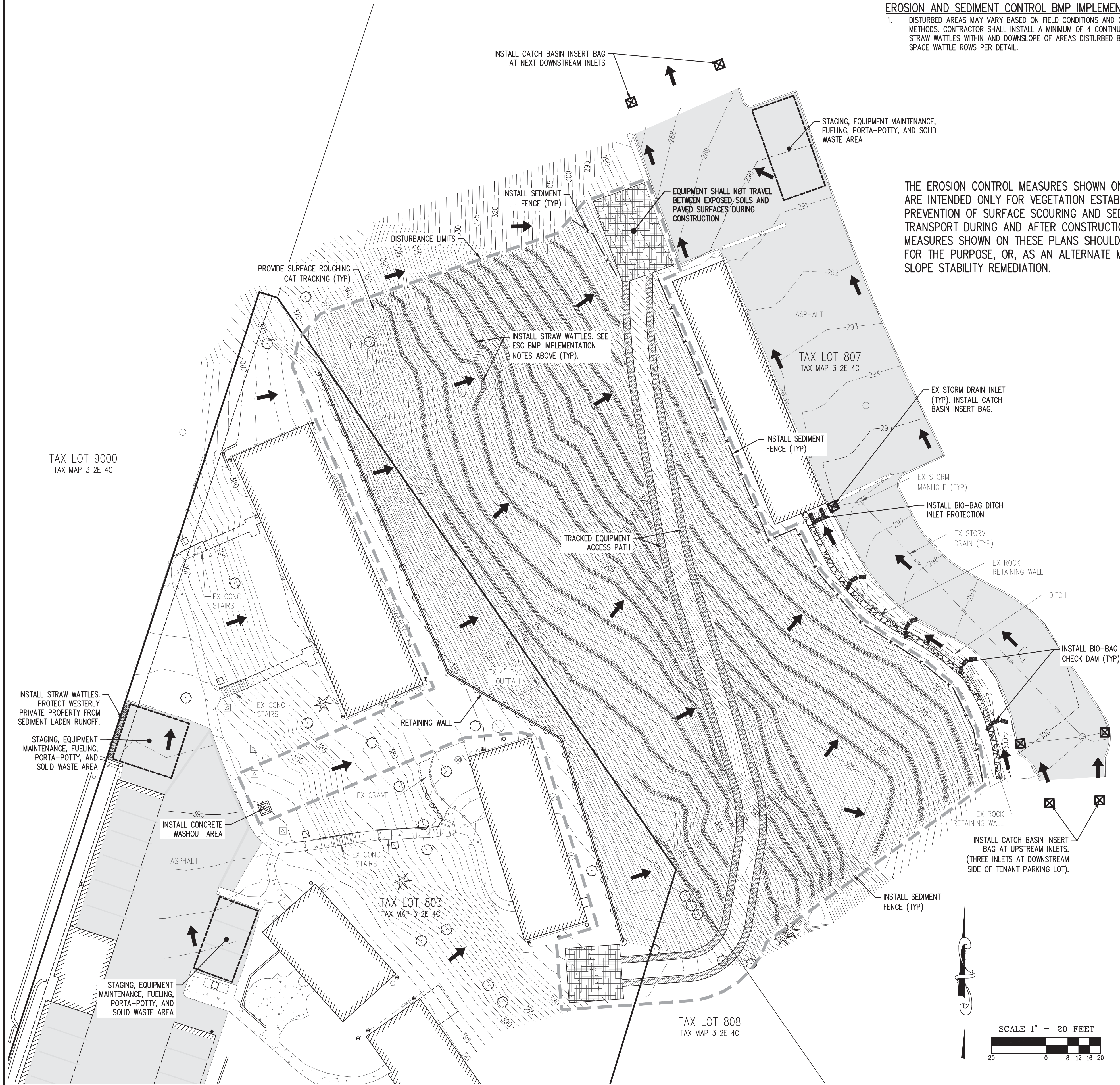
- C050 - EROSION AND SEDIMENT CONTROL COVER SHEET
C051 - GRADING AND WALL CONSTRUCTION EROSION AND SEDIMENT CONTROL PLAN
C052 - FINAL STABILIZATION EROSION AND SEDIMENT CONTROL PLAN
C053 - EROSION AND SEDIMENT CONTROL DETAILS
C054 - EROSION AND SEDIMENT CONTROL DETAILS

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EROSION AND SEDIMENT CONTROL BMP IMPLEMENTATION NOTES:

1. DISTURBED AREAS MAY VARY BASED ON FIELD CONDITIONS AND CONSTRUCTION METHODS. CONTRACTOR SHALL INSTALL A MINIMUM OF 4 CONTINUOUS ROWS OF STRAW WATTLES WITHIN AND DOWNSLOPE OF AREAS DISTURBED BY CONSTRUCTION. SPACE WATTLE ROWS PER DETAIL.

THE EROSION CONTROL MEASURES SHOWN ON THESE PLANS ARE INTENDED ONLY FOR VEGETATION ESTABLISHMENT AND PREVENTION OF SURFACE SCOURING AND SEDIMENT TRANSPORT DURING AND AFTER CONSTRUCTION. THE MEASURES SHOWN ON THESE PLANS SHOULD NOT BE USED FOR THE PURPOSE, OR, AS AN ALTERNATE METHOD OF SLOPE STABILITY REMEDIATION.

PRE-CONSTRUCTION, GRADING AND WALL CONSTRUCTION NOTES:

1. ALL BASE ESC MEASURES (INLET PROTECTION, PERIMETER SEDIMENT CONTROL, ETC.) MUST BE IN PLACE, FUNCTIONAL, AND APPROVED IN AN INITIAL INSPECTION, PRIOR TO COMMENCEMENT OF CONSTRUCTION ACTIVITIES.
2. SEDIMENT BARRIERS APPROVED FOR USE INCLUDE SEDIMENT FENCE, BERMS CONSTRUCTED OUT OF MULCH, CHIPPINGS, OR OTHER SUITABLE MATERIAL, STRAW WATTLES, OR OTHER APPROVED MATERIALS.
3. SENSITIVE RESOURCES INCLUDING, BUT NOT LIMITED TO, TREES, WETLANDS, AND RIPARIAN PROTECTION AREAS SHALL BE CLEARLY DELINEATED WITH ORANGE CONSTRUCTION FENCING OR CHAIN LINK FENCING IN A MANNER THAT IS CLEARLY VISIBLE TO ANYONE IN THE AREA. NO ACTIVITIES ARE PERMITTED TO OCCUR BEYOND THE CONSTRUCTION BARRIER.
4. BMPs INCLUDING, BUT NOT LIMITED TO, STREET SWEEPING, AND VACUUMING MAY BE REQUIRED TO ENSURE THAT ALL PAVED AREAS ARE KEPT CLEAN FOR THE DURATION OF THE PROJECT.
5. RUN-ON AND RUN-OFF CONTROLS SHALL BE IN PLACE AND FUNCTIONING PRIOR TO BEGINNING SUBSTANTIAL CONSTRUCTION ACTIVITIES. RUN-ON AND RUN-OFF CONTROL MEASURES INCLUDE: SLOPE DRAINS (WITH OUTLET PROTECTION), CHECK DAMS, SURFACE ROUGHENING, AND BANK STABILIZATION.
6. EXPOSED CUT OR FILL AREAS SHALL BE STABILIZED THROUGH THE USE OF TEMPORARY SEEDING AND MULCHING, EROSION CONTROL BLANKETS OR MATS, MID-SLOPE SEDIMENT FENCES OR WATTLES, OR OTHER APPROPRIATE MEASURES. SLOPES EXCEEDING 25% MAY REQUIRE ADDITIONAL EROSION CONTROL MEASURES.
7. INLET PROTECTION SHALL BE IN-PLACE IMMEDIATELY FOLLOWING PAVING ACTIVITIES.
8. AREAS SUBJECT TO WIND EROSION SHALL USE APPROPRIATE DUST CONTROL MEASURES INCLUDING THE APPLICATION OF A FINE SPRAY OF WATER, PLASTIC SHEETING, STRAW MULCHING, OR OTHER APPROVED MEASURES.
9. TRACKED EQUIPMENT SHALL REMAIN ON DISTURBED SOILS AND SHALL BE PROHIBITED FROM MANEUVERING ON PAVED SURFACES THROUGHOUT THE DURATION OF THE PROJECT. CLEAN SEDIMENT AND DEBRIS FROM EQUIPMENT PRIOR TO DEMOBILIZATION FROM THE SITE.
10. TRUCKS AND OTHER SIMILAR RUBBER-TIRED EQUIPMENT SHALL REMAIN ON PAVED SURFACES AND SHALL BE PROHIBITED FROM MANEUVERING ON DISTURBED SOILS THROUGHOUT THE DURATION OF THE PROJECT.
11. ACTIVE INLETS TO STORM WATER SYSTEMS SHALL BE PROTECTED THROUGH THE USE OF APPROVED INLET PROTECTION MEASURES. ALL INLET PROTECTION MEASURES ARE TO BE REGULARLY INSPECTED AND MAINTAINED AS NEEDED.
12. SATURATED MATERIALS THAT ARE HAULED OFF-SITE MUST BE TRANSPORTED IN WATER-TIGHT TRUCKS TO ELIMINATE SPILLAGE OF SEDIMENT AND SEDIMENT-LADEN WATER.
13. AN AREA SHALL BE PROVIDED FOR THE WASHING OUT OF CONCRETE TRUCKS IN A LOCATION THAT DOES NOT PROVIDE RUN-OFF THAT CAN ENTER THE STORM WATER SYSTEM. IF THE CONCRETE WASH-OUT AREA CANNOT BE CONSTRUCTED GREATER THAN 50' FROM ANY DISCHARGE POINT, SECONDARY MEASURES SUCH AS BERMS OR TEMPORARY SETTLING PITS MAY BE REQUIRED. THE WASH-OUT SHALL BE LOCATED WITHIN SIX FEET OF TRUCK ACCESS AND SHALL BE CLEANED WHEN IT REACHES 50% OF THE CAPACITY.
14. SWEEPINGS FROM EXPOSED AGGREGATE CONCRETE SHALL NOT BE TRANSFERRED TO THE STORMWATER SYSTEM. SWEEPINGS SHALL BE PICKED UP AND DISPOSED IN THE TRASH.
15. USE BMPs SUCH AS INLET PROTECTION TO PREVENT RUN-OFF FROM REACHING DISCHARGE POINTS.

NOTE: PRE-DEVELOPED RUN-OFF SHEET FLOWS NORTHEASTERLY ONTO ADJACENT PROPERTIES.

LEGEND

- EXISTING GROUND CONTOUR (1 FT) ————
- EXISTING GROUND CONTOUR (5 FT) ————
- SEDIMENT FENCE (TO BE INSTALLED PRIOR TO GRADING) — x — x —
- DISTURBANCE LIMITS - - - - -
- STRAW WATTLES (INSTALLED PRIOR TO WALL CONSTRUCTION) =====
- AREA DRAIN PROTECTION (TYP) PER CATCH BASIN INSERT BAG DETAIL [Symbol]
- DITCH INLET PROTECTION (TYP) PER DITCH INLET PROTECTION DETAIL [Symbol]
- CHECK DAM BIOFILTER BAG [Symbol]
- CONCRETE WASHOUT AREA [Symbol]
- DRAINAGE FLOW DIRECTION [Symbol]
- EXISTING ASPHALT PAVEMENT [Symbol]
- SURFACE ROUGHENING CAT TRACKING [Symbol]
- TRACKED EQUIPMENT TRAVEL PATH [Symbol]
- TRACKED EQUIPMENT LANDING PAD (NATIVE SOILS) [Symbol]
- STAGING AREA, EQUIPMENT MAINTENANCE, ETC. [Symbol]

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Engineer: _____

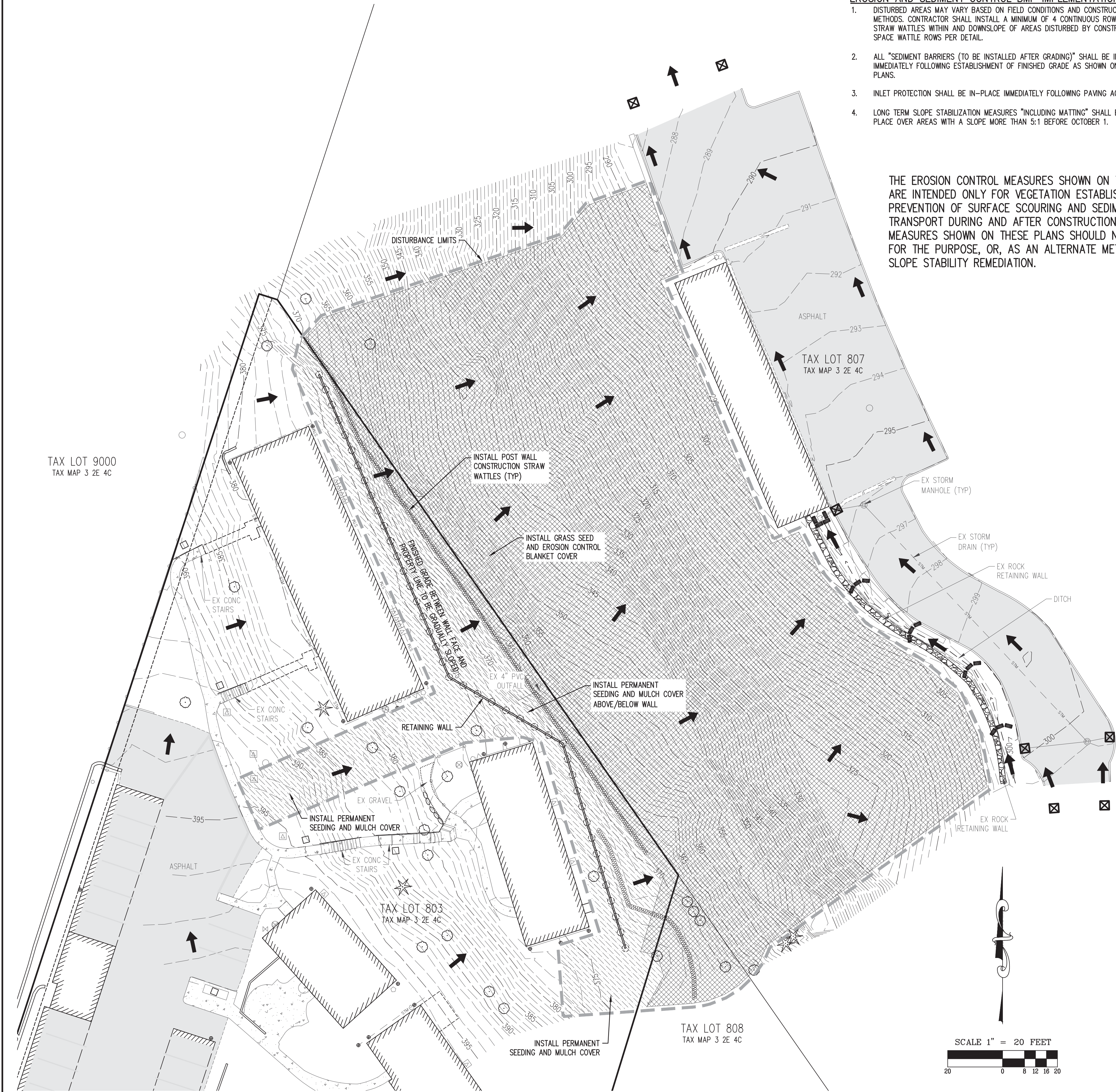
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AKS DRAWING FILE: 5008 C051 ESC.DWG | LAYOUT: C052



THE EROSION CONTROL MEASURES SHOWN ON THESE PLANS ARE INTENDED ONLY FOR VEGETATION ESTABLISHMENT AND PREVENTION OF SURFACE SCOURING AND SEDIMENT TRANSPORT DURING AND AFTER CONSTRUCTION. THE MEASURES SHOWN ON THESE PLANS SHOULD NOT BE USED FOR THE PURPOSE, OR, AS AN ALTERNATE METHOD OF SLOPE STABILITY REMEDIATION.

EROSION AND SEDIMENT CONTROL BMP IMPLEMENTATION NOTES:

- DISTURBED AREAS MAY VARY BASED ON FIELD CONDITIONS AND CONSTRUCTION METHODS. CONTRACTOR SHALL INSTALL A MINIMUM OF 4 CONTINUOUS ROWS OF STRAW WATTLES WITHIN AND DOWNSLOPE OF AREAS DISTURBED BY CONSTRUCTION. SPACE WATTLE ROWS PER DETAIL.
- ALL "SEDIMENT BARRIERS (TO BE INSTALLED AFTER GRADING)" SHALL BE INSTALLED IMMEDIATELY FOLLOWING ESTABLISHMENT OF FINISHED GRADE AS SHOWN ON THESE PLANS.
- INLET PROTECTION SHALL BE IN-PLACE IMMEDIATELY FOLLOWING PAVING ACTIVITIES.
- LONG TERM SLOPE STABILIZATION MEASURES "INCLUDING MATTING" SHALL BE IN PLACE OVER AREAS WITH A SLOPE MORE THAN 5:1 BEFORE OCTOBER 1.

FINAL STABILIZATION EROSION AND SEDIMENT CONTROL NOTES:

- SEED USED FOR TEMPORARY OR PERMANENT SEEDING SHALL BE COMPOSED OF ONE OF THE FOLLOWING MIXTURES, UNLESS OTHERWISE AUTHORIZED:
 - VEGETATED CORRIDOR AREAS REQUIRED NATIVE SEED MIXES. SEE RESTORATION PLAN FOR APPROPRIATE SEED MIX.
 - DWARF GRASS MIX (MIN. 100 LB./AC.)
 - DWARF PERENNIAL RYEGRASS (80% BY WEIGHT)
 - CREeping RED FESCUE (20% BY WEIGHT)
 - STANDARD HEIGHT GRASS MIX (MIN. 100 LB./AC.)
 - ANNUAL RYEGRASS (40% BY WEIGHT)
 - TURF-TYPE FESCUE (60% BY WEIGHT)
- SLOPE TO RECEIVE TEMPORARY OR PERMANENT SEEDING SHALL HAVE THE SURFACE ROUGHENED BY MEANS OF TRACK-WALKING OR THE USED OF OTHER APPROVED IMPLEMENTS. SURFACE ROUGHENING IMPROVES SEED BEDDING AND REDUCES RUNOFF VELOCITY.
- LONG TERM SLOPE STABILIZATION MEASURES SHALL INCLUDE THE ESTABLISHMENT OF PERMANENT VEGETATIVE COVER VIA SEEDING WITH APPROVED MIX AND APPLICATION RATE.
- TEMPORARY SLOPE STABILIZATION MEASURES SHALL INCLUDE: COVERING EXPOSED SOIL WITH PLASTIC SHEETING, STRAW MULCHING, OR OTHER APPROVED MEASURES.
- STOCKPILED SOIL OR STRIPPINGS SHALL BE PLACED IN A STABLE LOCATION AND CONFIGURATION. DURING "WET WEATHER" PERIODS, STOCKPILES SHALL BE COVERED WITH PLASTIC SHEETING. SEDIMENT FENCE IS REQUIRED AROUND THE PERIMETER OF THE STOCKPILE.
- EXPOSED CUT OR FILL AREAS SHALL BE STABILIZED THROUGH THE USE OF TEMPORARY SEEDING AND MULCHING, EROSION CONTROL BLANKETS OR MATS, MID-SLOPE SEDIMENT FENCES OR WATTLES, OR OTHER APPROPRIATE MEASURES. SLOPES EXCEEDING 25% MAY REQUIRE ADDITIONAL EROSION CONTROL MEASURES.
- AREAS SUBJECT TO WIND EROSION SHALL USE APPROPRIATE DUST CONTROL MEASURES INCLUDING THE APPLICATION OF A FINE SPRAY OF WATER, PLASTIC SHEETING, STRAW MULCHING, OR OTHER APPROVED MEASURES.
- TRACKED EQUIPMENT SHALL REMAIN ON DISTURBED SOILS AND SHALL BE PROHIBITED FROM MANEUVERING ON PAVED SURFACES THROUGHOUT THE DURATION OF THE PROJECT. CLEAN SEDIMENT AND DEBRIS FROM EQUIPMENT PRIOR TO DEMOBILIZATION FROM THE SITE.
- TRUCKS AND OTHER SIMILAR RUBBER-TIRED EQUIPMENT SHALL REMAIN ON PAVED SURFACES AND SHALL BE PROHIBITED FROM MANEUVERING ON DISTURBED SOILS THROUGHOUT THE DURATION OF THE PROJECT.
- BMPs INCLUDING, BUT NOT LIMITED TO, STREET SWEEPING, AND VACUUMING MAY BE BE REQUIRED TO ENSURE THAT ALL PAVED AREAS ARE KEPT CLEAN FOR THE DURATION OF THE PROJECT.
- ACTIVE INLETS TO STORM WATER SYSTEMS SHALL BE PROTECTED THROUGH THE USE OF APPROVED INLET PROTECTION MEASURES. ALL INLET PROTECTION MEASURES ARE TO BE REGULARLY INSPECTED AND MAINTAINED AS NEEDED.
- USE BMPs SUCH AS INLET PROTECTION TO PREVENT RUN-OFF FROM REACHING DISCHARGE POINTS.

NOTE: POST-DEVELOPED RUN-OFF SHEET FLOWS NORTHEASTERLY ONTO ADJACENT PROPERTIES.

LEGEND

EXISTING GROUND CONTOUR (1 FT)	
EXISTING GROUND CONTOUR (5 FT)	
DISTURBANCE LIMITS	
STRAW WATTLES (INSTALLED DURING FINAL STABILIZATION)	
AREA DRAIN PROTECTION (TYP) PER CATCH BASIN INSERT BAG DETAIL	
DITCH INLET PROTECTION (TYP) PER DITCH INLET PROTECTION DETAIL	
CHECK DAM BIOFILTER BAG	
DRAINAGE FLOW DIRECTION	
EXISTING ASPHALT PAVEMENT	
PERMANENT SLOPE STABILIZATION MEASURES (GRASS SEED WITH COCONUT EROSION CONTROL BLANKET COVER)	
PERMANENT SLOPE STABILIZATION MEASURES (GRASS SEED WITH MULCH COVER)	

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13945 S BEAVERCREK ROAD
OREGON CITY
OREGON
CLACKAMAS COUNTY TAX MAP 3 2E 4C

FINAL STABILIZATION EROSION AND SEDIMENT CONTROL PLAN

DESIGNED BY: JDS
DRAWN BY: JDS
CHECKED BY: JPC
SCALE: AS NOTED
DATE: 04/28/2016

REGISTERED PROFESSIONAL ENGINEER
OREGON
JOHN P. CHRISTIANSEN
RENEWAL DATE: 12/31/17
REVISIONS

JOB NUMBER
5008

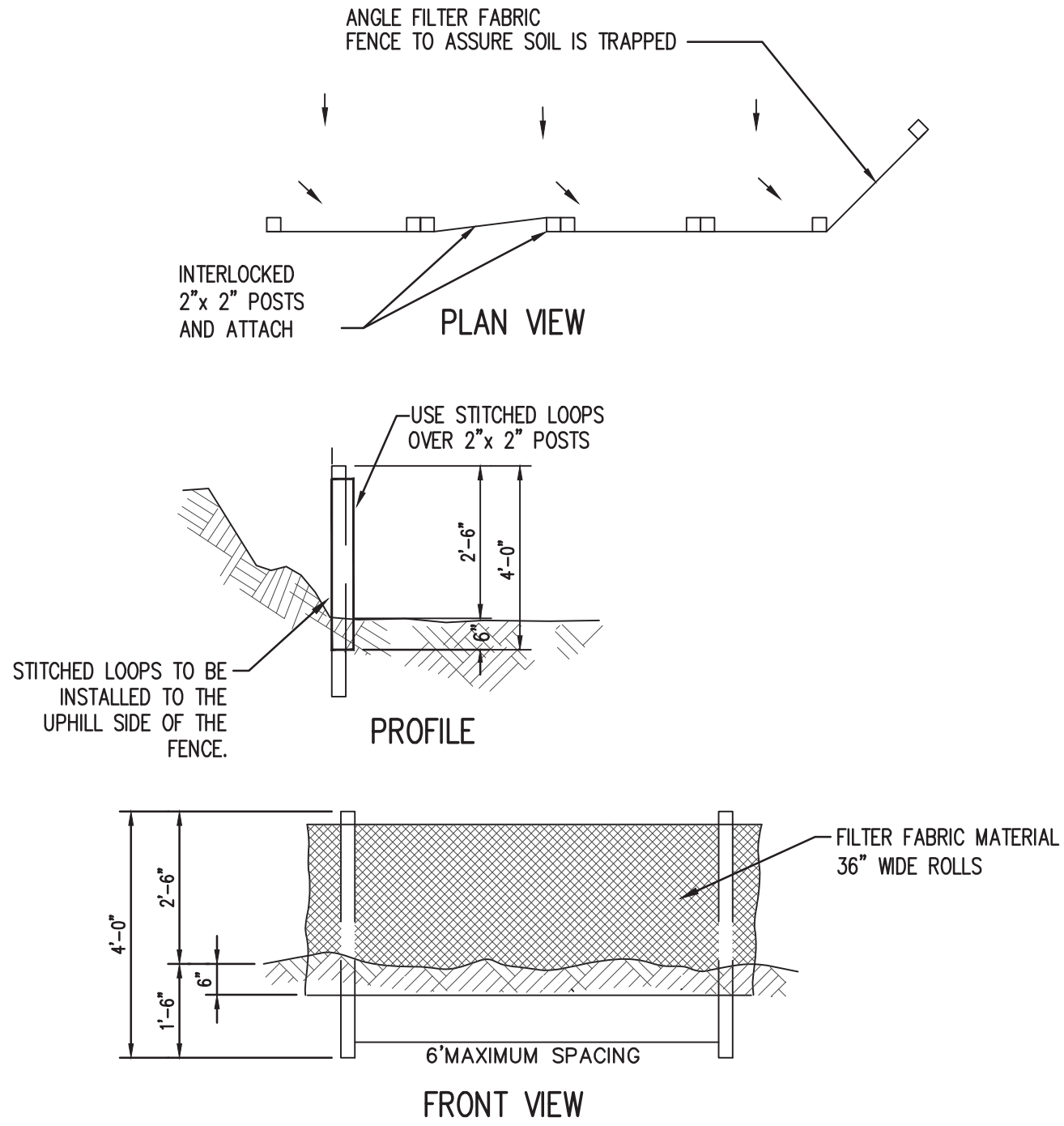
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C052

AKS
AKS ENGINEERING & FORESTRY, LLC
12065 SW HERMAN RD. STE 100
TUALATIN, OR 97062
P: 503.563.6151
F: 503.563.6152
aks-eng.com

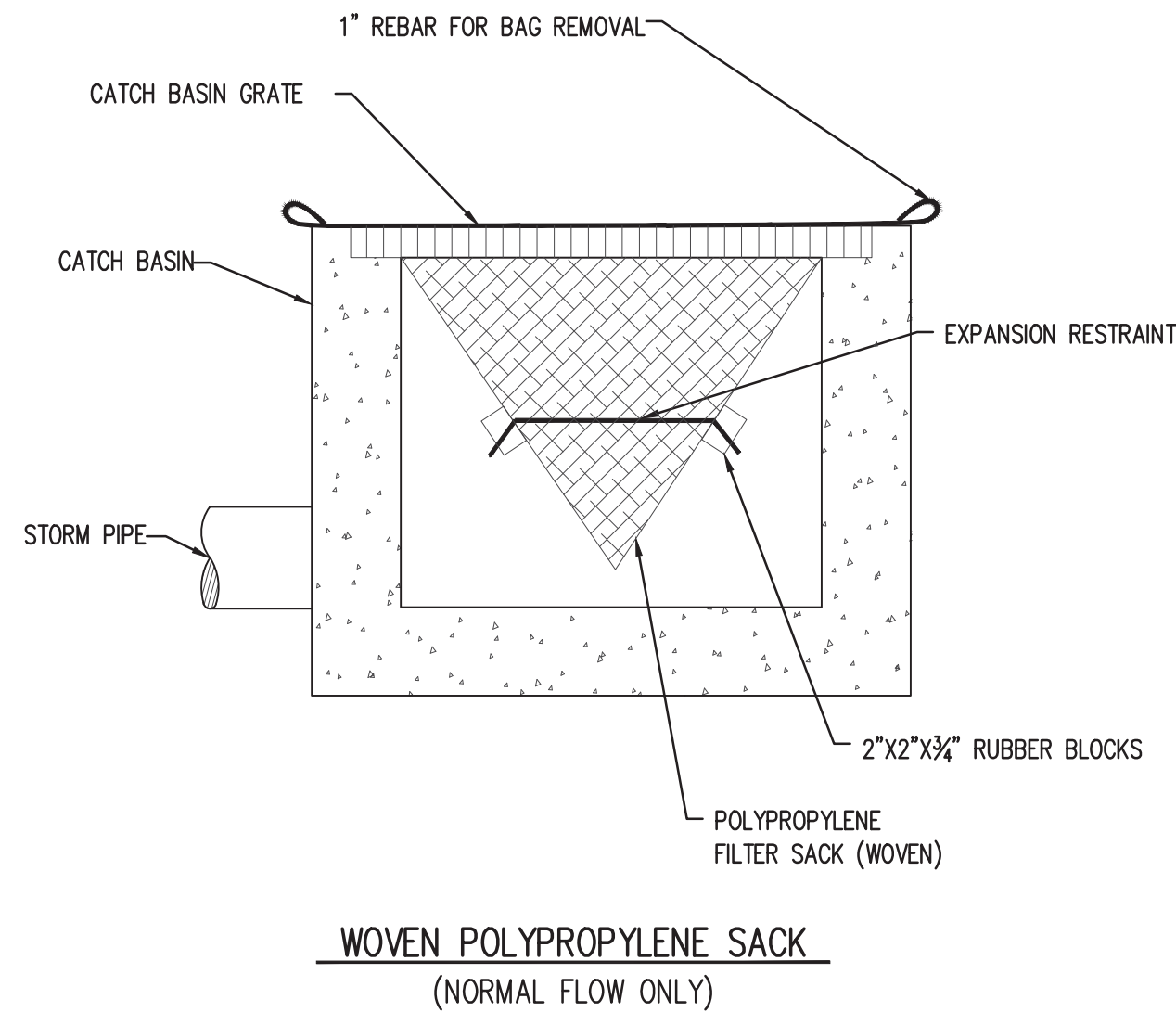
ENGINEERING - SURVEYING - NATURAL RESOURCES
FORESTRY - PLANNING - LANDSCAPE ARCHITECTURE

AKS DRAWING FILE: 5008 C053 ESC DETAILS.DWG | LAYOUT: C053



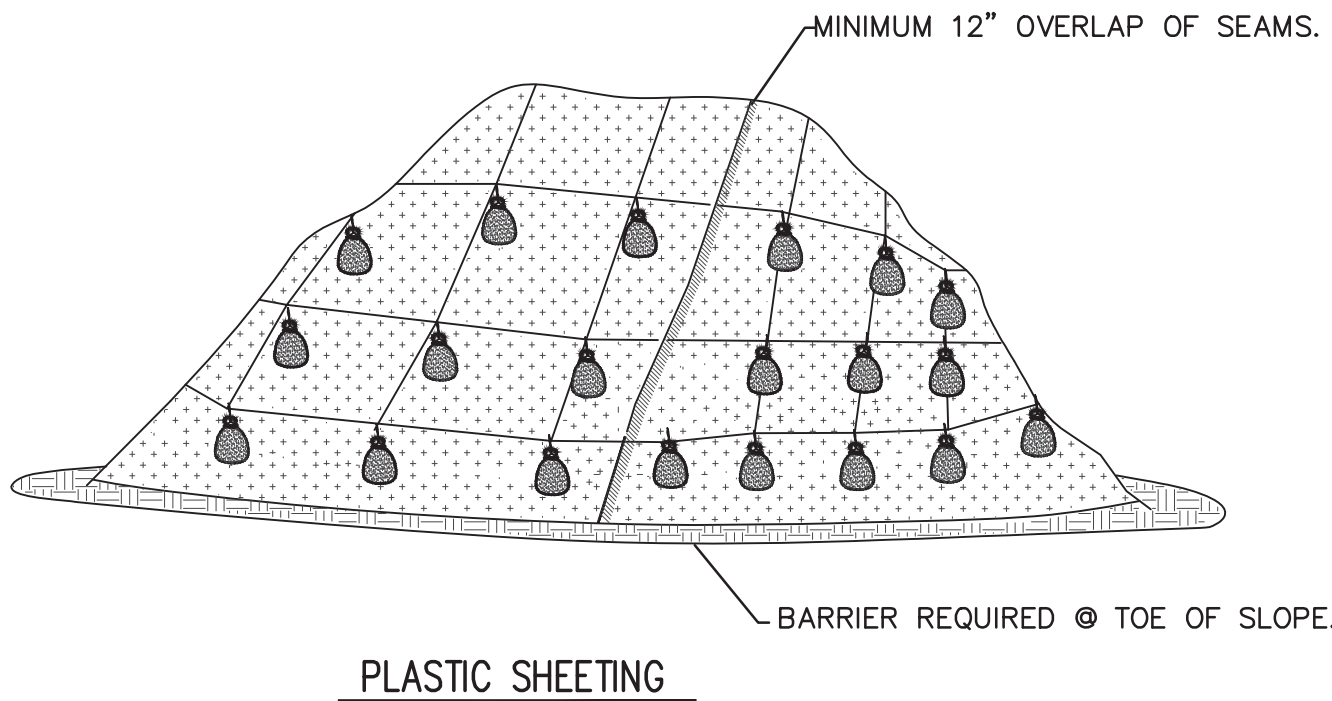
- NOTES:**
- BURY BOTTOM OF FILTER FABRIC 6" VERTICALLY BELOW FINISHED GRADE.
 - 2" X 2" FIR, PINE OR STEEL FENCE POSTS. POSTS TO BE INSTALLED ON UPHILL SIDE OF SLOPE.
 - COMPACT BOTH SIDES OF FILTER FABRIC TRENCH.

**SEDIMENT FENCE
NTS**



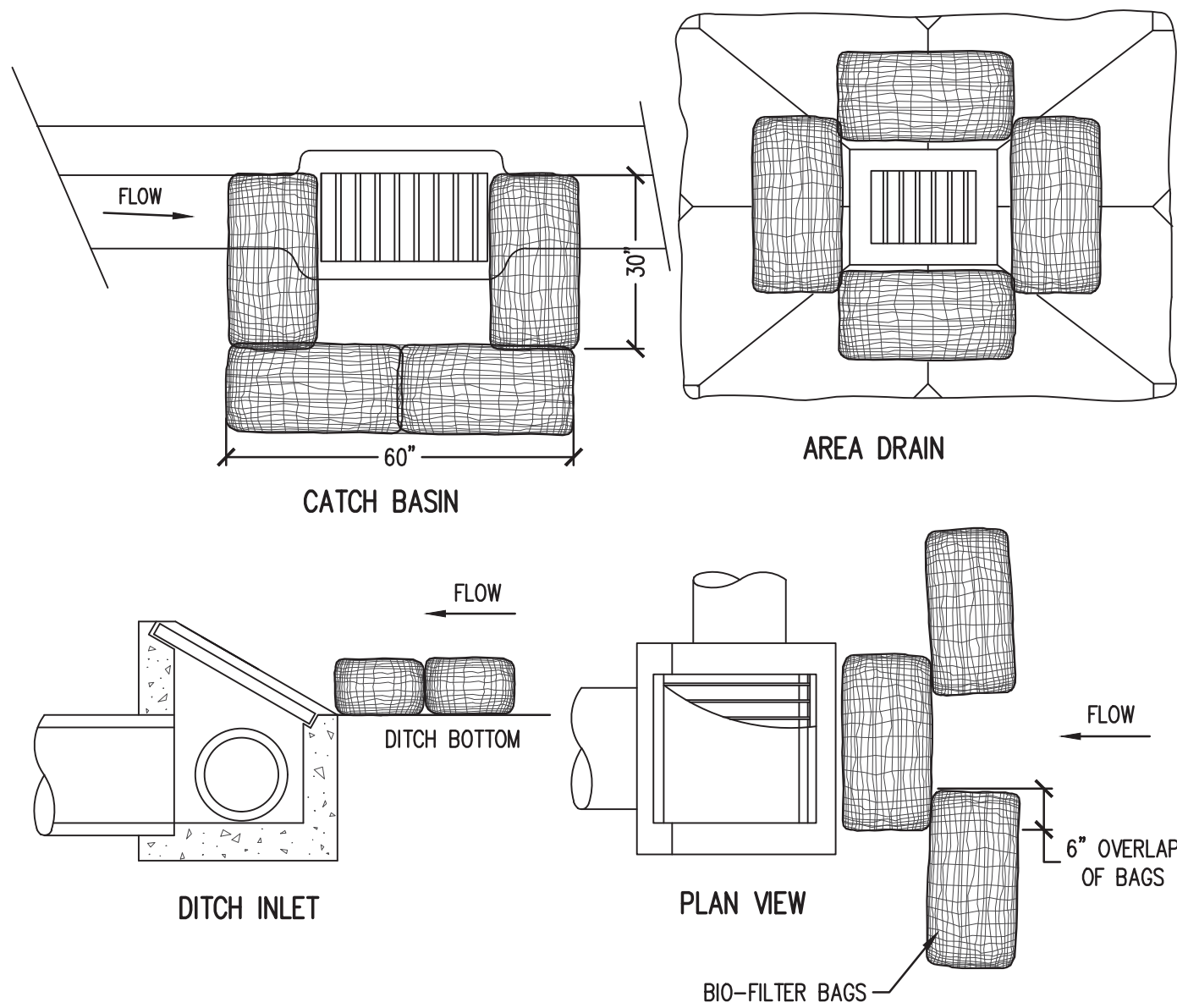
- NOTES:**
- RECESSED CURB INLET CATCH BASINS MUST BE BLOCKED WHEN USING FILTER FABRIC INLET SACKS. SIZE OF FILTER FABRIC INLET SACKS TO BE DETERMINED BY MANUFACTURER.
 - NORMAL FLOW INSERT BAGS ONLY. DO NOT USE HIGH FLOW BAGS.

**AREA DRAIN TYPE CATCH BASIN INLET PROTECTION
NTS**



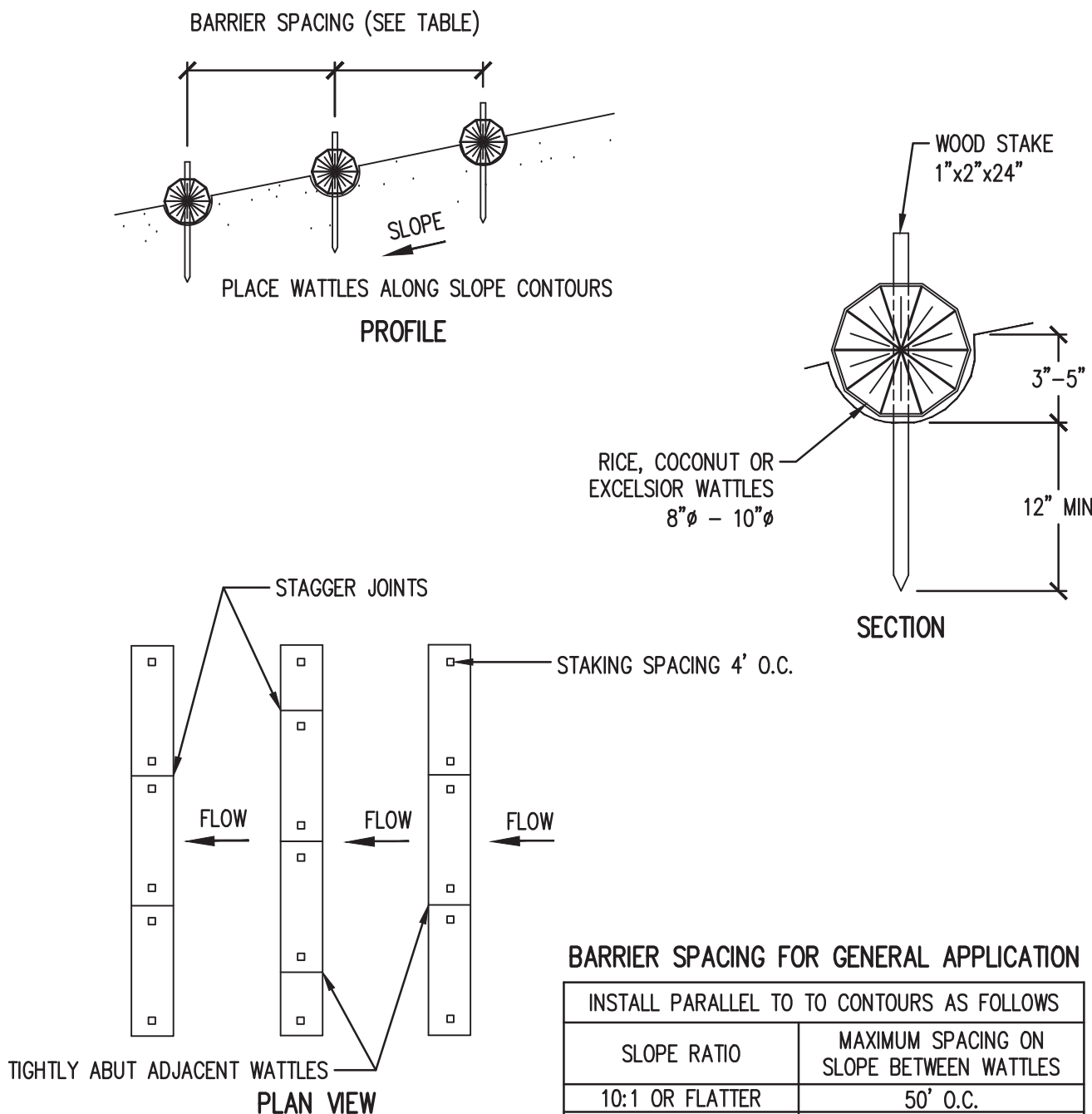
- NOTES:**
- MINIMUM 12" OVERLAP OF ALL SEAMS REQUIRED.
 - BARRIER REQUIRED @ TOE OF STOCK PILE.
 - COVERING MAINTAINED TIGHTLY IN PLACE BY USING SANDBAGS OR TIRES ON ROPES WITH A MAXIMUM 10' GRID SPACING IN ALL DIRECTIONS.

**PLASTIC SHEETING
NTS**



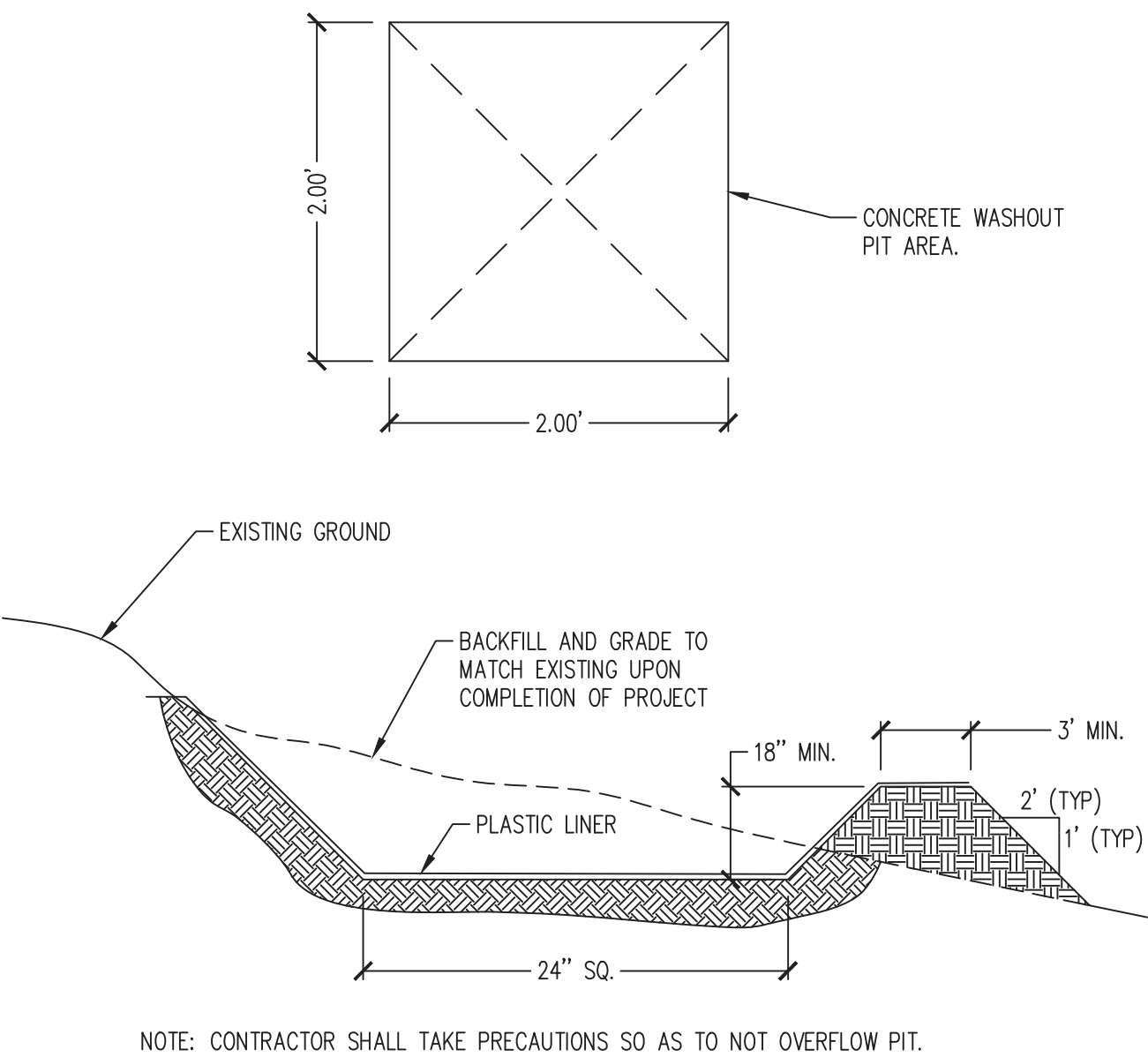
- NOTES:**
- ADDITIONAL MEASURES MUST BE CONSIDERED DEPENDING ON SOIL TYPES.
 - BIO-FILTER BAGS SHOULD BE STAKED WHERE APPLICABLE USING (2) 1"x2"x3" WOOD STAKES OR APPROVED EQUAL PER BAG.
 - WHEN USING 30" BIO-BAGS TO PROTECT A CATCH BASIN, 4 BAGS SHALL BE USED AND OVERLAPPED BY 6" MINIMUM.
 - BIO-FILTER BAGS MUST BE REMOVED AND HAUL OFF-SITE FOR DISPOSAL BY THE CONTRACTOR UPON PROJECT STABILIZATION.
 - BIO-FILTER BAGS MAY BE USED SHORT TERM WITH UTILITY WORK AND WITH PHASING OF DEVELOPMENT.
- MAINTENANCE NOTES:**
- SEDIMENT BARRIERS SHALL BE MAINTAINED UNTIL UPHILL AREA IS PERMANENTLY STABILIZED.
 - AT NO TIME SHALL MORE THAN 2-INCHES OF SEDIMENT BE ALLOWED TO ACCUMULATE BEHIND BIO-FILTER BAGS.
 - NEW SEDIMENT BARRIERS SHALL BE INSTALLED UPHILL AS REQUIRED TO CONTROL SEDIMENT TRANSPORT.

**INLET PROTECTION (BIO-FILTER BAG)
NTS**



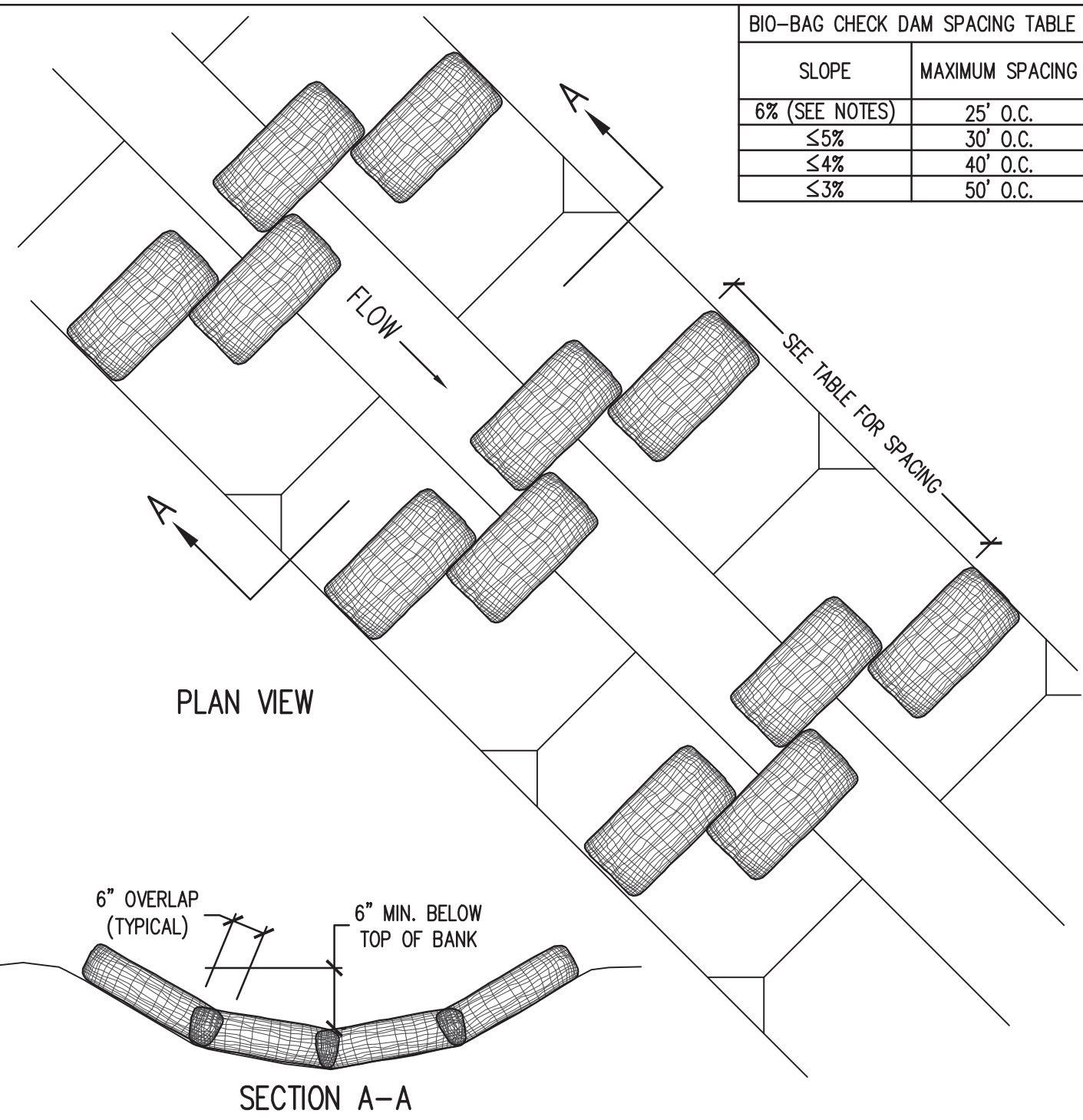
- NOTES:**
- ALL MATERIAL SHALL CONFORM TO OSSC, CURRENT EDITION.
 - SEDIMENT BARRIERS SHALL BE MAINTAINED UNTIL UP-HILL AREA IS PERMANENTLY STABILIZED.
 - AT NO TIME SHALL SEDIMENT BE ALLOWED TO ACCUMULATE ABOVE THE TOP OF THE STRAW WATTLE.
 - NEW SEDIMENT BARRIERS SHALL BE INSTALLED UPHILL AS REQUIRED TO CONTROL SEDIMENT TRANSPORT.
 - ADDITIONAL STAKES MAY BE INSTALLED ON DOWNHILL SIDE OF WATTLES DUE TO STEEP SLOPES OR HIGHLY ERODIVE SOILS.
 - CONTRACTOR SHALL REMOVE AND HAUL OFF SITE FOR DISPOSAL UPON PROJECT COMPLETION.

**STRAW WATTLES
NTS**



- NOTES:**
- WASHOUT AREA TO CONTAIN A MINIMUM OF 3 CY. (24" LONG BY 24" WIDE BY 18" DEEP)
 - REMOVE AND LEGALLY DISPOSE OF WASTE MATERIAL WHEN IT ACCUMULATES TO 2/3 OF WET STORAGE CAPACITY OF PIT.
 - CONCRETE WASHOUT AREA TO BE REPAIRED AND/OR ENLARGED AS NECESSARY TO MAINTAIN CAPACITY FOR CONCRETE.
 - UPON COMPLETION OF CONSTRUCTION ACTIVITIES REQUIRING CONCRETE WASHOUT, THE WASHOUT SHALL BE REMOVED AND THE AREA RESTORED TO FINISH GRADE AND EXISTING CONDITION.

**CONCRETE TRUCK WASHOUT
NTS**



- NOTES:**
- STAKING OF BAGS REQUIRED USING TWO (2) 1"x2"x3" WOOD STAKES OR APPROVED EQUAL PER BAG.
 - SURFACE MUST BE SMOOTH BEFORE APPLICATION.
 - CHECK DAMS CAN BE CONSTRUCTED USING BIO-FILTER BAGS OR OTHER MATERIALS AS APPROVED BY THE LOCAL JURISDICTION.
 - SLOPES MORE THAN 6% WILL REQUIRE ROCK CHECK DAMS.
- MAINTENANCE NOTES:**
- SEDIMENT BARRIERS SHALL BE MAINTAINED UNTIL UP-SLOPE AREA IS PERMANENTLY STABILIZED.
 - AT NO TIME SHALL MORE THAN 2 INCHES OF SEDIMENT BE ALLOWED TO ACCUMULATE BEHIND BIO-FILTER BAGS.
 - NEW SEDIMENT BARRIERS SHALL BE INSTALLED UPHILL AS REQUIRED TO CONTROL SEDIMENT TRANSPORT.
 - CONTRACTOR SHALL REMOVE AND HAUL OFF SITE FOR DISPOSAL UPON PROJECT COMPLETION.

**BIO-FILTER BAG CHECK DAM
NTS**

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Engineer: _____

Planning: _____

Public Works: _____

You shall be responsible for protecting all existing public and private utilities.

Date of Approval: _____

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DESIGNED BY: JDS

DRAWN BY: JDS

CHECKED BY: JPC

SCALE: AS NOTED

DATE: 04/28/2016



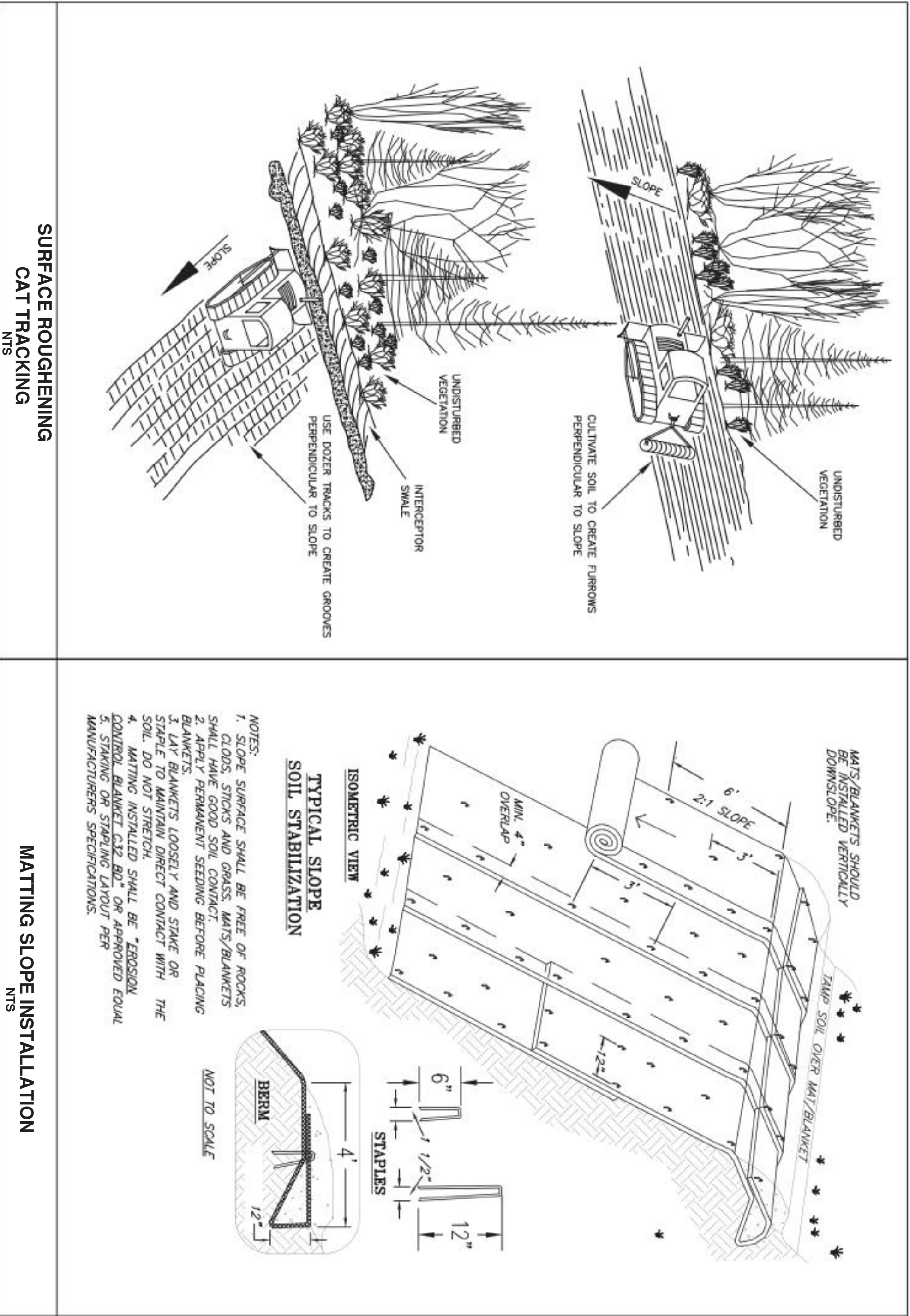
RENEWAL DATE: 12/31/17

REVISIONS

JOB NUMBER
5008

SHEET

C053



EROSION AND SEDIMENT CONTROL DETAILS

13945 S BEAVERCREK ROAD
OREGON CITY OREGON
TAX LOTS 803 AND 807 CLACKAMAS COUNTY TAX MAP 3 2E 4C

AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD STE 100
TUALATIN, OR 97062
P: 503.563.6151
F: 503.563.6152
aks-eng.com
ENGINEERING · SURVEYING · NATURAL RESOURCES
FORESTRY · PLANNING · LANDSCAPE ARCHITECTURE

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C054

DESIGNED BY:	JDS
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DATE:	04/28/2016
SCALE:	AS NOTED
REVISIONS	
REVISION DATE:	12/31/17
REVISIONS	



JOB NUMBER
5008

SHEET

Natural Resource Assessment

DATE: April 8, 2016
TO: Oregon City Planning Department, Oregon
FROM: Kayla Katkin, Natural Resource Specialist – AKS Engineering & Forestry, LLC
SUBJECT: Natural Resource Assessment
PROJECT: Berryhill Apartments Retaining Wall

INTRODUCTION AND BACKGROUND

AKS Engineering and Forestry, LLC (AKS) was contracted by Shannon & Wilson, Inc. to conduct a Natural Resource Assessment on a site near Beavercreek Road in Oregon City, Clackamas County, Oregon (attached Figures 1 and 2). Construction of a retaining wall is planned for the eastern portion of the Tax Lot 803.

A mapped tributary and pond are located to the north of the project area. The slopes surrounding the tributary are greater than 25% for more than 150 feet, requiring a 200-foot wide vegetated corridor buffer, extending from the edge of the Protected Water Feature. According to the Oregon City GIS Map, a portion of the retaining wall will be built into the associated Natural Resource Overlay District (NROD) Zone. AKS professionally surveyed the site, verifying the distance from Tax Lot 803 to the edge of bank associated with the NROD tributary measures approximately 330 feet, exceeding the 200-foot required vegetated corridor buffer from the edge of bank.

This memo has been prepared to meet the Oregon City Code of Ordinances application requirements listed under Chapter 17.49 of the Natural Resource Overlay District Type 1 Verification and to request a determination that the project area is not in an NROD area and is therefore not subject to the set of NROD standards.

EXISTING CONDITIONS

The study area is located on a hillside between Berryhill Apartments, Forest Edge Apartments, and land to the north of Berryhill Apartments in Oregon City, Clackamas County, Oregon. Portions of Tax Lots 802, 803, 807, 808, and 9000 of Tax Map 3S 2E 4C are included as the study area. Townhomes and apartment buildings are present to the east and west of the project area, with commercial use along S Beavercreek Road. Topography on site steeply slopes (greater than 25% slopes) down towards the east. The site is generally dominated by Himalayan blackberry (*Rubus armeniacus*), Oregon white oak (*Quercus garryana*), red alder (*Alnus rubra*), beaked hazelnut (*Corylus cornuta*), English hawthorn (*Crataegus monogyna*), salmon raspberry (*Rubus spectabilis*), and northern bracken fern (*Pteridium aquilinum*).

An NROD associated with Title 3 Protected Water Features (tributaries) is mapped extending into the project area on the Oregon City GIS Map (Figure 5). One NROD tributary is mapped to the east of the site. There is an existing private road separating the study area from the vegetated corridor buffer; therefore, according to Oregon City Code 17.49.255, the NROD vegetated corridor associated with this tributary does not extend into the project area. A pond and second tributary to Newell Creek are mapped to the north of the planned

retaining wall location. Steep slopes (greater than 25%) surround the pond and tributary as it flows north/northeast towards Newell Creek.

According to the Natural Resources Conservation Service (NRCS) Clackamas County Area Soil Survey, the following soil units are mapped on the site (Figure 3):

- Unit 37D – Helvetia silt loam, 15% to 30% slopes; non-hydric
- Unit 45B – Jory silty clay loam, 2% to 8% slopes; non-hydric
- Unit 92F – Xerochrepts and Haploxerolls, very steep; non-hydric

According to Oregon City's Local Wetland Inventory (LWI), no wetlands are mapped within the study area. The second tributary to Newell Creek is included on the LWI (Figure 4).

PROJECT

The project involves construction of a retaining wall in the eastern portion of Tax Lot 803 (Figure 5). A landslide occurred in 2006 and reactivated December, 2015 on the land between Tax Lots 803 and 807, in which the steep slope failed. Construction of a retaining wall is required on-site to stabilize the hillside. The location of the planned retaining wall is greater than 200 feet away from any Protected Water Features and associated vegetated corridor buffers; therefore will not impact any natural resources.

EXISTING PROTECTED WATER FEATURES

Kayla Katkin and Lindsey Obermiller, Natural Resource Specialists, conducted a site visit on March 28, 2016 to determine the location of the tributary on the adjacent tax lot to the north. The Ordinary High Water Mark (OHWM) of a portion of the tributary was determined based on field indicators observed, including bank erosion and channel scouring. Along the bank, a distinct change in a silt loam substrate to a non-hydrophytic plant community was also observed. Aquatic macroinvertebrates were present dominant in the Order Diptera, Gastropoda, and Amphipoda, however; a single individual of the Order Ephemeroptera was found. Vegetation along the channel was dominant in non-hydrophytic species including northern lady fern (*Athyrium angustum*, FAC), taper-fruit short-scale sedge (*Carex leptopoda*, FAC) and salmon raspberry (FAC). Few scattered pools, with continuous surface flow at an average depth of 2.5 inches, for approximately 90% of the channel reach was observed. Channel width was approximately 3 feet wide with approximately 1.5 foot deep banks. Slopes along the delineated tributary were greater than 10%. The tributary was determined to be intermittent according to the United States Environmental Protection Agency's (EPA) Streamflow Duration Field Assessment.

Land surrounding this tributary is steeply sloped for more than 150 feet and abundant in dense Himalayan blackberry. According to Oregon City Code 17.49.110, the required vegetated corridor buffer is 200 feet from the edge of the bank. On March 29, 2016, AKS professionally land surveyed the site, determining that the location of the planned retaining wall will be outside of the 200 foot buffer required by the Oregon City Code. There is no evidence of a perennial or intermittent stream system or other Protected Water Feature within 200 feet of the retaining wall project area. There are no man-made drainage features, water marks, swash lines, or drift lines present on trees or shrubs, sediment deposits on plants, or any other evidence of sustained inundation within the project area.

According to National Weather Service (NWS) Portland weather station data, no rainfall occurred on the day of the March 28, 2016 site visit and approximately 1.39 inches of rain was received the two weeks prior to the

site visit. Precipitation patterns received prior to the site visit can be viewed as being above the normal range. According to the closest WETS (short for wetlands climate analysis) station to the project site, observed water year to date (since October 1, 2015) was 39.48 inches, which was 12.32 inches above average.

SUMMARY

The project includes construction of a retaining wall on Tax Lot 803 needed following a recent landslide. If the request for a determination that the project area is not in an NROD zone is approved, no soil, vegetation, or hydrologic features within the NROD will be disturbed as a result of the construction and no hydrologic features will change.

Please do not hesitate to contact me with any questions concerning the proposed project.



Kayla Katkin
Natural Resource Specialist
Field work and report preparation



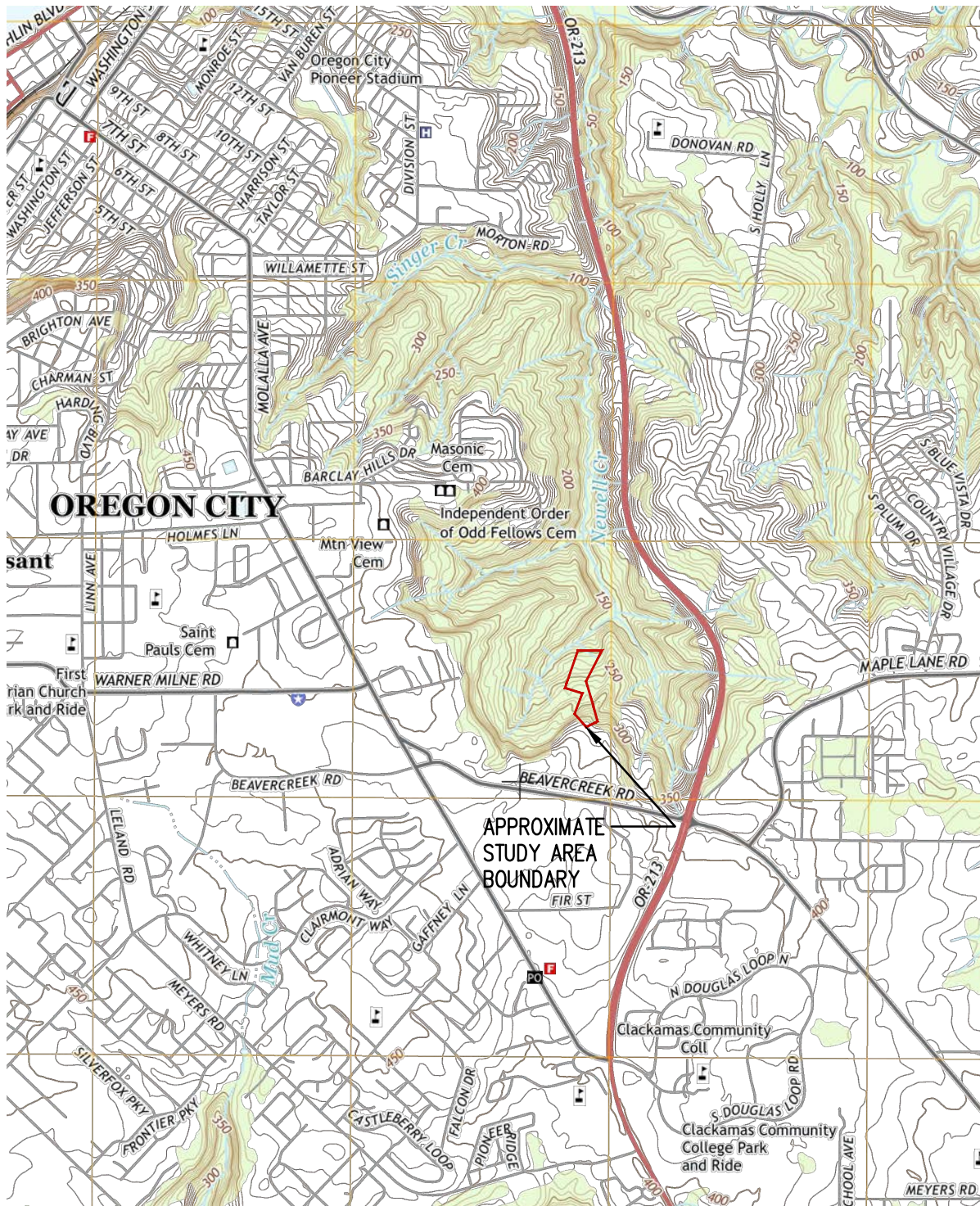
Stacey Reed, PWS
Senior Wetland Scientist
Report review

List of Attached Figures

- Figure 1. Vicinity Map
- Figure 2. Tax Lot Map
- Figure 3. Soils Map
- Figure 4. Oregon City Local Wetland Inventory Map
- Figure 5. Oregon City GIS NROD Map
- Figure 6. Site Plan

List of Attachments

Attachment A: Representative Site Photographs



USGS 7.5' TOPOGRAPHIC
QUADRANGLE: OREGON CITY, OR (2014)

DATE: 03/30/2016



SCALE 1" = 2000 FEET



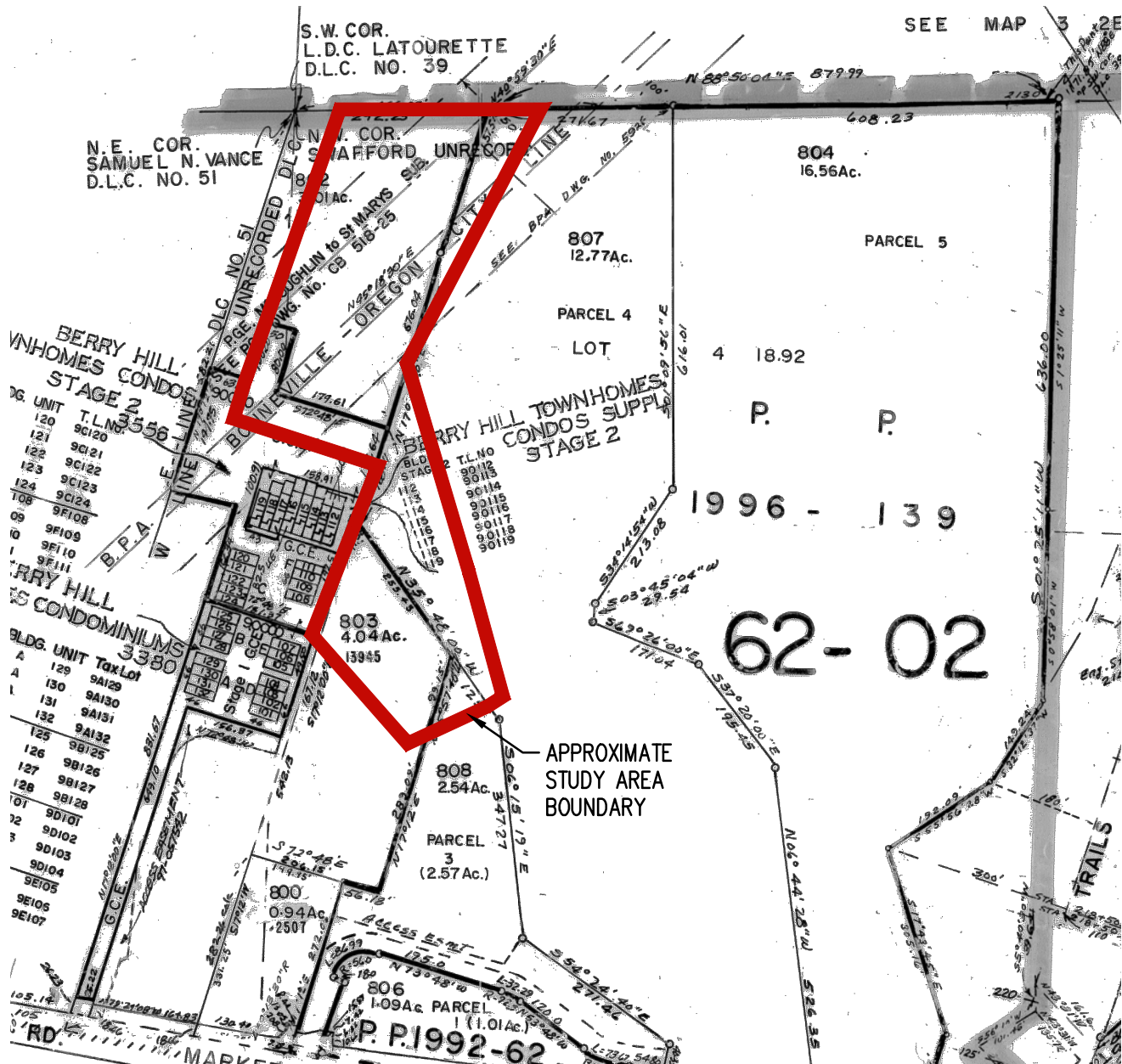
**VICINITY MAP
BERRYHILL APARTMENTS**

AKS ENGINEERING & FORESTRY SALEM-KEIZER, LLC
4300 CHERRY AVE NE
KEIZER, OR 97303
PHONE: 503.400.6028
www.aks-eng.com
FAX: 503.400.7722



**FIGURE
1**

DRWN: KMK
CHKD: SAR
AKS JOB:
5008



TAX MAP 3 2E 4C



SCALE 1" = 250 FEET



DATE: 03/30/2016

**TAX MAP (MAP 3 2E 4C)
BERRYHILL APARTMENTS**

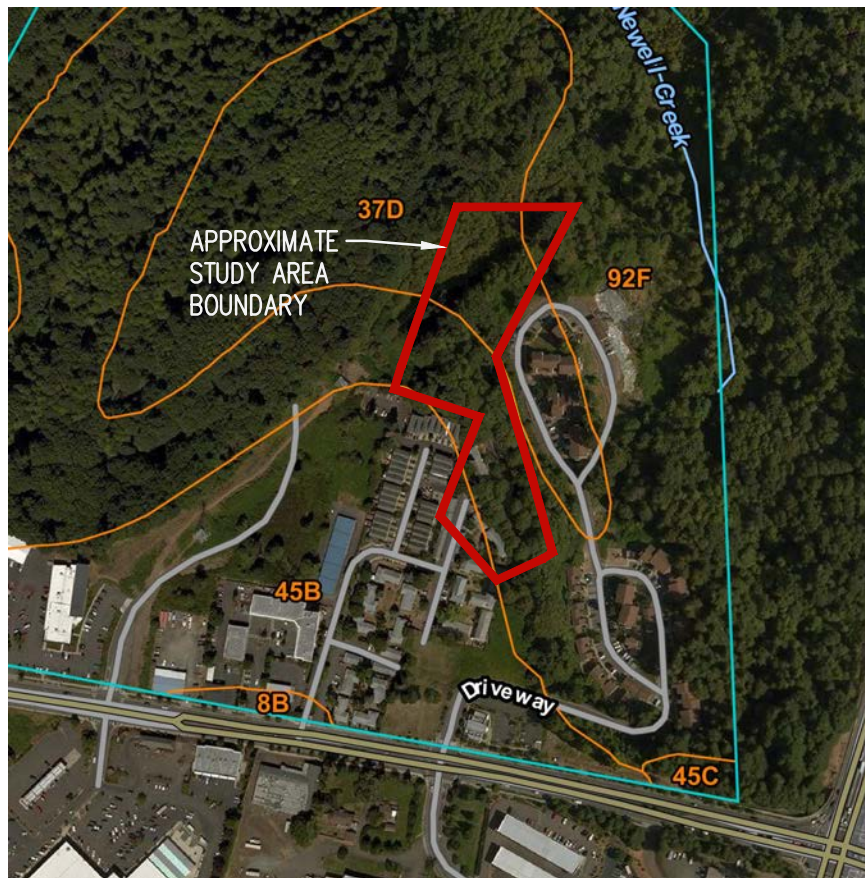
AKS ENGINEERING & FORESTRY SALEM-KEIZER, LLC
4300 CHERRY AVE NE
KEIZER, OR 97303
PHONE: 503.400.6028

www.aks-eng.com
FAX: 503.400.7722



FIGURE
2

DRWN: KMK
CHKD: SAR
AKS JOB:
5008



MAP UNIT SYMBOL	MAP UNIT NAME
37D	HELVETIA SILT LOAM, 15% – 30% SLOPES; NON-HYDRIC
45B	JORY SILTY CLAY LOAM, 2% – 8% SLOPES; NON-HYDRIC
92F	XEROCHREPTS AND HAPLOXEROLLS, VERY STEEP; NON-HYDRIC

NRCS WEB SOIL SURVEY FOR
CLACKAMAS COUNTY

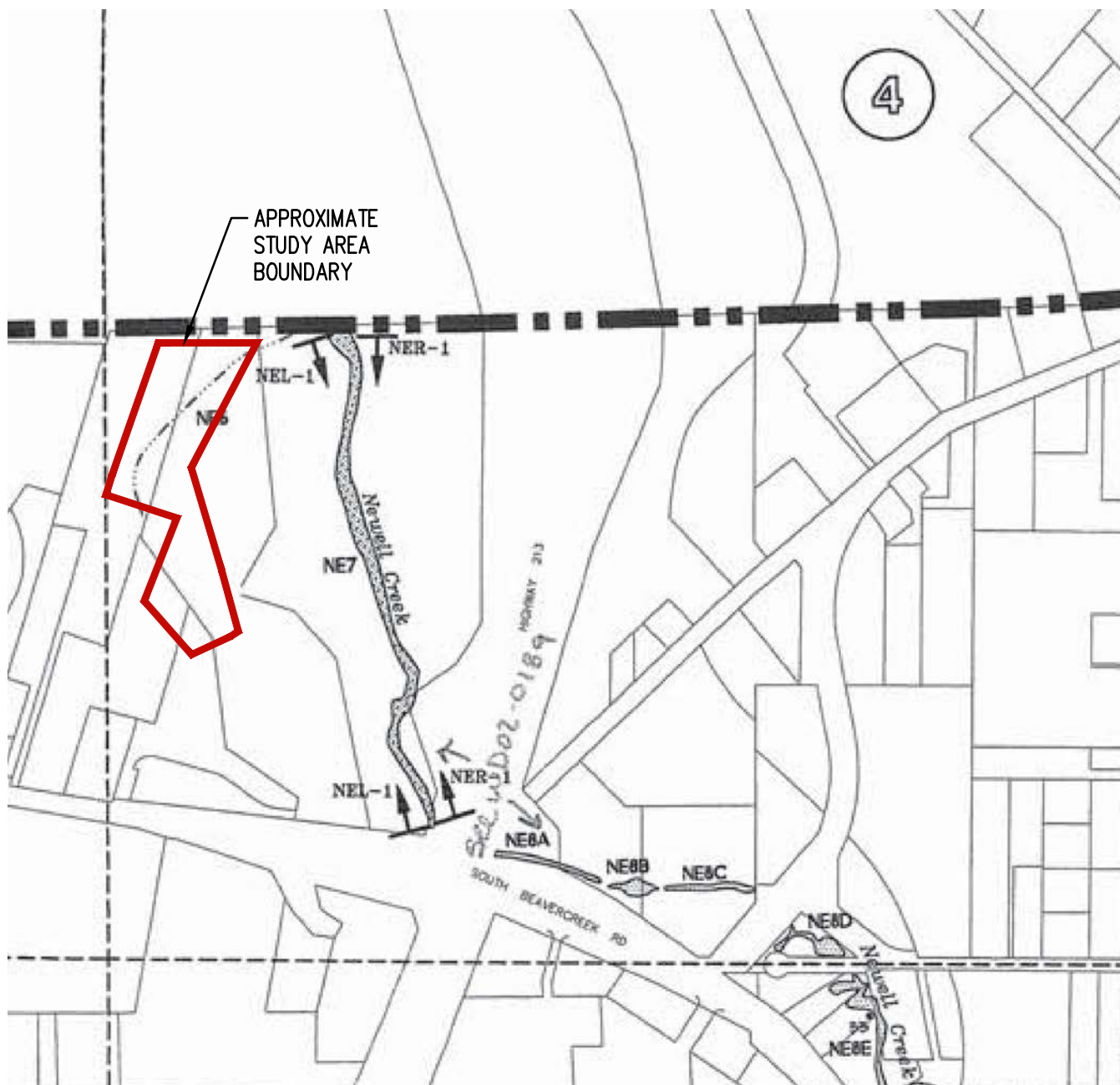


SCALE 1" = 500 FEET



DATE: 03/25/2016

SOIL SURVEY MAP BERRYHILL APARTMENTS		FIGURE 3
AKS ENGINEERING & FORESTRY SALEM-KEIZER, LLC 4300 CHERRY AVE NE KEIZER, OR 97303 PHONE: 503.400.6028		DRWN: KMK CHKD: SAR AKS JOB: 3780
www.aks-eng.com FAX: 503.400.7722		AKS



LEGEND

- Urban Growth Boundary
- Wetland
- AC2 Wetland label
- FCRI Riparian label
- Sample site
- DSL DET wetland
- DSL label
- Mitigation wetland
- Site access not granted
- Stream

OREGON CITY LOCAL WETLAND INVENTORY, 1999

DATE: 03/30/2016

SCALE 1" = 500 FEET



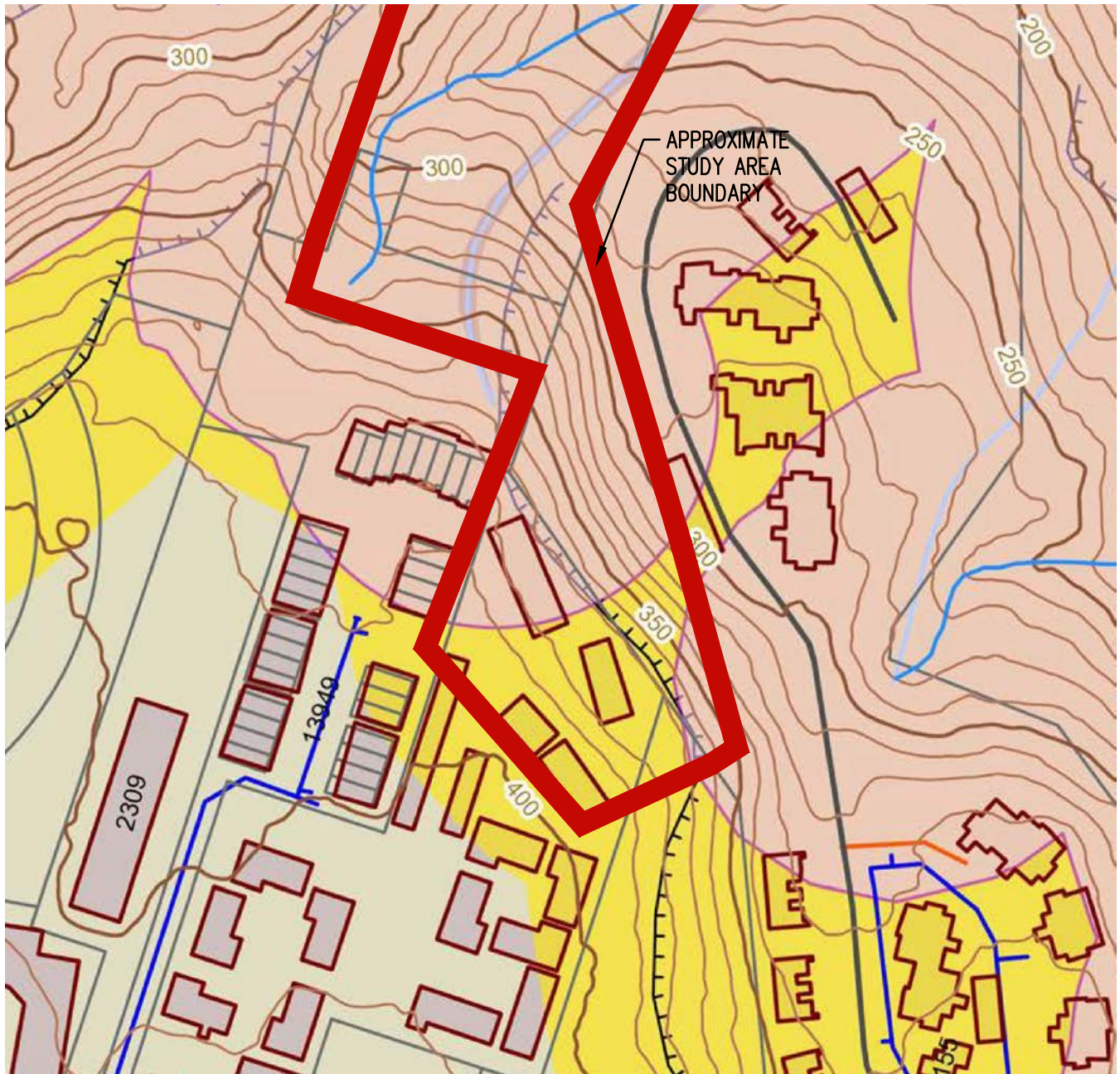
LOCAL WETLAND INVENTORY MAP (LWI) BERRYHILL APARTMENTS

AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD SUITE 100
TUALATIN, OR 97062 www.aks-eng.com
PHONE: 503.563.6151 FAX: 503.563.6152



FIGURE
4

DRWN: KMK
CHKD: SAR
AKS JOB:
5008



OREGON CITY GIS NROD MAP

- NROD - Natural Resource Overlap
- Title 3 - Streams
- Title 3 - Wetlands
- Soils (High Water Table)
- Landslides (SLIDO) - Scarps
- Geologic Hazards - All
- Basemap



SCALE 1" = 150 FEET



DATE: 03/30/2016

**OREGON CITY GIS NROD MAP
BERRYHILL APARTMENTS**

AKS ENGINEERING & FORESTRY, LLC
 12965 SW HERMAN RD SUITE 100
 TUALATIN, OR 97062 www.aks-eng.com
 PHONE: 503.563.6151 FAX: 503.563.6152



**FIGURE
5**

DRWN: KMK
 CHKD: SAR
 AKS JOB:
 5008

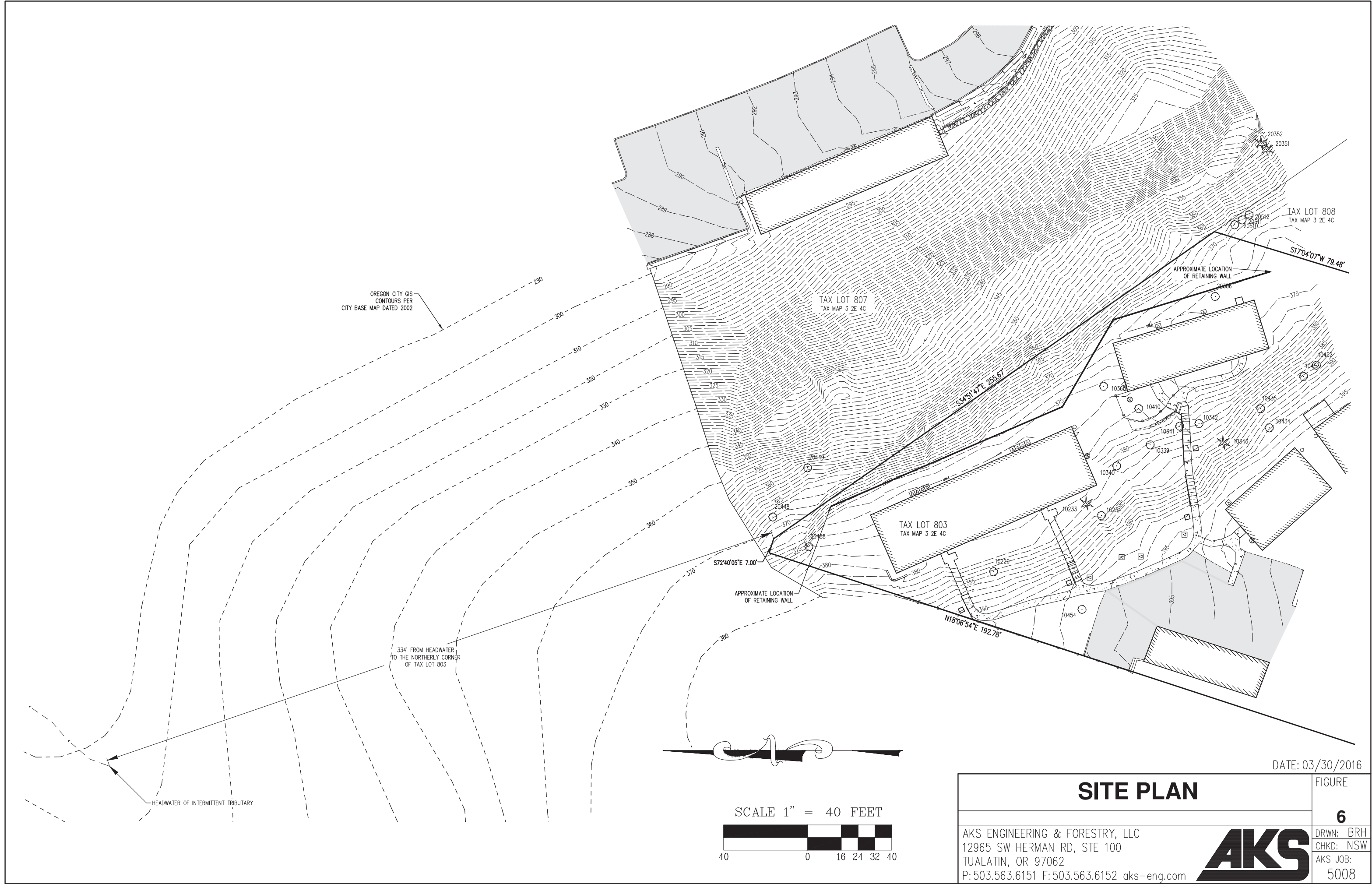




Photo A. View west of **pond**. Steep slopes and dense Himalayan blackberry throughout.



Photo B. View south of **intermittent tributary**. Steep slopes along edge of bank.



Photo C. View facing north of OHHM flags along a portion of the **tributary**.



Photo D. View north of **tributary**. Some flow with debris and rocks throughout.

Prepared by and after
Recording Return To:

George E. Glass, Manager
Berryhill Equity, LLC
4004 Kruse Way Place, #160
Lake Oswego, OR 97035

Until a change is requested all tax statements
shall be sent to the following:

George E. Glass, Manager
Berryhill Equity, LLC
4004 Kruse Way Place, #160
Lake Oswego, OR 97035

Consideration: \$3,000,000

SPECIAL WARRANTY DEED

Christi Alvarez, the duly appointed, qualified, and acting personal representative of the Estate of Marc Stephen Whybra, Deceased, pursuant to proceedings filed in Circuit Court for Benton County, Oregon, Case No. 11-40078, ("Grantor"), conveys and specially warrants to Berryhill Equity, LLC, an Oregon limited liability company ("Grantee"), all of the real property described on Exhibit "A," attached hereto and made a part hereof for all purposes, together with (a) all improvements located thereon, (b) all and singular the rights, benefits, privileges, easements, tenements, hereditaments, and appurtenances thereon or in anywise appertaining to such real property, and (c) all right, title, and interest of Grantor, if any, in and to all land lying in the bed of any street, road or alley, open or proposed, adjoining such real property (said land described on Exhibit "A", the improvements thereon, and said other rights, benefits, privileges, easements, tenements, hereditaments, and appurtenances being hereinafter referred to collectively as ("Property").

This conveyance is made free of encumbrances created or suffered by Grantor except the following: (i) those encumbrances and exceptions (hereinafter referred to collectively as the "Permitted Exceptions") set forth on Exhibit "B," attached hereto and made a part hereof for all purposes, but only to the extent that the same are valid and existing and affect the Property, and without reimposing the same; and (ii) all matters that would be disclosed by an accurate ALTA/ACSM survey or physical inspection of the Property.

The true consideration for this conveyance is \$3,000,000.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11,

Clackamas County Official Records
Sherry Hall, County Clerk

2016-028377

05/02/2016 01:00:04 PM

D-D Cnt=1 Str=5 KARLYN
\$35.00 \$16.00 \$10.00 \$22.00

\$83.00

CHICAGO TITLE 4785155345687L 0750 (cont)

Prepared by and after
Recording Return To:

George E. Glass, Manager
Berryhill Equity, LLC
4004 Kruse Way Place, #160
Lake Oswego, OR 97035

Until a change is requested all tax statements
shall be sent to the following:

George E. Glass, Manager
Berryhill Equity, LLC
4004 Kruse Way Place, #160
Lake Oswego, OR 97035

Consideration: \$3,000,000

SPECIAL WARRANTY DEED

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This conveyance is made free of encumbrances created or suffered by Grantor except the following: (i) those encumbrances and exceptions (hereinafter referred to collectively as the "**Permitted Exceptions**") set forth on Exhibit "B," attached hereto and made a part hereof for all purposes, but only to the extent that the same are valid and existing and affect the Property, and without reimposing the same; and (ii) all matters that would be disclosed by an accurate ALTA/ACSM survey or physical inspection of the Property.

The true consideration for this conveyance is \$3,000,000.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11,

CHICAGO TITLE 4795/5534568.TL CT50 (60mm)

CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

IN WITNESS WHEREOF, Grantor has executed this Special Warranty Deed on the date set forth in the acknowledgment hereof, but effective as of May 2, 2016.

GRANTOR:

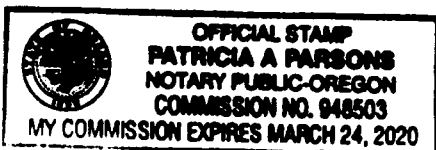
By: Christi Alvarez
Christi Alvarez, Personal Representative

State of OR
County of Multnomah

On 4-29, 2016, before me, Patricia Parsons, Notary Public, personally appeared Christi Alvarez, Personal Representative of the Estate of Marc Stephen Wybra, Deceased, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of Oregon that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Patricia Parsons
Notary Public for OR

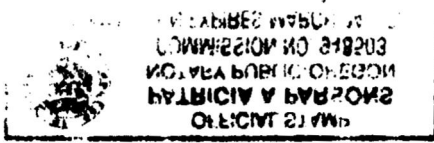


Exhibit A
Legal Description of Real Property

PARCEL I:

A tract of land situated in the Southwest one-quarter of Section 4 and in the Southeast one-quarter of Section 5, Township 3 South, Range 2 East, of the Willamette Meridian, in the City of Oregon City, County of Clackamas and State of Oregon, said tract being a portion of the James G. Swafford Patent Certification No. 613, described as follows:

Commencing at a stone that marks the Northwest corner of the Washington Williams Donation Land Claim No. 56 (said point also being the Southwest corner of said Swafford patent); thence North 17°12'00" East along the Easterly line of the Samuel N. Vance Donation Land Claim No. 51 (being the Westerly line of said Swafford Patent), 573.10 feet to a point on the Northerly line of Market Road No. 11 (Beavercreek Road), 30.00 feet from the centerline thereof; thence South 80°19'00" East, along said Northerly line of Beavercreek Road, 105.14 feet to a point, said point being located at the intersection with a line that bears North 17°12'00" East parallel with said Easterly line of the Vance Donation Land Claim, from a point which lies South 79°42'00" East, 105.00 feet from said Easterly line, said point also being in the Easterly line of the Wagner Tract recorded in Book 251, page 269; thence South 80°19'00" East, along said Northerly line of Beavercreek Road, 25.22 feet to a brass screw with a brass washer stamped 'LS 2423', said point being the true point of beginning on the parcel of land herein described; thence North 17°12'00" East, parallel with said Easterly line of the Vance Donation Land Claim and parallel with the Easterly line of said Wagner Tract, 504.91 feet to a 5/8 inch iron rod; thence South 72°48'00" East, 156.37 feet to a 5/8 inch iron rod; thence North 17°12'00" East, parallel with said Easterly line of the Vance Donation Land Claim 359.83 feet to a point being witnessed by a 5/8 inch iron rod that bears South 17°12'00" West 0.12 feet; thence South 72°48'00" East, 7.00 feet to a point being witnessed by a 5/8 inch iron rod that bears West, 0.17 feet therefrom; thence South 35°48'00" East, 255.43 feet to a point being witnessed by a 5/8 inch iron rod that bears South 0.26 feet and West 0.05 feet; thence South 16°02'29" West, 99.43 feet (Fee No. 89-14407 calls South 15°57'40" West, 99.40 feet) to a 5/8 inch iron rod; thence South 17°11'10" West, 289.10 feet to a 5/8 inch iron rod; thence North 72°48'00" West, 206.12 feet (Fee No. 89-14407 calls 206.15 feet) to a 5/8 inch iron rod in a line that bears North 17°12'00" East, parallel with said Easterly line of the Vance Donation Land Claim, from a point in the Northerly line of said Beavercreek Road which is South 80°19'00" East, 190.00 feet from said point of beginning; thence South 17°12'00" West, parallel with said Easterly line of the Vance Donation Land Claim, 300.96 feet to a point on said Northerly line of Beavercreek Road, said point being witnessed by a 5/8 inch iron rod that bears West, 0.17 feet therefrom; thence North 80°19'00" West, along said Northerly line of Beavercreek Road, 164.74 feet to the point of beginning.

PARCEL II:

A 25 foot wide access and utility easement over a tract of land situated in the Southwest one quarter of Section 4 and in the Southeast one-quarter of Section 5, Township 3 South, Range 2 East, of the Willamette Meridian, in the City of Oregon City, County of Clackamas and State of Oregon, said tract being a portion of the James G. Swafford Patent Certification No. 613 described as follows:

Commencing at a stone that marks the Northwest corner of the Washington Williams Donation Land Claim No. 56 (said point also being the Southwest corner of said Swafford Patent); thence North 17°12'00" East, along the Easterly line of the Samuel N. Vance Donation Land Claim No. 51 (being the Westerly line of said Swafford Patent), 573.10 feet to a point on the Northerly line of Market Road No. 11 (Beavercreek Road), 30.00 feet from the centerline thereof; thence South 80°19'00" East, along said Northerly line of Beavercreek Road, 105.14 feet to a point, said point being located at the intersection with a line that bears North 17°12'00" East, parallel with said Easterly line of the Vance Donation Land Claim, from a point which lies South 79°42'00" East, 105.00 feet from said Easterly line, said point also being in the Easterly line of the Wagner Tract recorded in Book 251, page 269; said point also being the point of beginning for the following described tract; thence North 17°12'00" East, parallel with said Easterly line of the Vance Donation Land Claim and along the Easterly line of said Wagner Tract, 508.21 feet; thence South 72°48'00" East, 25.00 feet; thence, parallel with said Easterly line of the Wagner Tract, South 17°12'00" West, 504.91 feet to a point on said Northerly line of Beavercreek Road; thence North 80°19'00" West, along said Northerly line of Beavercreek Road, 25.22 feet to the point-of-beginning.

PARCEL III:

A 5 foot wide utility easement over a tract of land situated in the Southwest one-quarter of Section 4 and in the Southeast one-quarter of Section 5, Township 3 South, Range 2 East, of the Willamette Meridian, in the City of Oregon City, County of Clackamas and State of Oregon, said tract being a portion of the James G. Swafford Patent Certification No. 613 described as follows:

Commencing at a stone that marks the Northwest corner of the Washington Williams Donation Land Claim No. 56 (said point also being the Southwest corner of said Swafford Patent); thence North 17°12'00" East, along the Easterly line of the Samuel N. Vance Donation Land Claim No. 51 (being the Westerly line of said Swafford Patent), 573.10 feet to a point on the Northerly line of Market Road No. 11 (Beavercreek Road), 30.00 feet from the centerline thereof; thence South 80°19'00" East, along said Northerly line of Beavercreek Road, 105.14 feet to a point, said point being located at the intersection with a line that bears North 17°12'00" East, parallel with said

Easterly line of the Vance Donation Land Claim, from a point which lies South 79°42'00" East, 105.00 feet from said Easterly line, said point also being in the Easterly line of the Wagner Tract recorded in Book 251, page 269; thence North 17°12'00" East, parallel with said Easterly line of the Vance Donation Land Claim and along the Easterly line of said Wagner Tract, 508.21 feet; thence South 72°48'00" East, 163.75 feet to the point of beginning for the following tract; thence North 61°41'06" East, 25.15 feet; thence North 17°12'00" East, parallel with said Easterly line of the Vance Donation Land Claim, 341.75 feet; thence South 72°48'00" East, 5.00 feet to the most Northerly point of Tract II; thence South 17°12'00" West, along the Westerly line of Tract II, 359.69 feet; thence North 72°48'00" West, 22.62 feet to the point of beginning.

PARCEL IV:

An easement for sanitary sewer as described in document recorded July 31, 1997 as Fee No. 97-057541 and being more particularly described as follows:

A tract of land situated in the Southwest one-quarter of Section 4 and in the Southeast one-quarter of Section 5, Township 3 South, Range 2 East, of the Willamette Meridian, in the City of Oregon City, County of Clackamas and State of Oregon, said tract being a portion of the James G. Swafford Patent Certification No. 613 described as follows:

Commencing at a stone that marks the Northwest corner of the Washington Williams Donation Land Claim No. 56 (said point also being the Southwest corner of said Swafford Patent); thence North 17°12'00" East, along the Easterly line of the Samuel N. Vance Donation Land Claim No. 51 (being the Westerly line of said Swafford Patent), 573.10 feet to a point on the Northerly line of Market Road No. 11 (Beavercreek Road), 30.00 feet from the centerline thereof; thence South 80°19'00" East, along said Northerly line of Beavercreek Road, 140.03 feet to the point of beginning; thence North 12°45'57" East 124.05 feet to a point on the line common to Tracts 1 and 2 of the recorded P.S. No. 25958; thence North 12°45'57" East 2.83 feet; thence North 16°13'16" East 117.32 feet; thence North 15°43'13" East 98.24 feet; thence North 21°39'29" East 61.25 feet to a point on the line common to said Tracts 1 and 2; thence North 21°39'29" East 44.68 feet; thence North 79°54'21" East 157.42 feet to a point that is 13.00 feet perpendicular to the Easterly line of the property line adjustment for Tract 1 as shown on P.S. No. 25958; thence North 17°12'00" East parallel with and 13.00 feet Westerly of said line a distance of 254.93 feet; thence North 5°57'59" West 26.64 feet; thence North 17°12'00" East 20.00 feet; thence South 72°48'00" East 23.48 feet to the said Easterly line of Tract 1; thence South 17°12'00" West along the said Easterly line of Tract 1 a distance of 309.60 feet to a point that bears North 17°12'00" East 5.98 feet from the Southeasterly corner of said Tract 1 said point being a 5/8 inch iron rod marked 'Chase, Jones & Assoc.'; thence South 79°54'21" West 155.95 feet; thence South 21°39'29" West 96.79 feet; thence South 15°43'13" West 97.52 feet; thence South 16°13'16" West 116.93 feet; thence South 12°45'57" West 110.60 feet; thence South 80°19'00" East 58.25 feet; thence South 9°41'00" West 15.00 feet to the Southerly line of Tract

2 as shown on P.S. No. 25958 being the Northerly right-of-way line of Beaver Creek Road; thence North 80°19'00" West along the said Southerly line of Tract 2 a distance of 74.08 feet to the point of beginning.

PARCEL V:

An easement for sewer as described in document recorded July 31, 1997 as Fee No. 97-057540 and being more particularly described as follows:

A tract of land situated in the Southwest one-quarter of Section 4, Township 3 South, Range 2 East, of the Willamette Meridian, in the City of Oregon City, County of Clackamas and State of Oregon, said tract being a portion of the James G. Swafford Patent Certification No. 613 described as follows:

Commencing at a stone that marks the Northwest corner of the Washington Williams Donation Land Claim No. 56 (said point also being the Southwest corner of said Swafford Patent); thence North 17°12'00" East, along the Easterly line of the Samuel N. Vance Donation Land Claim No. 51 (being the Westerly line of said Swafford Patent), 573.10 feet to a point on the Northerly line of Market Road No. 11 (Beaver Creek Road), 30.00 feet from the centerline thereof; thence South 80°19'00" East, along said Northerly line of Beaver Creek Road, 130.36 feet to the Southwest corner of Tract 2 of P.S. No. 25958; thence North 17°12'00" East along the Westerly line of said Tract 2 a distance of 304.91 feet; thence South 72°48'00" East 156.37 feet to the Southeast corner of Tract 1; thence North 17°12'00" East along the Easterly line of said Tract 1 a distance of 264.69 feet to the point of beginning; thence North 14°28'28" West 36.30 feet; thence North 72°48'00" West 4.42 feet; thence North 17°12'00" East 20.00 feet; thence South 72°48'00" East 23.48 feet to the Easterly line of said Tract 1; thence South 17°12'00" West along the Easterly line of said Tract 1 a distance of 30.89 feet to the point of beginning.

Exhibit B
Permitted Exceptions

1. Declaration of Reservations, Restrictions, Conditions and Easements but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document;
Recording Date: July 18, 1997
Recording No: 97-053306
2. Reciprocal Sanitary Sewer Easement, including the terms and provisions thereof;
Executed by: Adjoining property owners
Recording Date: July 31, 1997
Recording No.: 97-057541
3. Reciprocal Easement for Egress and Ingress, including the terms and provisions thereof;
Executed by: Adjoining property owners
Recording Date: July 31, 1997
Recording No.: 97-057542



Chicago Title Insurance Company of Oregon PRELIMINARY REPORT

In response to the application for a policy of title insurance referenced herein Chicago Title Company of Oregon hereby reports that it is prepared to issue, or cause to be issued, as of the specified date, a policy or policies of title insurance describing the land and the estate or interest hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an exception herein or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations or Conditions of said policy forms.

The printed Exceptions and Exclusions from the coverage of said policy or policies are set forth in Exhibit One. The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than that set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. Copies of the policy forms should be read. They are available from the office which issued this report.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby.

The policy(s) of title insurance to be issued hereunder will be policy(s) of Chicago Title Insurance Company, a/an Nebraska corporation.

Please read the exceptions shown or referred to herein and the Exceptions and Exclusions set forth in Exhibit One of this report carefully. The Exceptions and Exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.

It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects and encumbrances affecting title to the land.

This preliminary report is for the exclusive use of the parties to the contemplated transaction, and the Company does not have any liability to any third parties nor any liability until the full premium is paid and a policy is issued. Until all necessary documents are placed of record, the Company reserves the right to amend or supplement this preliminary report.

Countersigned

Maggie Metcalf



Chicago Title Insurance Company of Oregon

1211 SW 5th Avenue, Suite 2130, Portland, OR 97204
(503)973-7400 FAX (503)248-0324

PRELIMINARY REPORT

ESCROW OFFICER: Jennifer Lyke
TITLE OFFICER: Tony Schadle

ORDER NO.: 472515524568JL-CT50

TO: Chicago Title Company of Oregon
Attn: Jennifer Lyke
1211 SW 5th Avenue, Suite 2130
Portland, OR 97204

OWNER/SELLER: Whybra Estate

BUYER/BORROWER: TBD

PROPERTY ADDRESS: 13945 Beaver Creek Road
Oregon City, Oregon 97045

EFFECTIVE DATE: May 12, 2015, 08:00 AM

1. THE POLICY AND ENDORSEMENTS TO BE ISSUED AND THE RELATED CHARGES ARE:

	<u>AMOUNT</u>	<u>PREMIUM</u>
Owner's Standard (Amount to follow)		
Governmental Service Fee		\$ 30.00

2. THE ESTATE OR INTEREST IN THE LAND HEREINAFTER DESCRIBED OR REFERRED TO COVERED BY THIS REPORT IS:

A Fee

3. TITLE TO SAID ESTATE OR INTEREST AT THE DATE HEREOF IS VESTED IN:

The Heirs at law of Marc S. Whybra, deceased

4. THE LAND REFERRED TO IN THIS REPORT IS SITUATED IN THE CITY OF OREGON CITY IN THE COUNTY OF CLACKAMAS, STATE OF OREGON, AND IS DESCRIBED AS FOLLOWS:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

PRELIMINARY REPORT

(Continued)

Order No.: 472515524568JL-CT50

EXHIBIT "A"

PARCEL I:

A tract of land situated in the Southwest one-quarter of Section 4 and in the Southeast one-quarter of Section 5, Township 3 South, Range 2 East, of the Willamette Meridian, in the City of Oregon City, County of Clackamas and State of Oregon, said tract being a portion of the James G. Swafford Patent Certification No. 613, described as follows:

Commencing at a stone that marks the Northwest corner of the Washington Williams Donation Land Claim No. 56 (said point also being the Southwest corner of said Swafford patent); thence North 17°12'00" East along the Easterly line of the Samuel N. Vance Donation Land Claim No. 51 (being the Westerly line of said Swafford Patent), 573.10 feet to a point on the Northerly line of Market Road No. 11 (Beavercreek Road), 30.00 feet from the centerline thereof; thence South 80°19'00" East, along said Northerly line of Beavercreek Road, 105.14 feet to a point, said point being located at the intersection with a line that bears North 17°12'00" East parallel with said Easterly line of the Vance Donation Land Claim, from a point which lies South 79°42'00" East, 105.00 feet from said Easterly line, said point also being in the Easterly line of the Wagner Tract recorded in Book 251, page 269; thence South 80°19'00" East, along said Northerly line of Beavercreek Road, 25.22 feet to a brass screw with a brass washer stamped 'LS 2423', said point being the true point of beginning on the parcel of land herein described; thence North 17°12'00" East, parallel with said Easterly line of the Vance Donation Land Claim and parallel with the Easterly line of said Wagner Tract, 504.91 feet to a 5/8 inch iron rod; thence South 72°48'00" East, 156.37 feet to a 5/8 inch iron rod; thence North 17°12'00" East, parallel with said Easterly line of the Vance Donation Land Claim 359.83 feet to a point being witnessed by a 5/8 inch iron rod that bears South 17°12'00" West 0.12 feet; thence South 72°48'00" East, 7.00 feet to a point being witnessed by a 5/8 inch iron rod that bears West, 0.17 feet therefrom; thence South 35°48'00" East, 255.43 feet to a point being witnessed by a 5/8 inch iron rod that bears South 0.26 feet and West 0.05 feet; thence South 16°02'29" West, 99.43 feet (Fee No. 89-14407 calls South 15°57'40" West, 99.40 feet) to a 5/8 inch iron rod; thence South 17°11'10" West, 289.10 feet to a 5/8 inch iron rod; thence North 72°48'00" West, 206.12 feet (Fee No. 89-14407 calls 206.15 feet) to a 5/8 inch iron rod in a line that bears North 17°12'00" East, parallel with said Easterly line of the Vance Donation Land Claim, from a point in the Northerly line of said Beavercreek Road which is South 80°19'00" East, 190.00 feet from said point of beginning; thence South 17°12'00" West, parallel with said Easterly line of the Vance Donation Land Claim, 300.96 feet to a point on said Northerly line of Beavercreek Road, said point being witnessed by a 5/8 inch iron rod that bears West, 0.17 feet therefrom; thence North 80°19'00" West, along said Northerly line of Beavercreek Road, 164.74 feet to the point of beginning.

PARCEL II:

A 25 foot wide access and utility easement over a tract of land situated in the Southwest one quarter of Section 4 and in the Southeast one-quarter of Section 5, Township 3 South, Range 2 East, of the Willamette Meridian, in the City of Oregon City, County of Clackamas and State of Oregon, said tract being a portion of the James G. Swafford Patent Certification No. 613 described as follows:

Commencing at a stone that marks the Northwest corner of the Washington Williams Donation Land Claim No. 56 (said point also being the Southwest corner of said Swafford Patent); thence North 17°12'00" East, along the Easterly line of the Samuel N. Vance Donation Land Claim No. 51 (being the Westerly line of said Swafford Patent), 573.10 feet to a point on the Northerly line of Market Road No. 11 (Beavercreek Road), 30.00 feet from

PRELIMINARY REPORT

(Continued)

Order No.: 472515524568JL-CT50

the centerline thereof; thence South 80°19'00" East, along said Northerly line of Beaver Creek Road, 105.14 feet to a point, said point being located at the intersection with a line that bears North 17°12'00" East, parallel with said Easterly line of the Vance Donation Land Claim, from a point which lies South 79°42'00" East, 105.00 feet from said Easterly line, said point also being in the Easterly line of the Wagner Tract recorded in Book 251, page 269; said point also being the point of beginning for the following described tract; thence North 17°12'00" East, parallel with said Easterly line of the Vance Donation Land Claim and along the Easterly line of said Wagner Tract, 508.21 feet; thence South 72°48'00" East, 25.00 feet; thence, parallel with said Easterly line of the Wagner Tract, South 17°12'00" West, 504.91 feet to a point on said Northerly line of Beaver Creek Road; thence North 80°19'00" West, along said Northerly line of Beaver Creek Road, 25.22 feet to the point-of- beginning.

PARCEL III:

A 5 foot wide utility easement over a tract of land situated in the Southwest one-quarter of Section 4 and in the Southeast one-quarter of Section 5, Township 3 South, Range 2 East, of the Willamette Meridian, in the City of Oregon City, County of Clackamas and State of Oregon, said tract being a portion of the James G. Swafford Patent Certification No. 613 described as follows:

Commencing at a stone that marks the Northwest corner of the Washington Williams Donation Land Claim No. 56 (said point also being the Southwest corner of said Swafford Patent); thence North 17°12'00" East, along the Easterly line of the Samuel N. Vance Donation Land Claim No. 51 (being the Westerly line of said Swafford Patent), 573.10 feet to a point on the Northerly line of Market Road No. 11 (Beaver Creek Road), 30.00 feet from the centerline thereof; thence South 80°19'00" East, along said Northerly line of Beaver Creek Road, 105.14 feet to a point, said point being located at the intersection with a line that bears North 17°12'00" East, parallel with said Easterly line of the Vance Donation Land Claim, from a point which lies South 79°42'00" East, 105.00 feet from said Easterly line, said point also being in the Easterly line of the Wagner Tract recorded in Book 251, page 269; thence North 17°12'00" East, parallel with said Easterly line of the Vance Donation Land Claim and along the Easterly line of said Wagner Tract, 508.21 feet; thence South 72°48'00" East, 163.75 feet to the point of beginning for the following tract; thence North 61°41'06" East, 25.15 feet; thence North 17°12'00" East, parallel with said Easterly line of the Vance Donation Land Claim, 341.75 feet; thence South 72°48'00" East, 5.00 feet to the most Northerly point of Tract II; thence South 17°12'00" West, along the Westerly line of Tract II, 359.69 feet; thence North 72°48'00" West, 22.62 feet to the point of beginning.

PARCEL IV:

An easement for sanitary sewer as described in document recorded July 31, 1997 as Fee No. 97- 057541 and being more particularly described as follows:

A tract of land situated in the Southwest one-quarter of Section 4 and in the Southeast one-quarter of Section 5, Township 3 South, Range 2 East, of the Willamette Meridian, in the City of Oregon City, County of Clackamas and State of Oregon, said tract being a portion of the James G. Swafford Patent Certification No. 613 described as follows:

Commencing at a stone that marks the Northwest corner of the Washington Williams Donation Land Claim No. 56 (said point also being the Southwest corner of said Swafford Patent); thence North 17°12'00" East, along the Easterly line of the Samuel N. Vance Donation Land Claim No. 51 (being the Westerly line of said Swafford Patent), 573.10 feet to a point on the Northerly line of Market Road No. 11 (Beaver Creek Road), 30.00 feet from the centerline thereof; thence South 80°19'00" East, along said Northerly line of Beaver Creek Road, 140.03 feet

PRELIMINARY REPORT

(Continued)

Order No.: 472515524568JL-CT50

to the point of beginning; thence North 12°45'57" East 124.05 feet to a point on the line common to Tracts 1 and 2 of the recorded P.S. No. 25958; thence North 12°45'57" East 2.83 feet; thence North 16°13'16" East 117.32 feet; thence North 15°43'13" East 98.24 feet; thence North 21°39'29" East 61.25 feet to a point on the line common to said Tracts 1 and 2; thence North 21°39'29" East 44.68 feet; thence North 79°54'21" East 157.42 feet to a point that is 13.00 feet perpendicular to the Easterly line of the property line adjustment for Tract 1 as shown on P.S. No. 25958; thence North 17°12'00" East parallel with and 13.00 feet Westerly of said line a distance of 254.93 feet; thence North 5°57'59" West 26.64 feet; thence North 17°12'00" East 20.00 feet; thence South 72°48'00" East 23.48 feet to the said Easterly line of Tract 1; thence South 17°12'00" West along the said Easterly line of Tract 1 a distance of 309.60 feet to a point that bears North 17°12'00" East 5.98 feet from the Southeasterly corner of said Tract 1 said point being a 5/8 inch iron rod marked 'Chase, Jones & Assoc.'; thence South 79°54'21" West 155.95 feet; thence South 21°39'29" West 96.79 feet; thence South 15°43'13" West 97.52 feet; thence South 16°13'16" West 116.93 feet; thence South 12°45'57" West 110.60 feet; thence South 80°19'00" East 58.25 feet; thence South 9°41'00" West 15.00 feet to the Southerly line of Tract 2 as shown on P.S. No. 25958 being the Northerly right-of-way line of Beaver Creek Road; thence North 80°19'00" West along the said Southerly line of Tract 2 a distance of 74.08 feet to the point of beginning.

PARCEL V:

An easement for sewer as described in document recorded July 31, 1997 as Fee No. 97-057540 and being more particularly described as follows:

A tract of land situated in the Southwest one-quarter of Section 4, Township 3 South, Range 2 East, of the Willamette Meridian, in the City of Oregon City, County of Clackamas and State of Oregon, said tract being a portion of the James G. Swafford Patent Certification No. 613 described as follows:

Commencing at a stone that marks the Northwest corner of the Washington Williams Donation Land Claim No. 56 (said point also being the Southwest corner of said Swafford Patent); thence North 17°12'00" East, along the Easterly line of the Samuel N. Vance Donation Land Claim No. 51 (being the Westerly line of said Swafford Patent), 573.10 feet to a point on the Northerly line of Market Road No. 11 (Beaver Creek Road), 30.00 feet from the centerline thereof; thence South 80°19'00" East, along said Northerly line of Beaver Creek Road, 130.36 feet to the Southwest corner of Tract 2 of P.S. No. 25958; thence North 17°12'00" East along the Westerly line of said Tract 2 a distance of 304.91 feet; thence South 72°48'00" East 156.37 feet to the Southeast corner of Tract 1; thence North 17°12'00" East along the Easterly line of said Tract 1 a distance of 264.69 feet to the point of beginning; thence North 14°28'28" West 36.30 feet; thence North 72°48'00" West 4.42 feet; thence North 17°12'00" East 20.00 feet; thence South 72°48'00" East 23.48 feet to the Easterly line of said Tract 1; thence South 17°12'00" West along the Easterly line of said Tract 1 a distance of 30.89 feet to the point of beginning.

AS OF THE DATE OF THIS REPORT, ITEMS TO BE CONSIDERED AND EXCEPTIONS TO COVERAGE IN ADDITION TO THE PRINTED EXCEPTIONS AND EXCLUSIONS IN THE POLICY FORM WOULD BE AS FOLLOWS:

GENERAL EXCEPTIONS:

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, 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.
5. Any lien for services, labor or material heretofore or hereafter furnished, or for contributions due to the State of Oregon for unemployment compensation or worker's compensation, imposed by law and not shown by the Public Records.

SPECIFIC ITEMS AND EXCEPTIONS:

6. City Liens, if any, in favor of the City of Oregon City. An inquiry has been directed to the City Clerk concerning the status of said liens and a report will follow if such liens are found.
7. Declaration of Reservations, Restrictions, Conditions and Easements but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document;
Recording Date: July 18, 1997
Recording No: 97-053306
8. Reciprocal Sanitary Sewer Easement, including the terms and provisions thereof;
Executed by: Adjoining property owners
Recording Date: July 31, 1997
Recording No.: 97-057541
9. Reciprocal Easement for Egress and Ingress, including the terms and provisions thereof;
Executed by: Adjoining property owners
Recording Date: July 31, 1997
Recording No.: 97-057542

10. A Multifamily Deed of Trust, Assignment of Rents and Security Agreement to secure an indebtedness in the amount shown below,
Amount: \$1,750,000.00
Dated: October 20, 2004
Grantor: Marc S. Whybra, an unmarried man
Trustee: First American Title Insurance Company
Beneficiary: LaSalle Bank National Association
Loan No.: 8637849
Recording Date: October 29, 2004
Recording No: 2004-100197

An Assignment of the beneficial interest under said Deed of Trust which names:
Assignee: LaSalle Bank Midwest National Association
Recording Date: December 14, 2007
Recording No: 2007-104222

11. A Multifamily Deed of Trust, Assignment of Rents and Security Agreement to secure an indebtedness in the amount shown below,
Amount: \$1,750,000.00
Dated: October 20, 2004
Grantor: Marc S. Whybra, an unmarried man
Trustee: First American Title Insurance Company
Beneficiary: LaSalle Bank National Association
Loan No.: 8637849
Recording Date: October 29, 2004
Recording No: 2004-100198

12. Due probate and administration of the estate shown below. Personal representative appointed in said estate has power to execute the forthcoming conveyance to a bona fide purchaser.

Estate of: Marc Sephen Whybra, deceased
Court: Circuit for Benton County Oregon
Probate No.: 11-40078
Personal Representative: Christi Alvarez
Attorney for Estate: Barry Rubenstein

13. 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.

To remove this item, the Company will require an affidavit and indemnity on a form supplied by the Company.

14. 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.

To remove this item, the Company will require an affidavit and indemnity on a form supplied by the Company.

ADDITIONAL REQUIREMENTS AND NOTES

- A. Note: Property taxes for the fiscal year shown below are paid in full.

Fiscal Year: 2014-15

Amount: \$49,454.56

Account No.: 00842299, 32E04C 00803, CODE 062-002

Prior to close of escrow, please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.

- B. NOTE: No search has been made or will be made for water, sewer, or storm drainage charges unless the city/service district claims them as liens (i.e., foreclosable) and reflects them on its lien docket at the date of closing. Buyers should check with the appropriate city bureau or water/service district and obtain a billing cutoff. Such charges must be adjusted outside of escrow.
- C. In addition to the standard policy exceptions, the exceptions enumerated above shall appear on the final 2006 ALTA policy unless removed prior to issuance.
- D. Note: There are NO conveyances affecting said Land recorded within 24 months of the date of this report.
- E. NOTE: This report is subject to any amendments which might occur when the names of prospective purchasers are submitted to us for examination.
- F. Note: Effective January 1, 2008, Oregon law (ORS 314.258) mandates withholding of Oregon income taxes from sellers who do not continue to be Oregon residents or qualify for an exemption. Please contact your Escrow Closer for further information.
- G. THE FOLLOWING NOTICE IS REQUIRED BY STATE LAW; YOU WILL BE REVIEWING, APPROVING AND SIGNING IMPORTANT DOCUMENTS AT CLOSING. LEGAL CONSEQUENCES FOLLOW FROM THE SELECTION AND USE OF THESE DOCUMENTS. YOU MAY CONSULT AN ATTORNEY ABOUT THESE DOCUMENTS. YOU SHOULD CONSULT AN ATTORNEY IF YOU HAVE QUESTIONS OR CONCERNS ABOUT THE TRANSACTION OR ABOUT THE DOCUMENTS. IF YOU WISH TO REVIEW TRANSACTION DOCUMENTS THAT YOU HAVE NOT SEEN, PLEASE CONTACT THE ESCROW AGENT.
- H. Note: This map/plat is being furnished as an aid in locating the herein described Land in relation to adjoining streets, natural boundaries and other land. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances or acreage shown thereon.

EXHIBIT ONE

2008 AMERICAN LAND TITLE ASSOCIATION LOAN POLICY (08-17-08) 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:

- (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to:
 - the occupancy, use, or enjoyment of the Land;
 - the character, dimensions, or location of any improvement erected on the Land;
 - the subdivision of land; or
 - 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.
- Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
- Defects, liens, encumbrances, adverse claims, or other matters:
 - created, suffered, assumed, or agreed to by the Insured Claimant;
 - 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;

- resulting in no loss or damage to the Insured Claimant;
 - attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 13, or 14); or
 - resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
- Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business laws of the state where the Land is situated.
 - Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law.
 - Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage is:
 - a fraudulent conveyance or fraudulent transfer; or
 - a preferential transfer for any reason not stated in Covered Risk 13(b) of this policy.
 - 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 Insured Mortgage in the Public Records. This exclusion does not modify or limit the coverage provided under Covered Risk 11(b).

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

SCHEDULE B- GENERAL EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

- Taxes or assessments to 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.
- 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.
- 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.
- 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.
- Any lien for services, labor or material heretofore or hereafter furnished, or for contributions due to the State of Oregon for unemployment compensation or worker's compensation, imposed by law and not shown by the Public Records.

2008 AMERICAN LAND TITLE ASSOCIATION OWNER'S POLICY (08-17-08) 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:

- (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to:
 - the occupancy, use, or enjoyment of the Land;
 - the character, dimensions, or location of any improvement erected on the Land;
 - the subdivision of land; or
 - 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.
- Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
- Defects, liens, encumbrances, adverse claims, or other matters:
 - created, suffered, assumed, or agreed to by the Insured Claimant;

- 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;
 - resulting in no loss or damage to the Insured Claimant;
 - 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
 - resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
- 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 fraudulent conveyance or fraudulent transfer; or
 - a preferential transfer for any reason not stated in Covered Risk 9 of this policy.
 - 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.

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

SCHEDULE B- GENERAL EXCEPTIONS FROM COVERAGE

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:

- 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.
- 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.
- 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.
- 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.
- Any lien for services, labor or material heretofore or hereafter furnished, or for contributions due to the State of Oregon for unemployment compensation or worker's compensation, imposed by law and not shown by the Public Records.

Fidelity National Financial, Inc.

Privacy Statement

Fidelity National Financial, Inc. and its subsidiaries ("FNF") respect the privacy and security of your non-public personal information ("Personal Information") and protecting your Personal Information is one of our top priorities. This Privacy Statement explains FNF's privacy practices, including how we use the Personal Information we receive from you and from other specified sources, and to whom it may be disclosed. FNF follows the privacy practices described in this Privacy Statement and, depending on the business performed, FNF companies may share information as described herein.

Personal Information Collected

We may collect Personal Information about you from the following sources:

- I Information we receive from you on applications or other forms, such as your name, address, social security number, tax identification number, asset information, and income information;
- I Information we receive from you through our Internet websites, such as your name, address, email address, Internet Protocol address, the website links you used to get to our websites, and your activity while using or reviewing our websites;
- I Information about your transactions with or services performed by us, our affiliates, or others, such as information concerning your policy, premiums, payment history, information about your home or other real property, information from lenders and other third parties involved in such transaction, account balances, and credit card information; and
- I Information we receive from consumer or other reporting agencies and publicly recorded documents.

Disclosure of Personal Information

We may provide your Personal Information (excluding information we receive from consumer or other credit reporting agencies) to various individuals and companies, as permitted by law, without obtaining your prior authorization. Such laws do not allow consumers to restrict these disclosures. Disclosures may include, without limitation, the following:

- I To insurance agents, brokers, representatives, support organizations, or others to provide you with services you have requested, and to enable us to detect or prevent criminal activity, fraud, material misrepresentation, or nondisclosure in connection with an insurance transaction;
- I To third-party contractors or service providers for the purpose of determining your eligibility for an insurance benefit or payment and/or providing you with services you have requested;
- I To an insurance regulatory authority, or a law enforcement or other governmental authority, in a civil action, in connection with a subpoena or a governmental investigation;
- I To companies that perform marketing services on our behalf or to other financial institutions with which we have joint marketing agreements and/or
- I To lenders, lien holders, judgment credits, or other parties claiming an encumbrance or an interest in title whose claim or interest must be determined, settled, paid or released prior to a title or escrow closing.

We may also disclose your Personal Information to others when we believe, in good faith, that such disclosure is reasonably necessary to comply with the law or to protect the safety of our customers, employees, or property and/or to comply with the judicial proceeding, court order or legal process.

Disclosure to Affiliated Companies

We are permitted by law to share your name, address and facts about your transaction with other FNF companies, such as insurance companies, agents, and other real estate service providers to provide you with services you have requested, for marketing or product development research, or to market products or services to you. We do not, however, disclose information we collect from consumer or credit reporting agencies with our affiliates or others without your consent, in conformity with applicable law, unless such disclosure is otherwise permitted by law.

Disclosure to Nonaffiliated Third Parties

We do not disclosure Personal Information about our customers or former customers to nonaffiliated third parties, except as outlined herein or as otherwise permitted by law.

Confidentiality and Security of Personal Information

We restrict access to Personal Information about you to those employees who need to know that information to provide products or services to you. We maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard Personal Information.

Access to Personal Information/

Requests for Correction, Amendment, or Deletion of Personal Information

As required by applicable law, we will afford you the right to access your Personal Information, under certain circumstances to find out to whom your Personal Information has been disclosed, and request correction or deletion of your Personal Information.

However, FNF's current policy is to maintain customers' Personal Information for no less than your state's required record retention requirements for the purpose of handling future coverage claims.

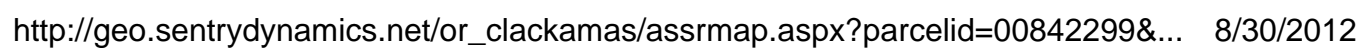
For your protection, all requests made under this section must be in writing and must include your notarized signature to establish your identity.

Where permitted by law, we may charge a reasonable fee to cover the costs incurred in respond to such requests. Please send requests to:

Chief Privacy Officer
Fidelity National Financial, Inc.
601 Riverside Avenue
Jacksonville, FL 32204

Changes to this Privacy Statement

This Privacy Statement may be amended from time to time consistent with applicable privacy laws. When we amend this Privacy Statement, we will post a notice of such changes on our website. The effective date of this Privacy Statement, as stated above, indicates the last time this Privacy Statement was revised or materially changed.





Chicago Title Company

10151 SE Sunnyside Road, Suite 300
Clackamas, Oregon 97015
Phone: 503.786.3940 Fax: 866.892.3853
E-mail: trios@ctt.com

METROSCAN PROPERTY PROFILE

Clackamas (OR)

OWNERSHIP INFORMATION

Owner	: Forest Edge Management	Parcel Number	: 01733654
CoOwner	: Hometown Boys LLC	Ref Parcel #	: 32E04C 00807
Site Address	: 14155 Beaver Creek Rd Oregon City 97045	T: 03S R: 02E S: 04 Q: SW QQ:	
Mail Address	: 14155 Beaver Creek Rd Oregon City Or 97045		
Telephone	:		

SEE DEED

SALES INFORMATION

Transfer Date	:	Document #	:
Sale Price	:	Deed Type	:
% Owned	:	Vesting Type	:
Prior Transfer Date	:	Prior Document #	:
Prior Sales Price	:		

PROPERTY DESCRIPTION

Map Page Grid :
Census Tract : 226.03 Block: 1
Neighborhood : Apts 1.7m > County Wide
Subdivision/Plat: Derry Acres 01
Improvement : 425 Apartments, > 50 Units
Land Use : 701 Res, Multiple Residences, Improved
Legal : 1996-139 PARTITION PLAT PARCEL 4

ASSESSMENT AND TAX INFORMATION

Mkt Land : \$1,134,373
Mkt Structure : \$2,791,080
Mkt Total : \$3,925,453
%Improved : 71
AssdTotal : \$2,884,055
Mill Rate : 18.1673
Levy Code : 062002
15-16 Taxes : \$52,395.50
Millage Rate : 18.1673

PROPERTY CHARACTERISTICS

Bedrooms	:	Building SF	:	BldgTotSqFt	:
Bathrooms	:	1st Floor SF	:	Lot Acres	: 12.77
Full Baths	:	Upper Finished SF	:	Lot SqFt	: 556,261
Half Baths	:	Finished SF	:	Garage SF	:
Fireplace	:	Above Ground SF	:	Year Built	: 1997
Heat Type	:	Upper Total SF	:	School Dist	: 062
Floor Cover	:	UnFinUpperStorySF	:	Foundation	:
Stories	:	Basement Fin SF	:	Roof Type	:
Int Finish	:	Basement Unfin SF	:	Roof Shape	:
Ext Finsh	:	Basement Total SF	:		

This title information has been furnished, without charge, in conformance with the guidelines approved by the State of Oregon Insurance Commissioner. The Insurance Division cautions intermediaries that this service is designed to benefit the ultimate insureds. Indiscriminate use only benefiting intermediaries will not be permitted. Said services may be discontinued. No liability is assumed for any errors in this report. Information is deemed reliable but not guaranteed.

Trustee's Name/Address:
James P. Laurick
Kilmer, Voorhees & Laurick, P.C.
732 NW 19th Avenue
Portland, OR 97209

After recording, return to:
~~TRANSEON D 16~~
Kilmer, Voorhees & Laurick, P.C.

ATTN: James P. Laurick
732 NW 19th Avenue
Portland, OR 97209
Attn: James P. Laurick - 5101.123

Until requested otherwise, send all tax statements to:

Hometown Boys, LLC
1827 Powers Ferry Road
Building 7, Suite 350
Atlanta, GA 30339

Clackamas County Official Records
Sherry Hall, County Clerk

2007-010598



01068527200700105980020021

\$51.00

02/06/2007 04:16:02 PM

D-DTR Cnt=1 Stn=8 DIANNAW
\$10.00 \$11.00 \$10.00 \$20.00

(Space Reserved for Recorder's Use)

TRUSTEE'S DEED

THIS INDENTURE, dated January 26, 2007, between James P. Laurick and Kilmer, Voorhees & Laurick, PC, hereinafter called Trustee, and Hometown Boys, LLC, hereinafter called the second party; WITNESSETH:

RECITALS:

Newell Creek Limited Partnership, as the Grantor, executed and delivered to James P. Laurick and Kilmer, Voorhees & Laurick, PC, as the Trustee, for the benefit of Bank of America, NA, as Successor to Bank of America FSB, a Federal Savings Bank, as the Beneficiary, a certain trust deed dated July 10, 1996, recorded on October 16, 1996, in the Records of Clackamas County, Oregon ☐ book ☐ reel ☐ volume No. at page , and/or as ☐ fee ☐ file ☒ instrument ☐ microfilm ☐ reception No. 96-076911. In that trust deed, the real property therein and hereinafter described was conveyed by the Grantor to the Trustee to secure, among other things, the performance of certain obligations of the Grantor to the Beneficiary. The Grantor thereafter defaulted in performance of the obligations secured by the trust deed as stated in the Notice of Default hereinafter mentioned, and such default still existed at the time of the sale hereinafter described.

By reason of the default, the owner and holder of the obligations secured by the trust deed, being the beneficiary therein named, or the beneficiary's successor-in-interest, declared all sums so secured immediately due and owing. A notice of default containing an election to sell the real property and to foreclose the trust deed by advertisement and sale to satisfy the asserting grantor's obligations was recorded on May 17, 2006, in the Records of Clackamas County, Oregon, in ☐ book ☐ reel ☐ volume No. at page , and/or as ☐ fee ☐ file ☒ instrument ☐ microfilm ☐ reception No. 2006-044613, to which reference now is made.

After recording the notice of default, the undersigned Trustee gave notice of the time and place of sale of the real property, as fixed by the Trustee and required by law. Copies of the Notice of Sale were served pursuant to ORCP 7D(2) and 7D(3), or mailed by both first class and certified mail with return receipt requested, to the last known addresses of the persons and/or their legal representatives, if any, named in ORS 86.740(1) and 86.740(2)(a), at least 120 days before the date the property was sold. A copy of the Notice of Sale was mailed by first class and certified mail with return receipt requested to the last known address of the fiduciary or personal representative of any person named in ORS 86.740(1), promptly after the trustee received knowledge of the disability, insanity, or death of any such person. Copies of the notice of sale were served upon occupants of the property described in the trust deed in the manner in which a summons is served pursuant to ORCP 7D(2) and 7D(3) at least 120 days before the date the property was sold, pursuant to ORS 86.750(1). If the foreclosure proceedings were stayed and released from the stay, copies of an amended notice of sale, in the form required by ORS 86.755(6), were mailed by registered or certified mail to the last known addresses of those persons listed in ORS 86.740 and 86.750(1) and to the address provided by each person who was present at the time and place set for the sale which was stayed within 30 days after the release from the stay. The trustee published a copy of the notice of sale in a newspaper of general circulation in each county in which the real property is situated once a week for four successive weeks. The last

TRUSTEE'S DEED

Page 1 of 2

publication of the notice occurred more than twenty days prior to the date of sale. The mailing, service, and publication of the notice of sale are shown by affidavits and/or proofs of service duly recorded prior to the date of sale in the county records, those affidavits and proofs, together with the Notice of Default and Election to Sell and the Notice of Sale, being now referred to and incorporated in and made a part of this deed as if fully set forth herein. The undersigned trustee has no actual notice of any person entitled to notice pursuant to ORS 86.740(1)(b) or (1)(c), other than the persons named in those affidavits and proofs as having or claiming a lien on or interest in the real property.

The true and actual consideration for this conveyance is \$2,325,058.00 (two million, three hundred twenty five thousand and fifty eight dollars).

The undersigned trustee, on January 26, 2007, at the hour of 1:00 p.m., in accord with the standard of time established by ORS 187.110 and at the place so fixed for sale, in full accordance with the laws of the State of Oregon and pursuant to the powers conferred upon the trustee by the trust deed, sold the real property in one parcel at public auction to the second party for the sum of \$2,325,058.00 (two million, three hundred twenty five thousand and fifty eight dollars), the second party being the highest and best bidder at the sale, and that sum being the highest and best bid for the property.

NOW, THEREFORE, in consideration of that sum so paid by the second party in cash, the receipt whereof is acknowledged, and by the authority vested in the trustee by the laws of the State of Oregon and by the trust deed, the trustee does hereby convey unto the second party all interest which the grantor had or had the power to convey at the time of grantor's execution of the trust deed, together with any interest the grantor or grantor's successors-in-interest acquired after the execution of the trust deed in and to the following described real property, to-wit:

Parcel 4, Partition Plat No. 1996-139, in the City of Oregon City, County of Clackamas and State of Oregon, together with common access and utility easement as delineated on said partition plat 1996-139.

TO HAVE AND TO HOLD the same unto the second party and the second party's heirs, successors-in-interest, and assigns forever. The property conveyed is on an "as is" basis without representations or warranties of any kind by the trustee or Bank of America regarding the condition of the property.

In construing this instrument, and whenever the context so requires, the singular includes the plural; the word "grantor" includes any successor-in-interest to the grantor as well as any other person owing an obligation, the performance of which is secured by the trust deed; "trustee" includes any successor trustee; "beneficiary" includes any successor-in-interest of the beneficiary first named above; and "person" includes a corporation and any other legal or commercial entity.

IN WITNESS WHEREOF, the undersigned trustee has hereto executed this document. If the undersigned is a corporation, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

[Signature]
Trustee/Attorney



STATE OF Oregon)

County of Multnomah) ss

This instrument was acknowledged before me on this 6th day of February, 2007

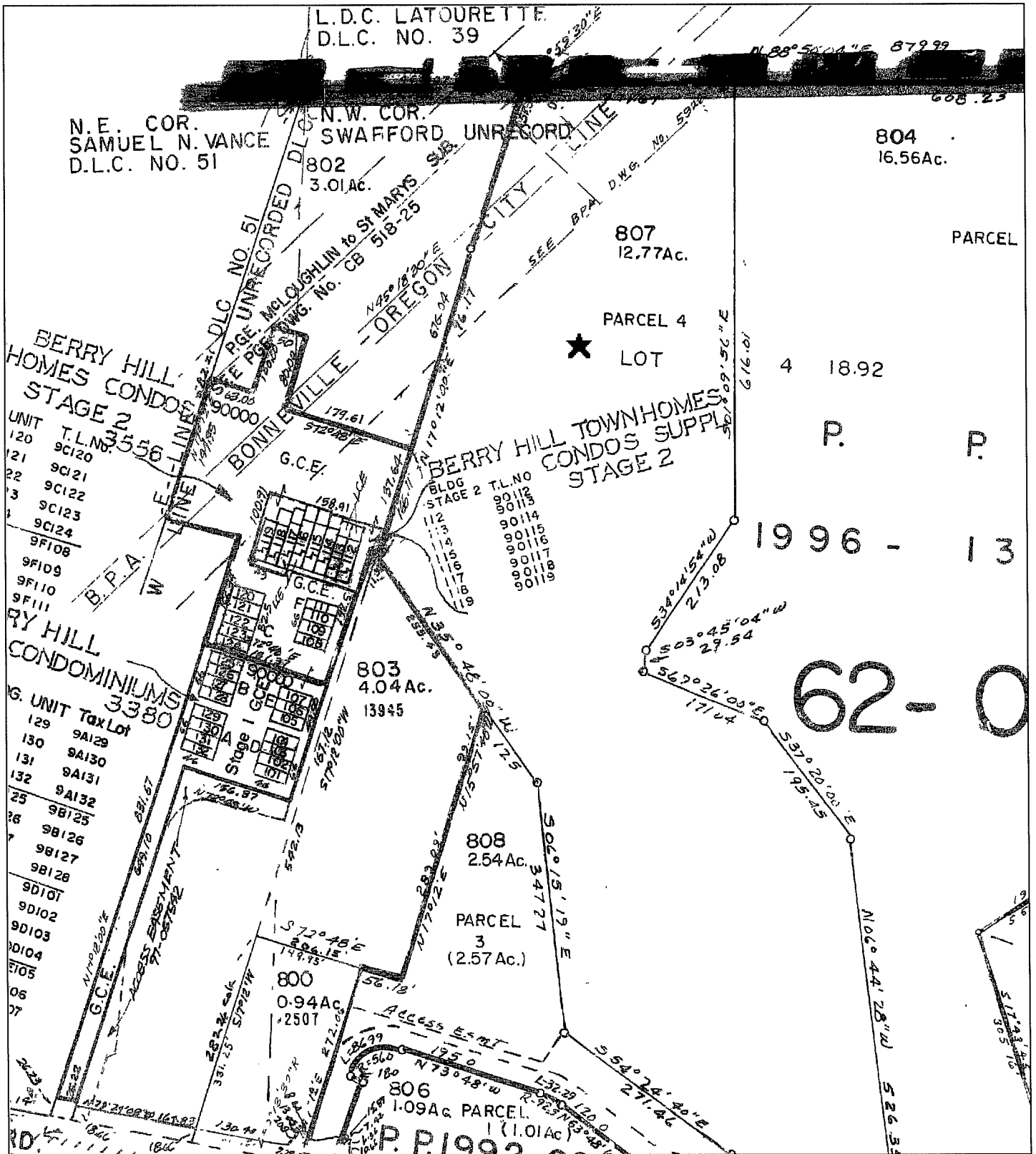
by James P. Laurick
as Trustee/Attorney
of _____

[Signature]
Notary Public for Oregon
My commission expires: 6-16-2010

TRUSTEE'S DEED

Page 2 of 2

2



Map No. 32E04C 00807



CHICAGO TITLE COMPANY
10151 S.E. SUNNYSIDE ROAD Suite 300
CLACKAMAS, OREGON 97015



This map/plat is being furnished as an aid in locating the herein described Land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.



TRANSMITTAL FOR COMPLETENESS

May 18, 2016

IN-HOUSE DISTRIBUTION

- ✓ BUILDING OFFICIAL
- ✓ DEVELOPMENT SERVICES
- ✓ ENGINEER/CITY ENGINEER
- ✓ PUBLIC WORKS DIRECTOR
- ✓ PUBLIC WORKS OPERATIONS MANAGER
- ✓ TECHNICAL SERVICES (GIS)
- ✓ PARKS
- ✓ ADDRESSING
- ✓ POLICE

MAIL-OUT DISTRIBUTION

- ✓ CCFD #1
- ✓ REPLINGER & ASSOCIATES (TRAFFIC)
- ✓ DAVID EVANS AND ASSOCIATES (Natural Resources)
- OREGON CITY SCHOOL DISTRICT
- TRIMET
- CLACKAMAS COUNTY TRANSP. & PLANNING
- ODOT – Division Review
- CRW – Clackamas River Water

FOR COMPLETENESS PURPOSES ONLY

APPLICATION SUBMITTED:
30-DAY COMPLETENESS
REVIEW DEADLINE:

May 11, 2016

June 10, 2016

Please notify planner as early as possible of missing information

APPLICATION:

NR 16-04 / SP 16-04 / US 16-02 / VR 16-01

APPLICANT:

George Glass, Berryhill Equity LLC

OWNER:

George Glass, Berryhill Equity LLC

REPRESENTATIVE:

David L. Higgins, CEG, LEG, Shannon & Wilson, Inc.

REVIEWING PLANNER:

Pete Walter, AICP. Phone: (503) 496-1568, Email: pwalter@orccity.org

SITE LOCATION:

13945 Beaver Creek Rd & 14155 Beaver Creek Rd, Oregon City, OR 97045
Clackamas County APN 3-2E-04C-00803 and 00807

WEBSITE:


<http://www.orccity.org/planning/landusecase/sp-16-04-us-16-02-nr-16-04-vr-16-01>

Please determine if any additional issues need to be addressed for a complete application. This transmittal is for completeness purposes only. Please list any additional review items required.

Signed _____

Title _____



Date: June 2, 2016
To: Aleta Froman-Goodrich, P.E.
City of Oregon City
From: Timothy J. Pfeiffer, P.E., G.E. 
Subject: Geohazards (Chapter 17.44) Completeness Review
Project: Berryhill Park Retaining Wall - US 16-02
Project # 2152001 (221)

A soldier pile and tieback retaining wall is proposed to stabilize the ground upslope of a landslide headscarp and prevent the landslide from increasing in size. The wall will allow the Berryhill Apartment buildings to be reoccupied. The proposed development is intended to mitigate a known existing hazard.

The application included the following pertinent documents:

1. Land use application narrative by Shannon and Wilson, dated May 4, 2016.
2. Retaining Wall Design Letter - Berryhill Apartments Landslide by Shannon and Wilson, dated April 5, 2016
3. Berryhill Park Apartments Retaining Wall Plan by Brett Kornes, dated March 25, 2016
4. Erosion and Sediment Control Plan by AKS, Engineering and Forestry, LLC.

The following provides a review of the completeness by section of the application in regards to Chapter 17.44 -Geohazards:

17.44.50 (A)

(1) Applicant must review the pertinent geologic studies for information on the project site.

(2) Applicant must provide recommendations regarding drainage and an assessment of the project's impact on drainage.

(9) b and c. Applicant must provide recommendations for any development restrictions for the area adjacent to the retaining wall and within the geologic hazard area.

(9) f. Applicant must provide statement regarding the effect of the proposed development (mitigation) on the slope stability of the property and the adjacent properties.

(10) a. Applicant must provide a scaled drawing of the work site showing trees greater than 6-inches and identifying any trees to be removed.

(10) b. Applicant must provide a scaled drawing of the work site showing existing and proposed grading and net increase or loss of soil. The wall plans appear to show different earthwork areas than the erosion control plans.

17.44.60.A - Applicant's response that no removal of trees or ground cover is anticipated appears to conflict with the Erosion Control Plans. The applicant must identify the extent of surface disturbance and grading.

17.44.60.B - Construction of the wall should be completed before October 31, 2016 to avoid additional risk from construction in the winter or leaving the slope through another winter season.

17.44.60.D - Applicant has requested a variance for exceeding the maximum exposed wall height without terracing.

We hope this discussion meets your current needs and look forward to assisting you further. Please do not hesitate to call with any questions.

CHAPTER 17.49 NATURAL RESOURCE OVERLAY DISTRICT

DETERMINATION: COMPLETE

The City of Oregon City (the City) has contracted with David Evans and Associates, Inc. (DEA), to review permit applications located within the Natural Resource Overlay District (NROD) and mitigation plans, as applicable, to ensure they are complete and meet Oregon City Municipal Code, Title 17, Zoning, criteria. This memorandum provides DEA's completeness review related to the applicant's application. This review is based solely on the materials provided. A site visit was not conducted in conjunction with this review.

The applicant proposes to construct a retaining wall in order to mitigate a landslide at 14155 Beaver Creek Road (3-2E-04C-00807). The City's NROD mapping shows a portion of the proposed location of the retaining wall as being within the NROD.

The applicant requests a Type I verification per 17.49.255.

17.49.255 - Type I verification.

- A. *Applicants for a determination under this section shall submit a site plan meeting the requirements of Section 17.49.220, as applicable.*

Finding: Not applicable. The applicant selected to make an application per 17.49.255 B., below.

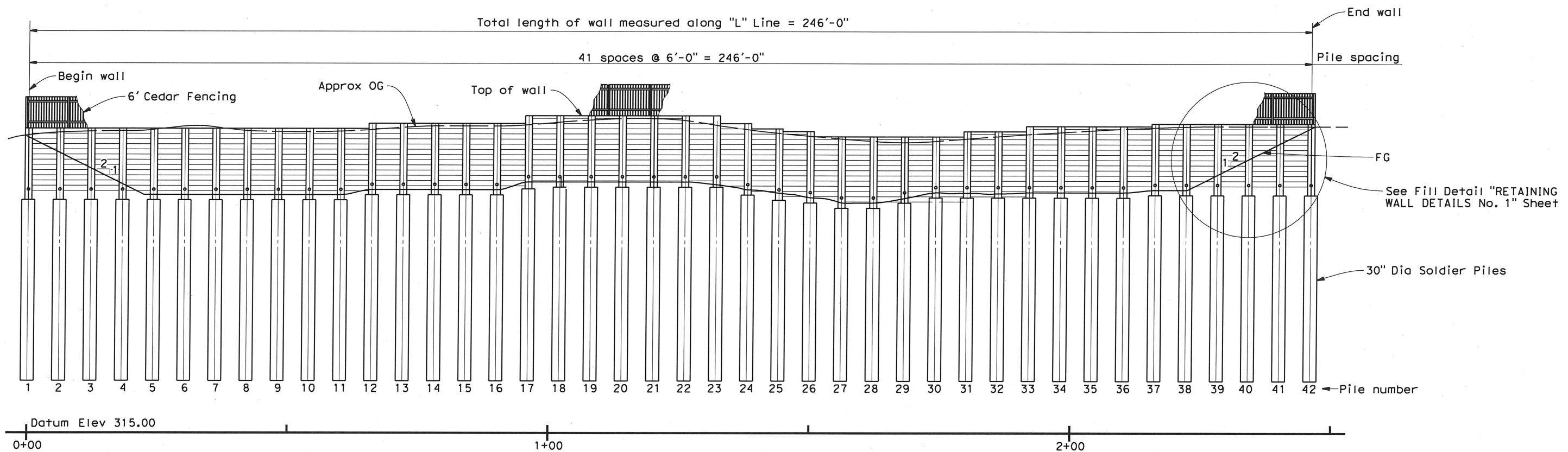
- B. *Alternatively, an applicant may request a Type I Verification determination by the community development director by making an application therefore and paying to the city a fee as set by resolution of the city commission. Such requests may be approved provided that there is evidence substantiating that all the requirements of this chapter relative to the proposed use are satisfied and demonstrates that the property also satisfies the following criteria, as applicable:*

1. *No soil, vegetation, hydrologic features have been disturbed;*
2. *No hydrologic features have been changed;*
3. *There are no man-made drainage features, water marks, swash lines, drift lines present on trees or shrubs, sediment deposits on plants, or any other evidence of sustained inundation.*
4. *The property does not contain a wetland as identified by the city's local wetland inventory or water quality and flood management areas map.*
5. *There is no evidence of a perennial or intermittent stream system or other protected water feature. This does not include established irrigation ditches currently under active farm use, canals or manmade storm or surface water runoff structures or artificial water collection devices.*
6. *Evidence of prior land use approvals that conform to the City's existing Water Quality Resource Area Overlay District.*

There is an existing physical barrier between the site and a protected water feature, including:

- a. *Streets, driveways, alleys, parking lots or other approved impervious areas wider than fifteen feet and which includes drainage improvements that are connected to the city storm sewer system, as approved by the city.*
- b. *Walls, buildings, drainages, culverts or other structures and which form a physical barrier between the site and the protected water features, as approved by the city.*

Finding: Complete. The applicant submitted a report by AKS Engineering and Forestry, LLC (April 8, 2016) that addresses B.1-6.

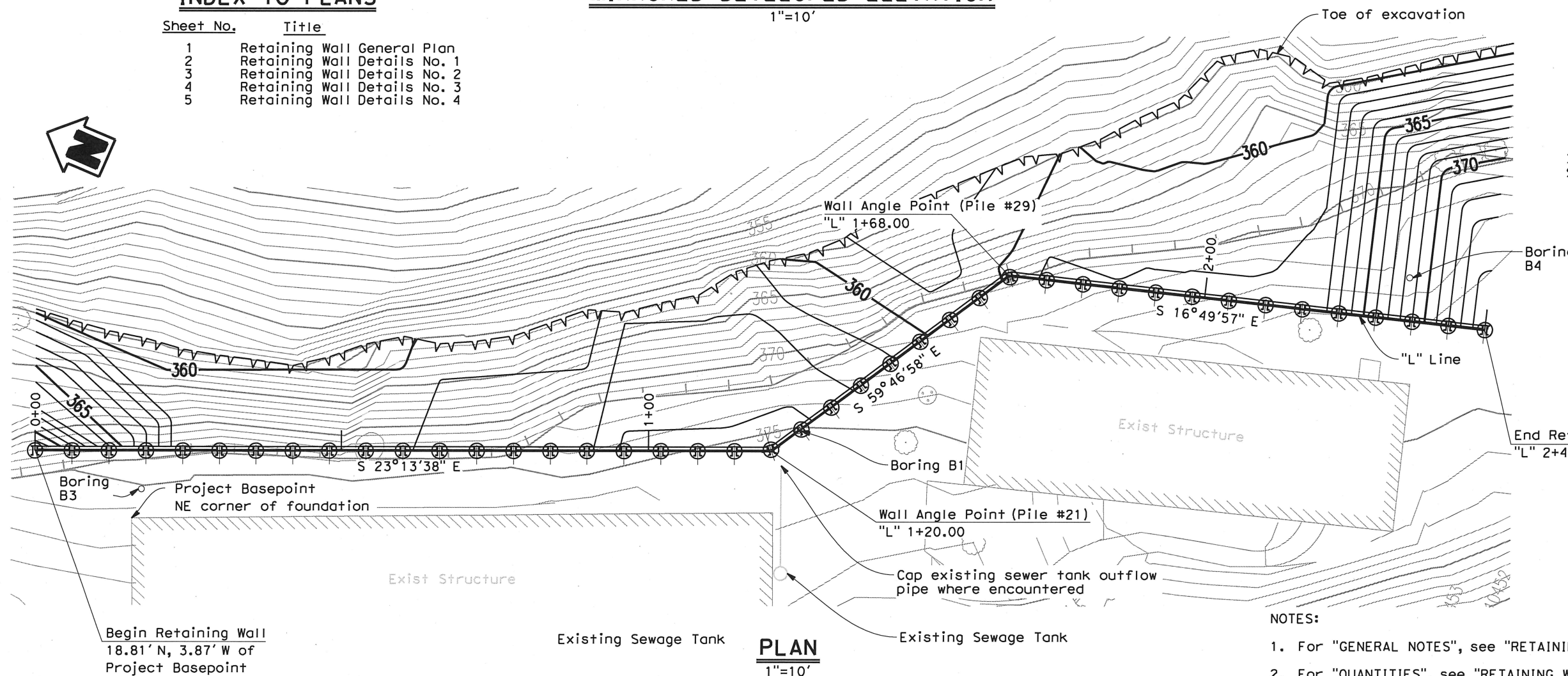


INDEX TO PLANS

Sheet No.	Title
1	Retaining Wall General Plan
2	Retaining Wall Details No. 1
3	Retaining Wall Details No. 2
4	Retaining Wall Details No. 3
5	Retaining Wall Details No. 4

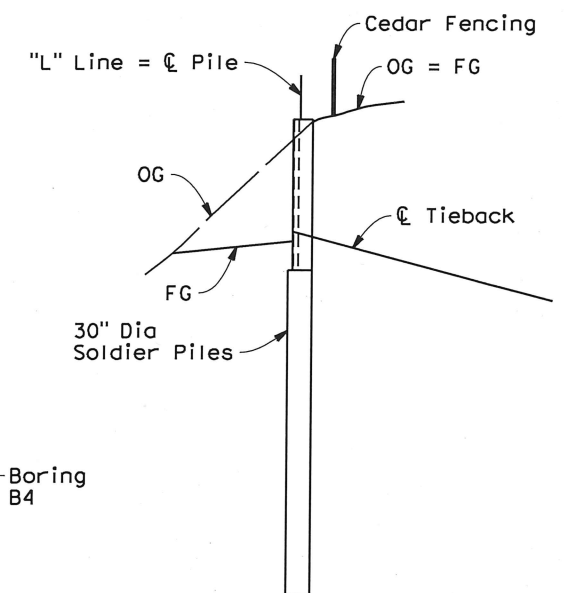
MIRRORED DEVELOPED ELEVATION

1"=10'



TYPICAL SECTION

1"=10'



BERRYHILL PARK APARTMENTS
RETAINING WALL GENERAL PLAN

SHEET
1 OF 5

PREPARED UNDER THE SUPERVISION OF:

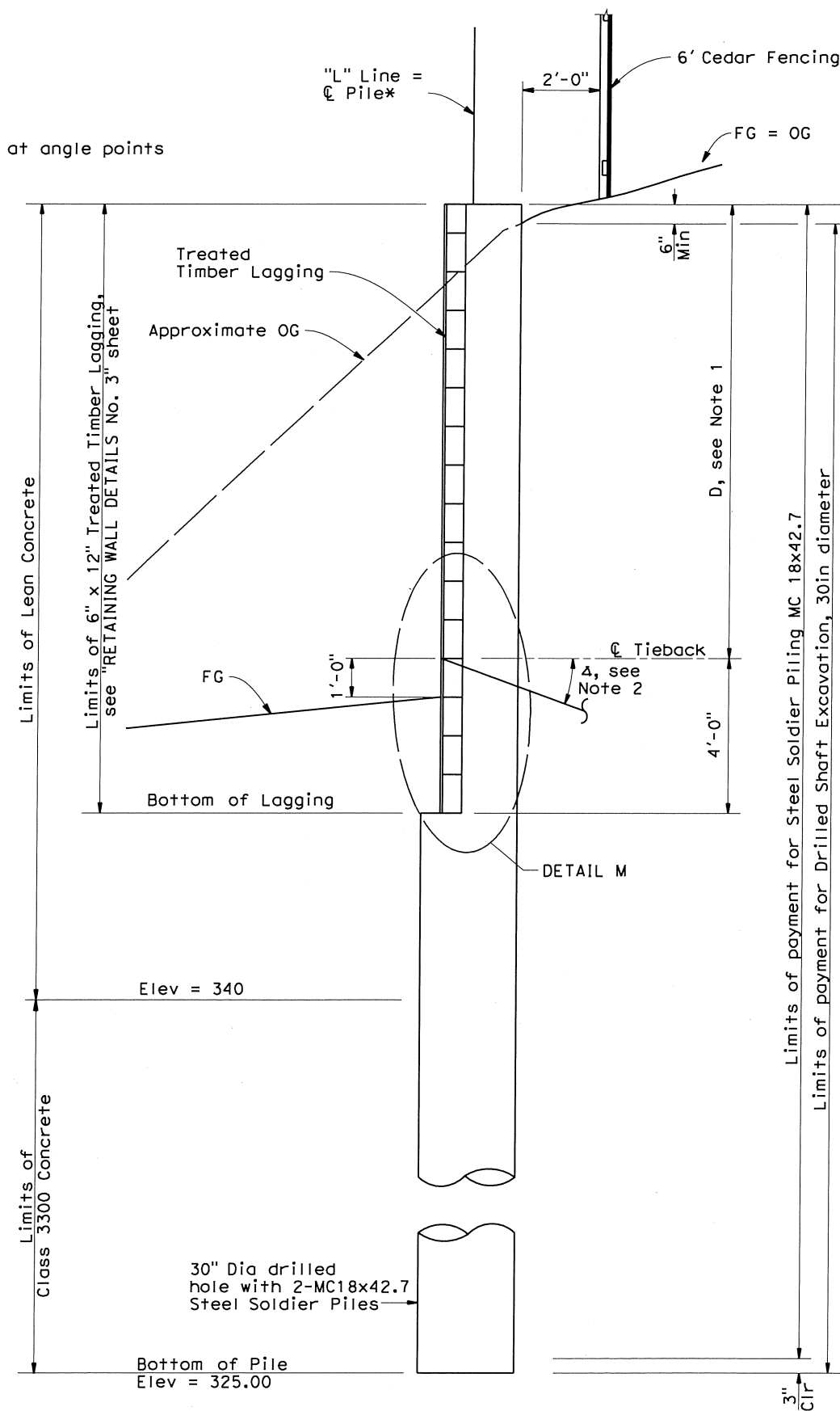
Brett William Karnes
REGISTERED CIVIL ENGINEER

CHECKED:	DATE:
J. Goodall	3/25/16
JOB NO:	REVISION
S77-200	

DRAWN:

P. Kenney

*Except at angle points



WALL SECTION

No Scale

Notes:

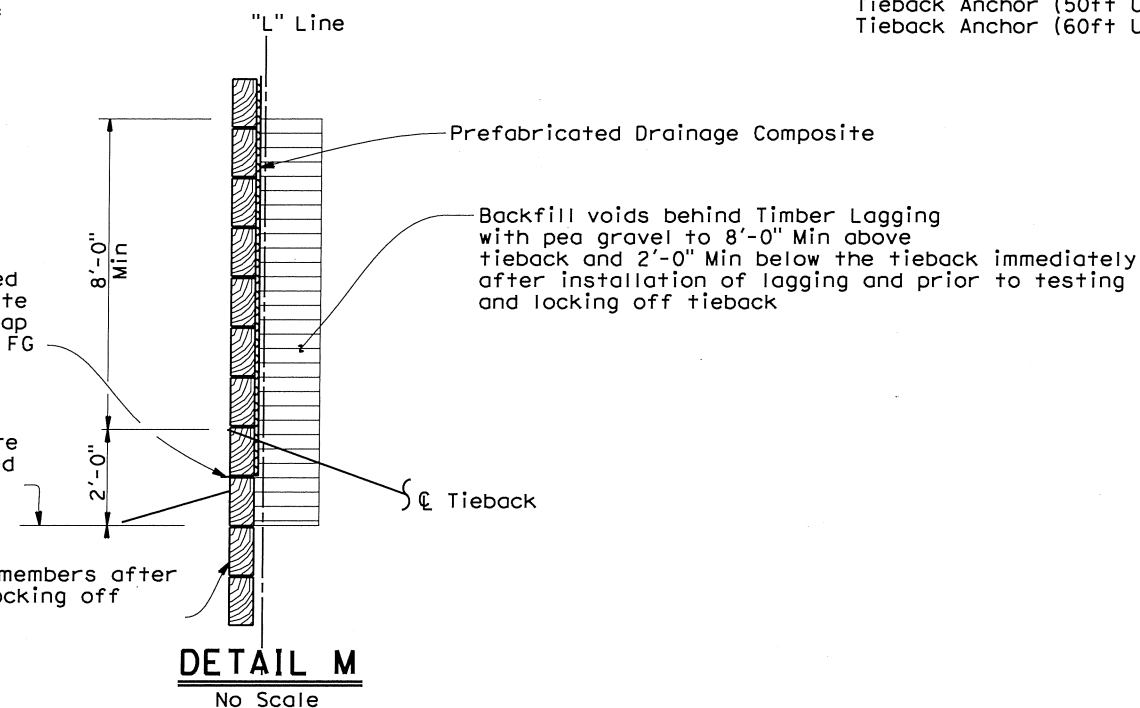
1. See "PILE DATA TABLE" on "RETAINING WALL DETAILS No. 3" sheet for D and 4.

$$\frac{\text{Top of Lagging} =}{\text{Top of Wall} =} = \text{Top of piling}$$

Pull prefabricated
drainage composite
through lowest gap
in lagging above FG

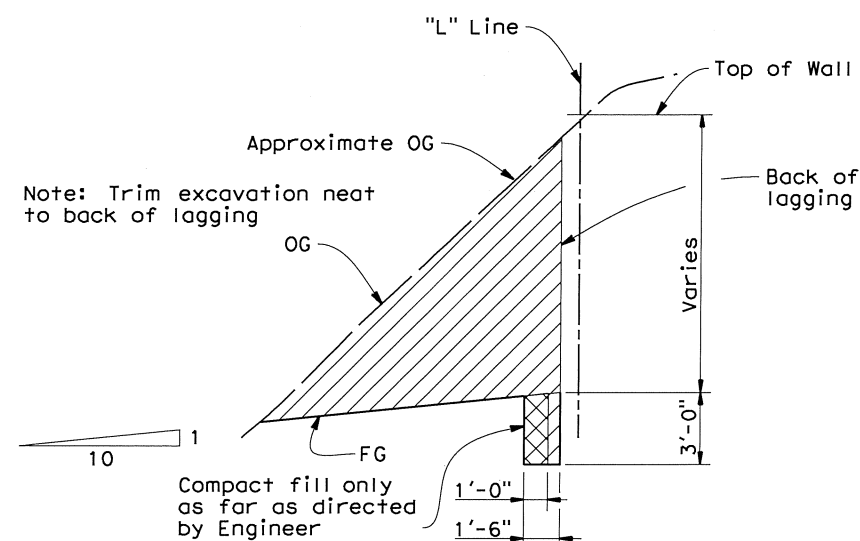
Do not excavate
below this level
until tiebacks are
tested and locked
off

Install these members after
testing and locking off
tieback




DETAIL M

No Scale



LEGEND:

 Structure Excavation

 Selected General Backfill

EXCAVATION LIMITS

No Scale

QUANTITIES

CLSM	1	LS
Structure Excavation	1560	CUYD
Drilled Shaft Excavation, 30in Diameter	2030	FT
General Structural Concrete, Class 3300	1	LS
Steel Soldier Piling MC 18x42.7	4101	FT
Timber Lagging	18.9	MFBM
Tieback Anchor (45ft Unbonded Length)	8	FT
Tieback Anchor (50ft Unbonded Length)	28	FT
Tieback Anchor (60ft Unbonded Length)	6	FT

CHECKED:	DRAWN:
J. Goodall	P. Kenney
Job No:	DATE:
S77-200	3/25/16

PREPARED UNDER THE SUPERVISION OF :

Brett William Karnes
REGISTERED CIVIL ENGINEER

REGISTERED CIVIL ENGINEER
EXP. 6/30/17



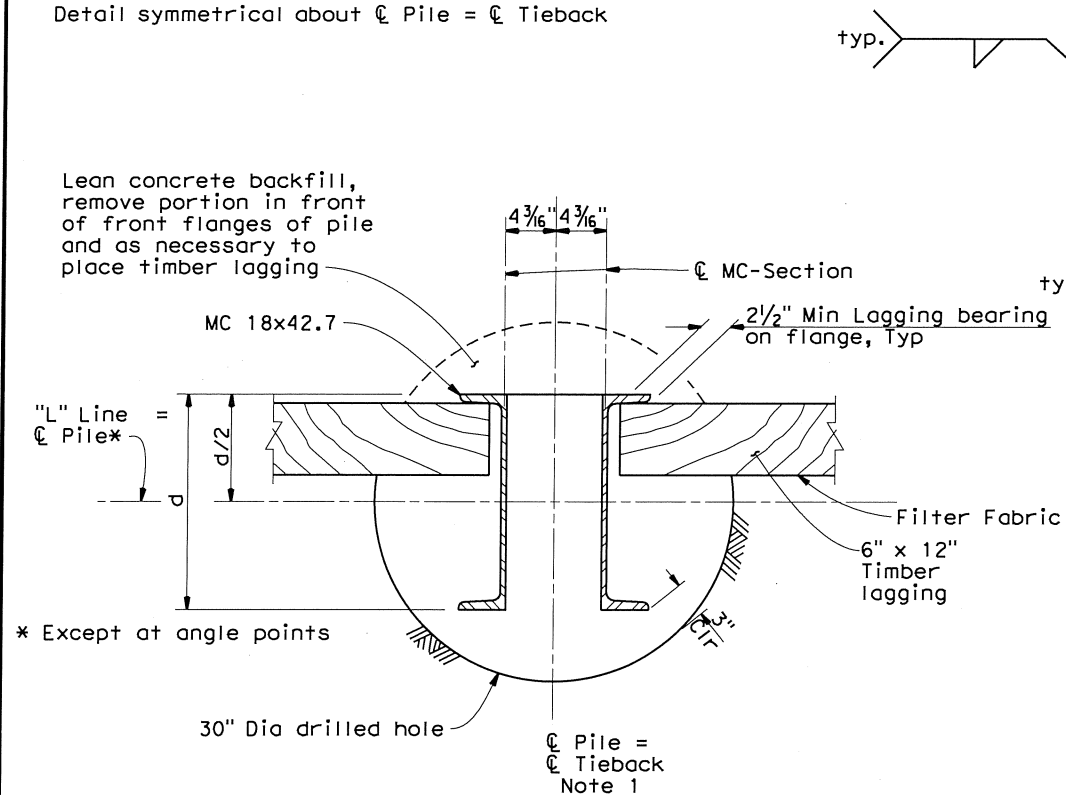
BERRYHILL PARK APARTMENTS
RETAINING WALL DETAILS No. 1

SHIFT

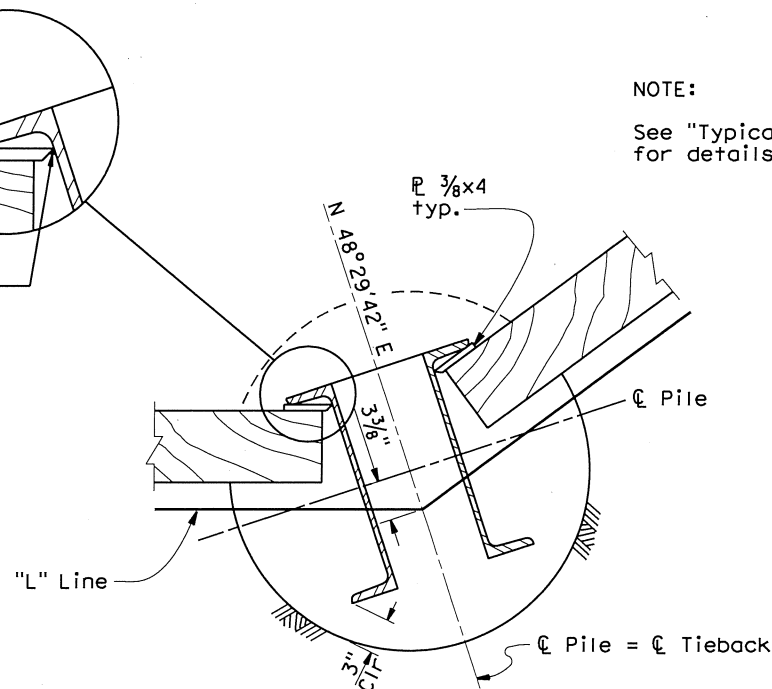
2 OF 5

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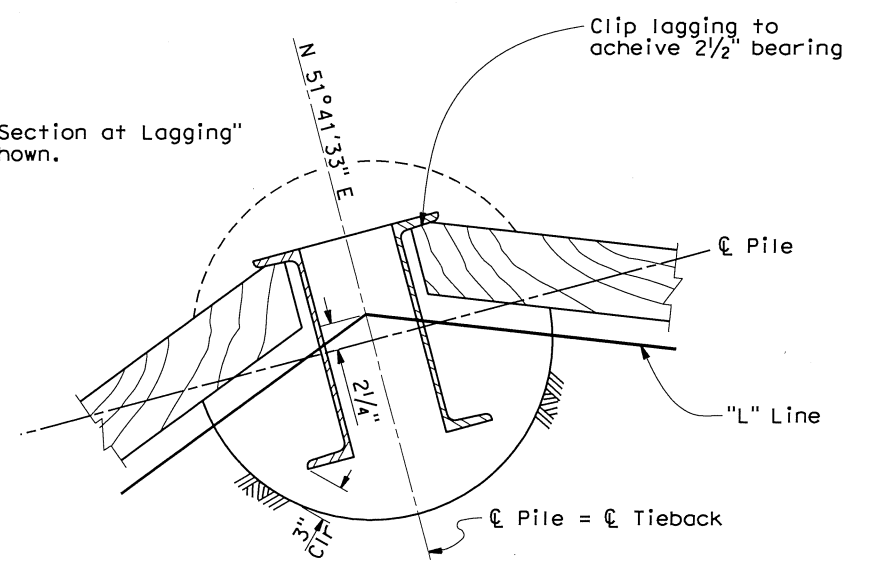
NOTE:
Detail symmetrical about C Pile = C Tieback



TYPICAL PILE SECTION AT LAGGING
No Scale



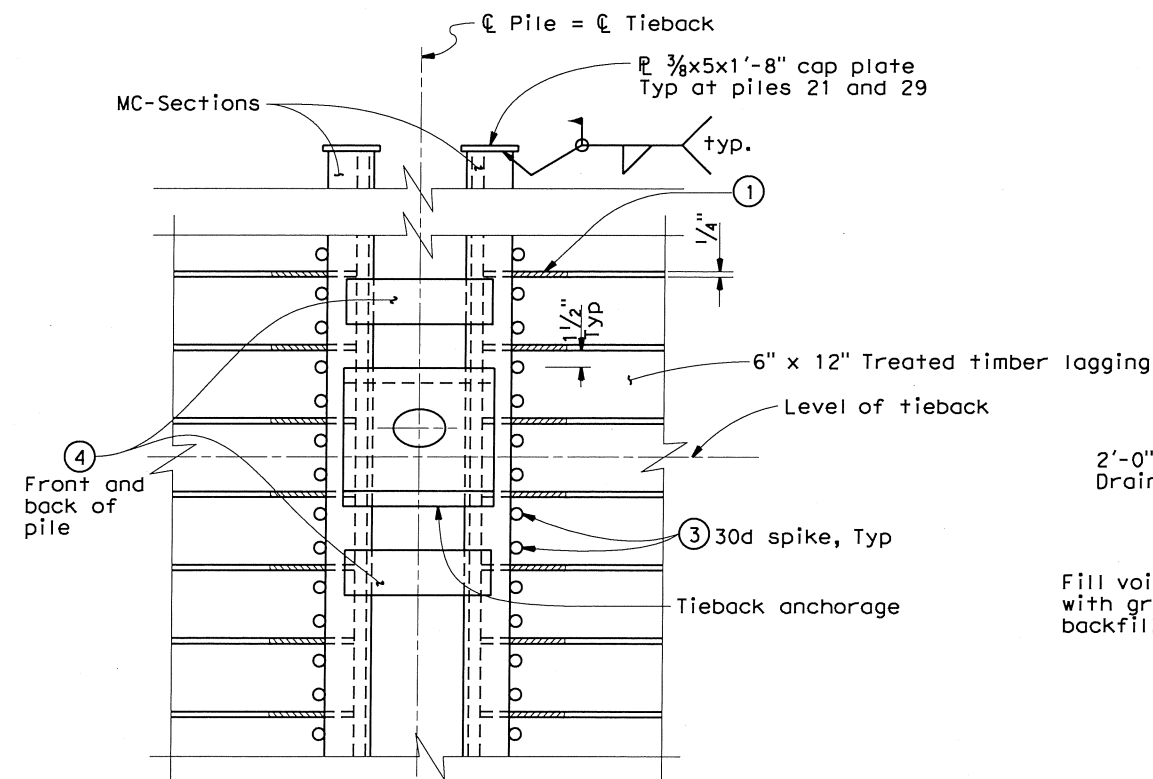
PILE #21 SECTION
No Scale



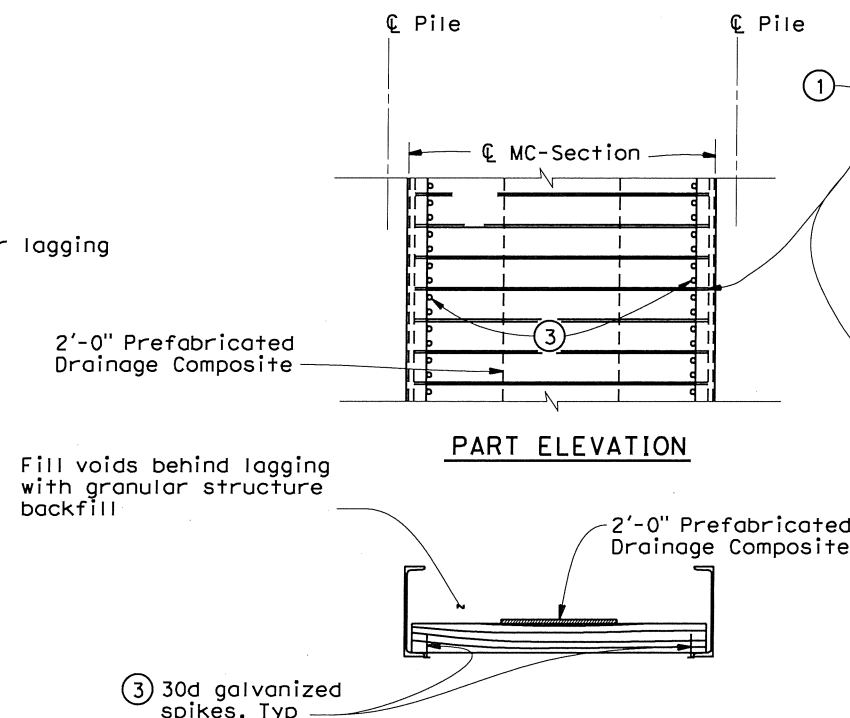
PILE #29 SECTION
No Scale

○ 1/4" x 6" Polyethylene pad between lagging members at ends secured with 2 - 12d galvanized nails, typical. Width of pad to match lagging thickness.

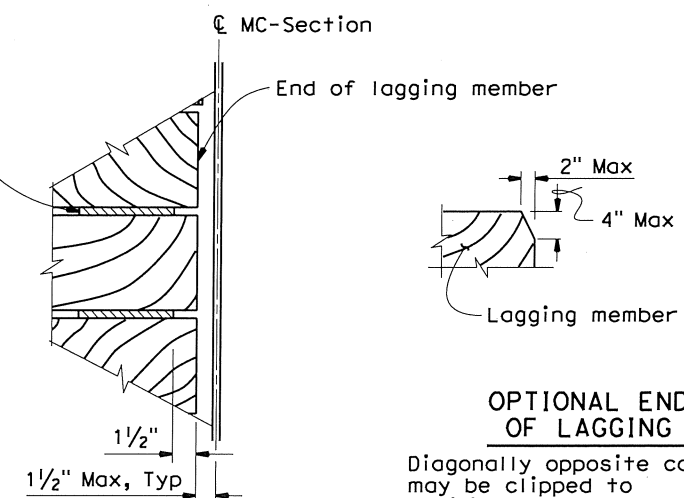
- ③ 30d spike (galvanized), 2 at each end of lagging member.
- ④ Stay plate, 8 total minimum. 4 per tieback, 2 at top of pile, 2 at bottom of pile, and others as required to maintain alignment. Location to be approved by Engineer, see "STAY PLATE DETAIL" on "RETAINING WALL DETAILS No. 3" sheet.



PART ELEVATION OF SOLDIER PILE
No Scale



PART PLAN OF LAGGING MEMBER



OPTIONAL END OF LAGGING

Diagonally opposite corners may be clipped to facilitate placement

LAGGING DETAILS
No Scale

PREPARED UNDER THE SUPERVISION OF :

Brett William Karnes
REGISTERED CIVIL ENGINEER

BERRYHILL PARK APARTMENTS
RETAINING WALL DETAILS No. 2

SHEET
3 OF 5

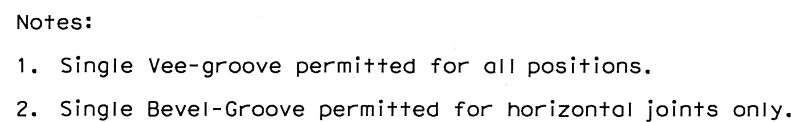
4/15/2016 3:46:12 PM

FOR REDUCED PLANS 0 1 2 3 ORIGINAL SCALE IS IN INCHES

SINGLE VEE-GROOVE SINGLE BEVEL-GROOVE

PILE WELDING DETAIL - BUTT JOINTS

No Scale



GENERAL NOTES

DESIGN:

2014 Oregon Structural Specialty Code, and Federal Highway Administration Publication FHWA-IF-99-015, "Ground Anchors and Anchored Systems"

CONCRETE:

$f'_c = 3300$ psi (Concrete compressive strength at 28 days)

STRUCTURAL STEEL:

Steel piles - ASTM Designation: A709/A709M, Grade 50W or A588/A588M, Grade 50
Angles and plates - ASTM Designation: A709/A709M, Grade 50W or A588/A588M, Grade 50
Welded pipe - ASTM Designation: A53

TIMBER:

Treated Douglas Fir, Grade No.1 or better
Lagging members shall be full sawn.

TIEBACKS:

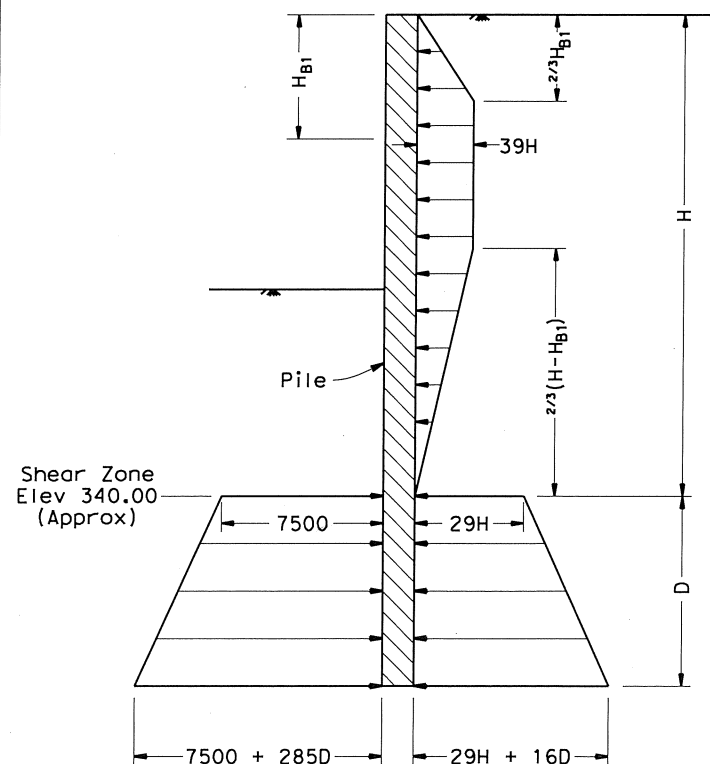
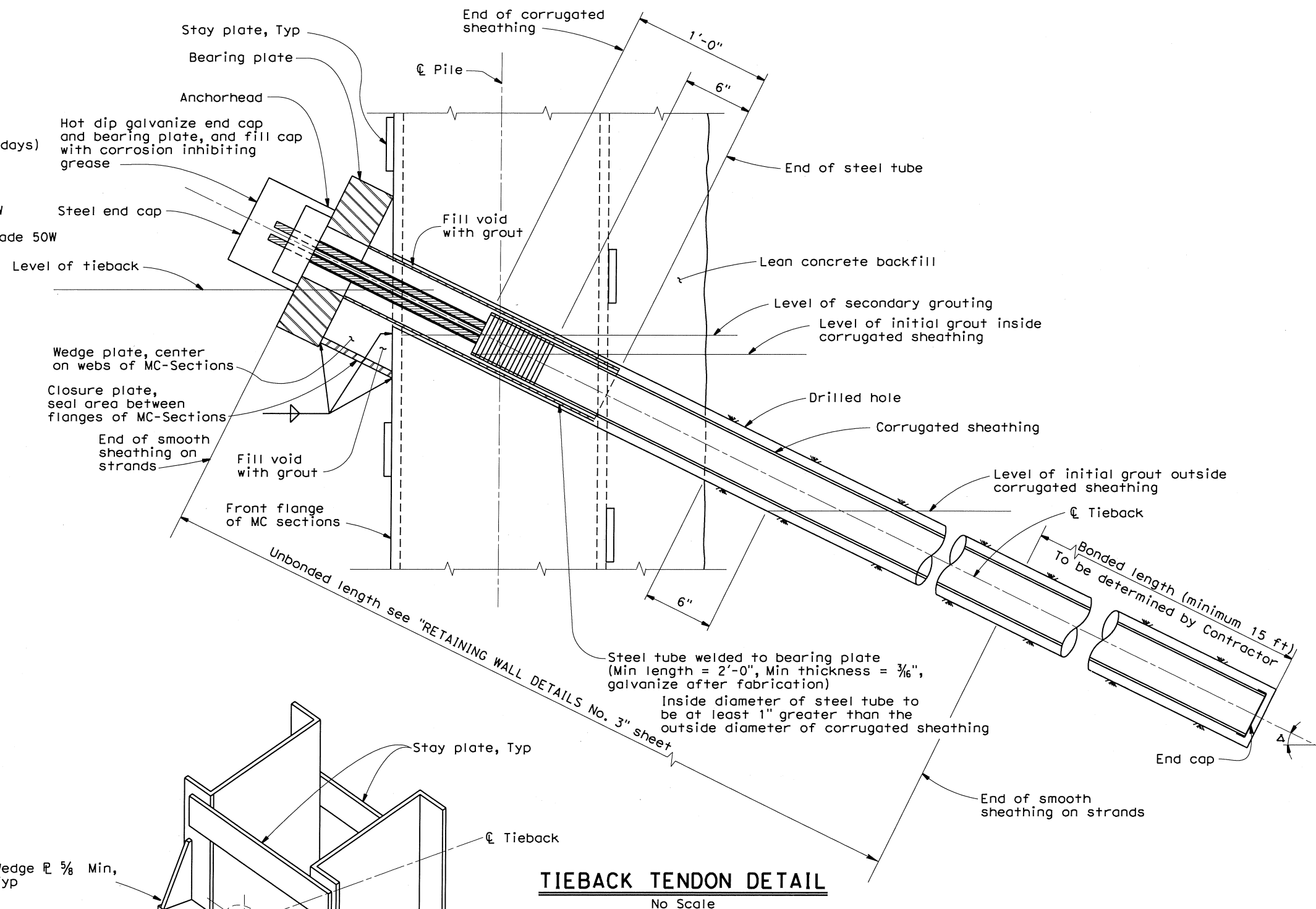
Tendon- ASTM Designation: A416, A779, or A722
 T = Design force per tieback, see "PILE DATA TABLE" on "RETAINING WALL DETAILS No. 3" sheet
 Δ = Angle to horizontal, see "PILE DATA TABLE" on "RETAINING WALL DETAILS No. 3" sheet
 f_{pu} = Minimum tensile strength of prestressing steel, Kips per square inches

$A_s(\min)$ = Minimum cross sectional area of prestressing steel in tieback tendon, square inches

$A_s(\min) = \frac{1.33 T}{0.75 f_{pu}}$
Lockoff tendons at 80% T

DESIGN LOADING:

H_{B1} = height to tieback
Units in lbs and feet



ISOMETRIC VIEW
No Scale

REVISION

DATE	3/25/16
DESIGNED BY	P. Kenney
CHECKED BY	J. Goodall
JOB NO.	577-200

PREPARED UNDER THE SUPERVISION OF:

Brett William Karnes

REGISTERED CIVIL ENGINEER



BERRYHILL PARK APARTMENTS
RETAINING WALL DETAILS No. 4

SHEET

5 OF 5

4/15/2016 3:46:35 PM

June 9, 2016

Aleta Froman-Goodrich, PE
City of Oregon City
625 Center Street
Oregon City, Oregon 97045

**RE: RESPONSE TO GEOHAZARDS COMPLETENESS REVIEW
LAND USE APPLICATION BERRYHILL PARK RETAINING WALL
BERRYHILL PARK APARTMENTS
OREGON CITY, OREGON**

Dear Ms. Froman-Goodrich:

The purpose of this letter is to respond to the Foundation Engineering, Inc. Geohazards (Oregon City Code Chapter 17.44) Completeness Review letter dated June 2, 2016. Shannon & Wilson submitted a land use application May 11, 2016 for land use permitting of Berryhill Park Retaining Wall to be constructed on the Berryhill Park Apartments property to mitigate a landslide. The land use application included applications for Geologic Hazards (Geohazards) Review, Minor Site Plan & Design Review, Natural Resources Review, and a Variance for wall height. Foundation Engineering, Inc., performed the Geohazards Review for the City of Oregon City (the City) and found the Geohazards portion of the land use application incomplete based on nine items listed by the City code chapter in the Foundation Engineering, Inc. Completeness Review letter dated June 2, 2016. We contacted the author of the June 2, 2016 letter, Timothy Pfeiffer, PE by telephone on June 3, 2016 to discuss the nine items included in his letter. Based on our review of the June 2, 2016 letter and our June 3, 2016 telephone correspondence, we offer the following responses to the nine incomplete items. The Foundation Engineering, Inc. completeness review items are listed by City code chapter below in italics followed by our response.

17.44.50(A)(1) Applicant must review the pertinent geologic studies for information on the project site.

We reviewed the five publications listed in City code chapter *17.44.50(A)(1)*; they assisted in our understanding of site geology and geologic hazards and form the basis of

the Regional Geology section in our Retaining Wall Design Letter, dated April 5, 2016 submitted at part of the land use application. To further our understanding of the landslide on Berryhill Park and Forest Edge Apartments property, we also reviewed the following previous geotechnical reports made for Berryhill Park Apartments and Forest Edge Apartments (formally Newell Creek Apartments).

- November 5, 1991 - Soil Investigation for Newell Creek Apartments, John McDonald Engineering.
- March 31, 1992 - Additional Soil Investigation for Newell Creek Apartments, John McDonald Engineering
- January 12, 1994 - Preliminary Engineering Geologic Investigation of The Site of The Proposed Newell Creek Apartments, Roger Redfern Consulting Geologist
- August 25, 1994 - Newell Creek Overlook Apartments Soil Investigation, John McDonald Engineering
- February 2, 2006 - Geological Letter Slope Stability Investigation Berryhill Park Apartments, GeoDesign Inc.
- March 24, 2006 - Landslide Evaluation and Recommendations Newell Creek Village, Ash Creek Associates Inc.
- April 21, 2006 - Geological Letter Slope Stability Investigation Berryhill Park Apartments, GeoDesign Inc.
- September 2006 - Landslide Technologies geotechnical boring well logs registered with Oregon Water Resources Department (actual geotechnical report unavailable)
- January 22, 2010 - Preliminary Geotechnical Review of Slope Stability Forest Edge Apartments, GeoPacific Engineering Inc.
- January 20, 2011 - Preliminary Slope Stability Evaluation for Immediate Response Measures Steep Slope Area Above Forest Edge Apartments, GeoPacific Engineering Inc.
- February 11, 2011 - Landslide Response Letter Slope Stability Investigation Berryhill Park Apartments, GeoDesign Inc.

- February 23, 2011 - Preliminary Geotechnical Review of Slope Stability Forest Edge Apartments, GeoPacific Engineering Inc.
- March 2, 2011 - Preliminary Evaluation of Slope Failure and Recommendations for Immediate Response Measures Steep Slope Area Above Forest Edge Apartments, GeoPacific Engineering Inc.
- July 7, 2011 - Geological Report Ground Movement Monitoring Berryhill Park Apartments, GeoDesign Inc.

17.44.50(A)(2) Applicant must provide recommendations regarding drainage and an assessment of the project's impact on drainage.

Construction of the proposed retaining wall will not change existing drainage patterns and no new impervious surfaces will be added. The proposed retaining wall will add no net increase in drainage from existing conditions and a drainage collection system is not included in the retaining wall design.

17.44.50(A)(9)(b and c) Applicant must provide recommendations for any development restrictions for the area adjacent to the retaining wall and within the geologic hazard area.

The proposed retaining wall will not restrict development within the geologic hazard area. Tieback anchors will be installed through the face of the retaining wall and will extend below ground surface dozens of feet upslope of the wall, as shown in the Berryhill Park Apartments Retaining Wall General Plan. New development such as utility trenches, basements, or pile foundations on Berryhill Apartments property upslope of the retaining wall must avoid the tieback anchors. Immediately upslope and downslope of the retaining wall for a distance of 75 feet in both directions, no new development should be made that may change existing loading conditions of the retaining wall, unless reviewed by the wall designers. It should be noted that the area downslope of the retaining wall is an active landslide and will remain an active landslide after the proposed retaining wall is constructed. Landslide mitigation would need to be incorporated into any new development downslope.

17.44.50(A)(9)(f) Applicant must provide statement regarding the effect of the proposed development (mitigation) on the slope stability of the property and the adjacent properties.

The proposed retaining wall will mitigate the landslide hazard on Berryhill Park Apartments property by stabilizing the slope above the retaining wall. The proposed retaining wall will not mitigate the landslide or slope stability of areas below or adjacent to the landslide. The retaining wall will have no impact on slope stability of adjacent properties.

17.44.50(A)(10)(a) Applicant must provide a scaled drawing of the work site showing trees greater than 6-inches and identifying any trees to be removed.

No trees greater than 6 inches in diameter will be removed for construction of the proposed retaining wall. Existing trees 6 inches in diameter or larger are shown on Sheet 1 of the Berryhill Park Apartments Retaining Wall General Plan. Proposed tracked equipment access routes shown in the Erosion and Sediment Control Plan will be adjusted in the field to go around trees that are 6 inches in diameter or larger.

17.44.50(A)(10)(b) Applicant must provide a scaled drawing of the work site showing existing and proposed grading and net increase or loss of soil. The wall plans appear to show different earthwork areas than the erosion control plans.

All proposed earthwork, including existing and proposed grades, is shown on Sheets 1 and 2 of the Berryhill Park Apartments Retaining Wall General Plan. Earthwork is limited to the removal of soil immediately below the face of the retaining wall for placement of wood lagging. The net loss (quantity) of soil to be removed is 1,560 cubic yards, as described on Sheet 2 of the Berryhill Park Apartments Retaining Wall General Plan. No grading will be performed for the creation of tracked equipment access paths shown crossing the hill side on the Erosion and Sediment Control Plan.

17.44.60(A) Applicant's response that no removal of trees or ground cover is anticipated appears to conflict with the Erosion Control Plans. The applicant must identify the extent of surface disturbance and grading.

The upper two thirds of the slope shown on the Erosion and Sediment Control Plan, between the rear of the eightplex and duplex on Berryhill Park Apartments property and the garage buildings downslope on Forest Edge Apartments property, has been covered by plastic sheeting. The majority of ground cover in that area has been killed by being covered with plastic sheeting or uprooted by landslide ground movement. The lower third of the slope in this area, immediately upslope of the Forest Edge Apartments garages, includes grass and shrub ground cover in areas not covered by recent landslide debris. Some trees remain throughout the slope between the eightplex and duplex and downslope of the garages. Existing trees and ground cover that have not been killed due to placement of plastic sheeting or uprooted or covered by landslide activity will remain. Erosion control measures shown in the Erosion and Sediment Control Plan will be placed around trees and existing ground cover. The existing vegetation will not be stripped; it will be seeded by grass seed and covered by an erosion control blanket. The erosion control blanket will be cut and placed around trees and shrubs. The straw wattles will also be placed to go around trees and shrubs.

17.44.60(B) Construction of the wall should be completed before October 31, 2016 to avoid additional risk from construction in the winter or leaving the slope through another winter season.

The building permit application and construction bidding will be performed concurrently with the land use application review. Construction will begin as soon as the land use record of decision is issued. We request that the City expedite the land use application as much as possible so that all site work can be completed by October 31, 2016.

17.44.60(D) Applicant has requested a variance for exceeding the maximum exposed wall height without terracing.

A variance for exceeding the maximum exposed wall height has been requested. The wall face will not be directly visible from adjacent properties. Terracing is not conducive to construction of a soldier pile and tieback retaining wall or for placement over an active landslide mass, which will remain downslope of the wall. We have considered other wall types to mitigate the slope stability of the Berryhill Park Apartments property above the landslide, and, in our opinion, a soldier pile and tieback retaining wall is the only feasible option.

Aleta Froman-Goodrich, PE
City of Oregon City
June 9, 2016
Page 6 of 6

SHANNON & WILSON, INC.

We hope that you find our responses have fully addressed the Geohazard Completeness Review comments. If you have additional questions or concerns please contact me directly at 503-210-4781.

Sincerely,

SHANNON & WILSON, INC.



David J. Higgins, CEG
Associate | Engineering Geologist

DJH/RPP:aeb



June 10, 2016

<p>Owner: George Glass Berryhill Equity LLC 4004 Kruse Way Place Lake Oswego, OR 97035</p> <p>Representative: David L. Higgins, CEG, LEG Shannon & Wilson, Inc. 3990 Collins Way, Ste. 100 Lake Oswego,, OR 97035</p>	<p>Planning Files: NR 16-04 / SP 16-04 / US 16-02 / VR 16-01.</p> <p>Project: Berryhill Apartments Retailing Wall for Landslide Mitigation</p> <p>Site Location: 13945 Beaver Creek Rd & 14155 Beaver Creek Rd, Oregon City, OR 97045 Clackamas County APN 3-2E-04C-00803 and 00807</p> <p>Application Submitted: May 11, 2016 Application Complete: June 10, 2016 120-Day Decision Deadline: October 10, 2016</p>
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DETERMINATION OF APPLICATION COMPLETENESS

XX NR 16-04 / SP 16-04 / US 16-02 / VR 16-01 is **Complete**

The application(s) listed above has been deemed complete.

Planning Division will prepare the necessary public hearing notices for the Planning Commission hearing and land use notification signs to be picked up at the Community Development office. We will notify you when the signs are ready.

I look forward to working with you on your application.

Pete Walter, AICP, Planner
Email: pwalter@orc.org
Phone: (503) 496-1568

CC: Development Services



NOTICE OF PUBLIC HEARING (PLANNING COMMISSION) – TYPE III APPLICATION

Mailed on: June 21, 2016

COMMENT DEADLINE:	On Monday, July 11th, 2016 , the City of Oregon City Planning Commission will conduct a public hearing at 7:00 p.m. in the Commission Chambers at City Hall, 615 Center Street, Oregon City 97045 on the following Type III application. Any interested party may testify at the public hearing or submit written testimony at or prior to the close of the hearing.
FILE NUMBER(S):	US 16-02 / NR 16-04 / SP 16-04 / VR 16-01
APPLICANT / OWNER:	George Glass, Berryhill Equity LLC, 4004 Kruse Way Place, Lake Oswego, OR 97035
REPRESENTATIVE:	David L. Higgins, CEG, LEG, Shannon & Wilson, Inc., 3990 Collins Way, Ste. 100, Lake Oswego, OR 97035
PROPOSAL:	A 246-foot long X 12-foot high retaining wall is proposed on the Berryhill Park Apartments property to mitigate a landslide. The land use application includes applications for Geologic Hazards Review, Minor Site Plan & Design Review, Natural Resources Verification, and a Variance for wall height.
LOCATION: (Map Other Side)	13945 Beavercreek Rd & 14155 Beavercreek Rd, Oregon City, OR 97045 Clackamas County APN 3-2E-04C-00803 and 00807
WEBPAGE:	http://www.orcity.org/planning/project/us-16-02-nr-16-04-sp-16-04-vr-16-01
CONTACT PERSON:	Peter Walter AICP, Planner (503) 496-1568 Email: pwalter@orcify.org
NEIGHBORHOOD:	Hillendale Neighborhood Association
CRITERIA:	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 17.16 – “R-3.5” Dwelling District, OCMC 17.18 – “R-2” Multi-Family Dwelling District, OCMC 17.41 – Tree Protection Standards, OCMC 17.44 – Geologic Hazards, OCMC 17.49 – Natural Resource Overlay District, OCMC 17.50 – Administrative Processes, OCMC 17.52 – Off-Street Parking and Loading, OCMC 17.54.100 – Fences, OCMC 17.58 – Lawful Non-conforming Uses Structures and Lots, OCMC 17.60 – Variances, and OCMC 17.62 – Site Plan and Design Review. The City Code Book is available on-line at www.orcity.org .

This application and all documents and evidence submitted by or on behalf of the applicant are available for inspection at no cost at the Oregon City Planning Division, 221 Molalla Avenue, Suite 200 from 8:30 AM - 3:30 PM, Monday – 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. Any interested party may testify at the public hearing and/or submit written testimony at or prior to the close of the City Commission hearing. Written comments must be received by close of business at City Hall 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. The public record will remain open until the City Commission closes the public hearing. Please be advised that any issue that is intended to provide a basis for appeal must be raised before the close of the City Commission hearing, in person or by letter, with sufficient specificity to afford the 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. Parties with standing may appeal the decision of the City Commission to the Land Use Board of Appeals. 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 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 pursuant to OCMC 17.50.190(C)(5) to and 17.50.290(C).

AMY BETH HUGHES

14346 SE BUSH ST
PORTLAND, OR 97236

CHRISTIE A LONG

13949 BEAVERCREEK RD UNIT 123
OREGON CITY, OR 97045

GALACTIC ENTERPRISES LLC

7000 RIDGEGATE DR
GLADSTONE, OR 97027

ANNA SCHERBACH

13949 BEAVERCREEK RD UNIT 124
OREGON CITY, OR 97045

CHRISTINE E HAKE

13949 BEAVERCREEK RD UNIT 122
OREGON CITY, OR 97045

HELEN LANSDALE

13949 BEAVERCREEK RD UNIT 109
OREGON CITY, OR 97045

ANNEDA ORMAE

13949 BEAVERCREEK RD UNIT 103
OREGON CITY, OR 97045

CITY OF OREGON CITY

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PO BOX 10021
PORTLAND, OR 97296

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BEAVERCREEK, OR 97004

JASON & JESSICA CLEVELAND

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OREGON CITY, OR 97045

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8320 NE HWY 99
VANCOUVER, WA 98665

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BRYAN MOONEY

13949 BEAVERCREEK RD APT 125
OREGON CITY, OR 97045

DOROTHY I DUNCAN

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DOROTHY L OTTO

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OREGON CITY, OR 97045

KALEB C MITCHELL

13949 BEAVERCREEK RD UNIT 104
OREGON CITY, OR 97045

CHARLENE D TREGLOWN

13949 BEAVERCREEK RD UNIT 117
OREGON CITY, OR 97045

EAST VIEW PROPERTIES LLC

12291 S CRITESER RD
OREGON CITY, OR 97045

LARRY MARDOCK

28028 SE KNOX RD
BORING, OR 97009

CHARLES R JR & TRACY METZKER

16433 S REDLAND RD
OREGON CITY, OR 97045

FOREST EDGE MANAGEMENT

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OREGON CITY, OR 97045

LINDA R EISELE

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MARC S WHYBRA

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PORTLAND, OR 97291

MARIA D BURBRIDGE

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MOLALLA, OR 97038

MESA FARMS DEL

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LIVINGSTON, CA 95334

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PORTLAND, OR 97232

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SUN CITY WEST, AZ 85375

METROPOLITAN SERVICE DIST

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PORTLAND, OR 97232

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OREGON CITY, OR 97045

STEVEN ZEECK

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OREGON BEVERAGE RECYCLING COOP

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PORTLAND, OR 97208

STEWART DANIEL E & SONYA S

PO BOX 3193
OREGON CITY, OR 97045

OREGON CITY AUTO SVC CNTR LLC

PO BOX 908
VANCOUVER, WA 98666

STREET - BERRY PARK KELLY

701 MANZANITA WAY
VANCOUVER, WA 98661

OREGON CITY HOLDINGS LLC

2895 BEAVERCREEK RD STE 204
OREGON CITY, OR 97045

TOM S PAULO

13949 BEAVERCREEK RD UNIT 113
OREGON CITY, OR 97045

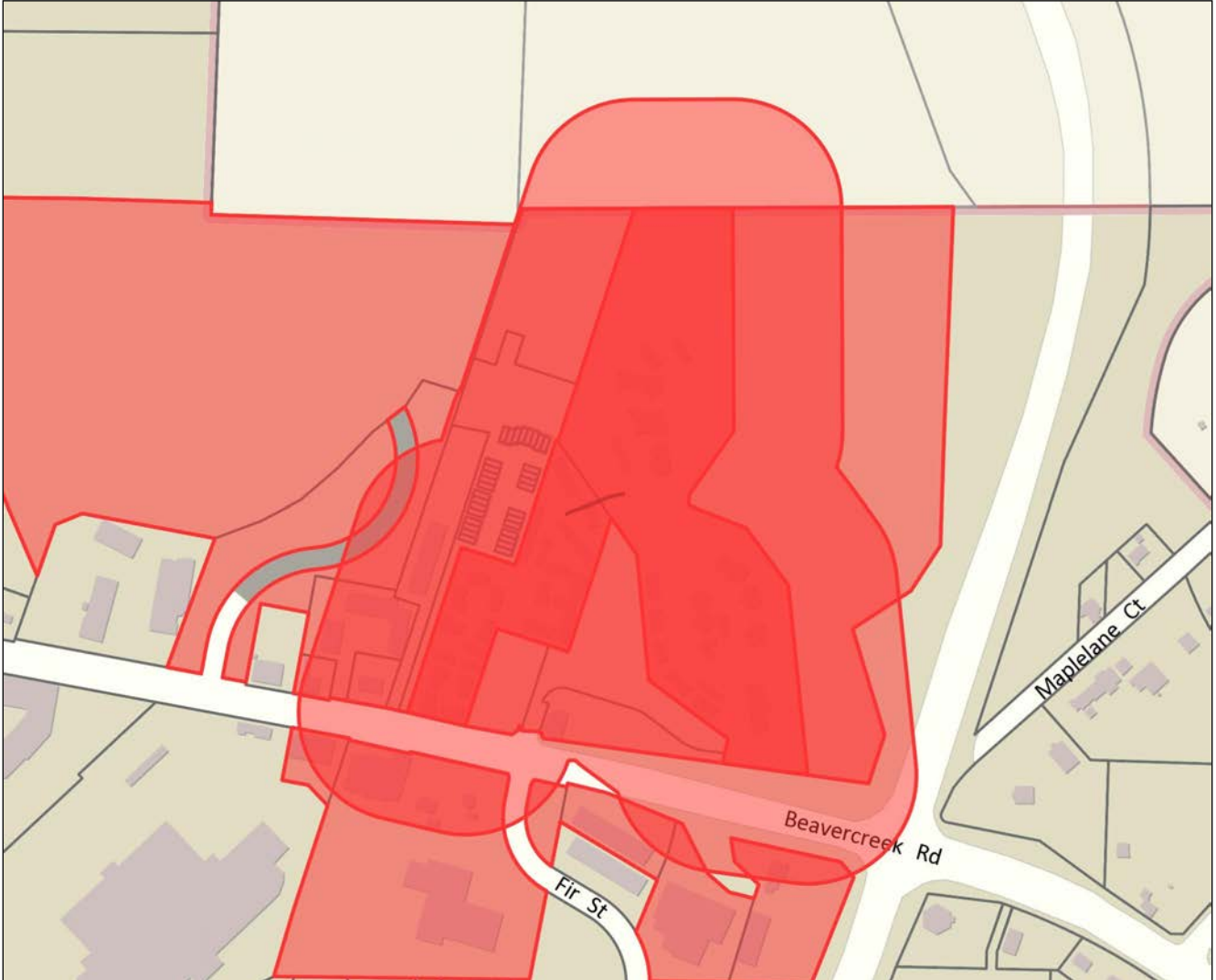
OXBOW ENTERPRISES LLC

620 NE KELLY AVE
GRESHAM, OR 97030

TRAVIS & ANN GRAY

13949 BEAVERCREEK RD UNIT 119
OREGON CITY, OR 97045

Mailing Labels Report



Labels created:	6/12/2016 10:05 AM
Run by:	Pete Walter (pwalter@orccity.org)
Labels generated using:	User-defined Graphic
Use graphic or underlying taxlot(s)?	Underlying taxlot(s)
Buffer?	Yes
Buffer Distance:	300 Foot
Label type:	Taxpayers
Sort order:	By Name
Output format:	Pdf
# Taxlots used to create labels:	52
# Labels generated:	50



LAND USE APPLICATION TRANSMITTAL

June 20, 2016

IN-HOUSE DISTRIBUTION OF APPLICATION

- ☐ ☒ Building Official
- ☐ ☒ Development Services Manager
- ☐ ☒ Public Works Operations
- ☐ ☒ City Engineer
- ☐ ☒ Public Works Director
- ☐ ☒ GIS
- ☐ ☒ Parks Manager
- ☐ Addressing
- ☐ ☒ Police
- ☐ Traffic Engineer
- ☐ ☒ City Attorney

NOTICE OF THE APPLICATION MAILED TO

- ☐ ☒ All Properties within 300 feet
- ☐ ☒ Hamlet of Beaver Creek
- ☐ ☒ Holcomb Outlook CPO
- ☐ ☒ Central Point / Leland Road / New Era CPO

MAIL-OUT DISTRIBUTION OF APPLICATION

- ☐ ☒ OREGON CITY NEIGHBORHOOD ASSOCIATIONS
 - ☐ ☒ Neighborhood Association Chairs
 - ☐ ☒ N.A. Chair (Hillendale)
 - ☐ ☒ N.A. Land Use Chair (Hillendale)
- ☐ Clackamas County Transportation and Planning
- ☐ ☒ Clackamas Fire District #1
- ☐ ☒ ODOT – Development Review
- ☐ ☒ School District # 62
- ☐ ☒ Tri-Met
- ☐ ☒ Tri-City Service District
- ☐ ☒ Metro
- ☐ Oregon City Postmaster
- ☐ ☒ Clackamas River Water (CRW)
- ☐ ☒ DLCD / DEQ / DSL / USACE (circle)
- ☐ ☒ David Evans and Associates (NROD)

COMMENTS DUE:	June 20, 2016	STAFF REPORT DUE:	July 1, 2016
HEARING BODY:	Planning Commission	HEARING DATE:	July 11 th , 2016
FILE # & TYPE:	US 16-02 / NR 16-04 / SP 16-04 / VR 16-01 (Type III)		
PLANNER:	Pete Walter, AICP, Planner (503) 496-1568	Email:	pwalter@orc.org
APPLICANT:	George Glass, Berryhill Equity LLC		
REPRESENTATIVE:	David L. Higgins, CEG, LEG, Shannon & Wilson, Inc.		
REQUEST:	A 246-foot long X 12-foot high retaining wall is proposed on the Berryhill Park Apartments property to mitigate a landslide.		
ZONING:	"R-2" Multi-Family and R-3.5 Dwelling District		
LOCATION:	13945 Beaver Creek Rd & 14155 Beaver Creek Rd, Oregon City, OR 97045		
	Clackamas County APN 3-2E-04C-00803 and 00807		
WEBPAGE:	http://www.orcity.org/planning/project/us-16-0002-nr-16-0004-sp-16-0004-vr-16-0001		

This application material is referred to you for your information, study and official comments. If 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 will 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 _____

PLEASE RETURN YOUR COPY OF THE APPLICATION AND MATERIAL WITH THIS FORM.



6605 SE Lake Road, Portland, OR 97222
PO Box 22109, Portland, OR 97269-2109
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 Accounting Manager of *Clackamas
Review/Oregon City News and Estacada News*, a
newspaper of general circulation, published at
Clackamas, in the aforesaid county and state, as
defined by ORS 193.010 and 193.020, that

City of Oregon City
Notice of Public Hearing – AN 16-02;
CLK13659

a copy of which is hereto annexed, was published in
the entire issue of said newspaper for
1

week in the following issue:
June 15, 2016

Charlotte Allsop

Charlotte Allsop (Accounting Manager)

Subscribed and sworn to before me this
June 15, 2016.

Jerrin L. Sipe

NOTARY PUBLIC FOR OREGON

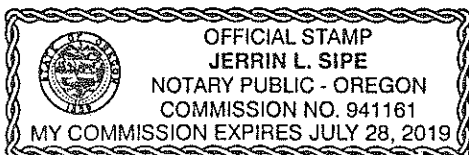
PO: PETE WALTER

Acct #500291
Attn: Pete Walter
City of Oregon City
PO Box 3040
Oregon City, OR 97045-0304

Size: 2 x 8.75"

Amount Due: **\$207.37***

*Please remit to address above.



NOTICE OF PUBLIC HEARING (PLANNING COMMISSION) – TYPE III APPLICATION

COMMENT DEADLINE: On Monday, July 11th, 2016, the City of Oregon City Planning Commission will conduct a public hearing at 7:00 p.m. in the Commission Chambers at City Hall, 615 Center Street, Oregon City 97045 on the following Type III application. Any interested party may testify at the public hearing or submit written testimony at or prior to the close of the hearing.

FILE NUMBER(S): US 16-02 / NR 16-04 / SP 16-04 / VR 16-01

APPLICANT: George Glass, Berryhill Equity LLC, 4004 Kruse Way Place, Lake Oswego, OR 97035

OWNER: David L. Higgins, CEG, LEG, Shannon & Wilson, Inc., 3990 Collins Way, Ste. 100, Lake Oswego, OR 97035

PROPOSAL: A 246-foot long X 12-foot high retaining wall is proposed on the Berryhill Park Apartments property to mitigate a landslide. The land use application includes applications for Geologic Hazards Review, Minor Site Plan & Design Review, Natural Resources Verification, and a Variance for wall height.

LOCATION: 13945 Beavercreek Rd & 14155 Beavercreek Rd, Oregon City, OR 97045, Clackamas County APN 3-2E-04C-00803 and 00807

WEBPAGE: <http://www.orcity.org/planning/project/us-16-02-nr-16-04-sp-16-04-vr-16-01>

CONTACT PERSON: Peter Walter AICP, Planner (503) 496-1568, Email: pwalter@orcity.org

NEIGHBORHOOD: Hillendale Neighborhood Association

CRITERIA: 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 17.16 – “R-3.5” Dwelling District, OCMC 17.18 – “R-2” Multi-Family Dwelling District, OCMC 17.41 – Tree Protection Standards, OCMC 17.44 – Geologic Hazards, OCMC 17.49 – Natural Resource Overlay District, OCMC 17.50 – Administrative Processes, OCMC 17.52 – Off-Street Parking and Loading, OCMC 17.54.100 – Fences, OCMC 17.58 – Lawful Non-conforming Uses Structures and Lots, OCMC 17.60 – Variances, and OCMC 17.62 – Site Plan and Design Review. The City Code Book is available on-line at www.orcity.org.

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A city-recognized neighborhood association requesting an appeal fee waiver 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 pursuant to OCMC 17.50.190(C)(5) to and 17.50.290(C).

Publish 06/15/2016.

CLK13659

From: Pete Walter
To: [Aleta Froman-Goodrich](#); ["baldwinb@tri-met.org"](#); ["Betty Johnson"](#); ["Bob George"](#); ["Boll, Heather"](#); ["Boumann, Mike"](#); ["BRUMLEY Seth A"](#); [Chris Wadsworth](#); ["Dawn Hickson"](#); ["ddehart@onemain.com"](#); [Denise Conrad](#); [Eric Underwood](#); ["Gail Curtis \(region1devrevapplications@odot.state.or.us\)"](#); ["Ginger.Redlinger@orecity.k12.or.us"](#); ["Grant O'Connell \(o'connelg@trimet.org\)"](#); ["intstats@sbcglobal.net"](#); [James Band](#); ["Jeffrey Raker"](#); ["Jennifer Stephen \(jennifer.stephens@pgn.com\)"](#); ["jerry.herrmann@birdlink.net"](#); [Jim Williams](#); ["John Collins \(johnc@sfbv.org\)"](#); [John Knapp](#); [John M. Lewis](#); ["John Replinger \(replinger-associates@comcast.net\)"](#); ["Katie Durfee \(kdurfee@orecity.org\)"](#); ["Kent, Ken"](#); [Martin Montalvo](#); [Matthew Palmer](#); [Mike Roberts](#); ["Mike.Livingston@pgn.com"](#); ["Neighborhood Association Chairs"](#); ["richard.e.craven@gmail.com"](#); ["salmoclarki@stinkingdesert.com"](#); [Scott Archer](#); ["TAYAR Abraham * Avi"](#); ["Tim Finlay \(timfin@co.clackamas.or.us\)"](#); ["Ugo DiLullo \(ugodil@co.clackamas.or.us\)"](#); [Wendy Marshall](#); ["Wes Rogers, OC School District"](#)
Bcc: ["Barclay Hills - Tony Uzuegbunam"](#); ["Canemah - Linda Baysinger"](#); ["Caufield - Mike Mermelstein"](#); ["Caufield Co-Chair Gary Davis \(davisgj2@comcast.net\)"](#); ["Gaffney Lane Chair - Amy Willhite"](#); ["Hillendale Vice Chair: Roy Harris \(royandanna@centurylink.net\)"](#); ["McLoughlin Chair and LU Chair Denyse McGriff."](#); ["Park Place Chair - Bob La Salle"](#); ["Rivercrest Chair - Harris Gwinn"](#); ["South End Chair - Bill McConnel"](#); ["Two Rivers Chair: Bryon Boyce"](#); [Bill Clark](#); [Dorothy Dahlsrud](#); [Doug Neeley](#); [Ginger Redlinger \(Director OTA\)](#); [Jerry Herrmann \(usa5303@fedex.com\)](#); [Trent Warness](#); [David J. Higgins \(djh@shanwil.com\)](#); [George Glass \(geglass60@gmail.com\)](#); ["Hillendale Vice Chair: Roy Harris \(royandanna@centurylink.net\)"](#); ["Hillendale - Steve Andersen"](#)
Subject: Oregon City Notice of Public Hearing: Planning Files US 16-02 NR 16-04 SP 16-04 VR 16-01 - Berry Hill Apartments Retaining Wall
Date: Tuesday, June 21, 2016 12:19:00 PM
Attachments: [image001.png](#)
[US 16-02 Notice.pdf](#)
[US 16-02 Transmittal.pdf](#)

NOTICE OF PUBLIC HEARING (PLANNING COMMISSION) – TYPE III APPLICATION

Mailed on: June

21, 2016

COMMENT

DEADLINE:

On **Monday, July 11th, 2016**, the City of Oregon City Planning Commission will conduct a public hearing at 7:00 p.m. in the Commission Chambers at City Hall, 615 Center Street, Oregon City 97045 on the following Type III application. Any interested party may testify at the public hearing or submit written testimony at or prior to the close of the hearing.

FILE NUMBER(S): US 16-02 / NR 16-04 / SP 16-04 / VR 16-01

APPLICANT / OWNER: George Glass, Berryhill Equity LLC,
4004 Kruse Way Place, Lake Oswego, OR 97035

REPRESENTATIVE: David L. Higgins, CEG, LEG, Shannon & Wilson, Inc.,
3990 Collins Way, Ste. 100, Lake Oswego,, OR 97035

PROPOSAL: A 246-foot long X 12-foot high retaining wall is proposed on the Berryhill Park Apartments property to mitigate a landslide. The land use application includes applications for Geologic Hazards Review, Minor Site Plan & Design Review, Natural Resources Verification, and a Variance for wall height.

LOCATION: 13945 Beaver Creek Rd & 14155 Beaver Creek Rd, Oregon City, OR 97045
(Map Other Side) Clackamas County APN 3-2E-04C-00803 and 00807

WEBPAGE: <http://www.orecity.org/planning/project/us-16-02-nr-16-04-sp-16-04-vr-16-01>

CONTACT Peter Walter AICP, Planner (503) 496-1568

PERSON: Email: pwalter@orecity.org

NEIGHBORHOOD: Hillendale Neighborhood Association

CRITERIA:

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 17.16 – “R-3.5” Dwelling District, OCMC 17.18 – “R-2” Multi-Family Dwelling District, OCMC 17.41 – Tree Protection Standards, OCMC 17.44 – Geologic Hazards, OCMC 17.49 – Natural Resource Overlay District, OCMC 17.50 – Administrative Processes, OCMC 17.52 – Off-Street Parking and Loading, OCMC 17.54.100 – Fences, OCMC 17.58 – Lawful Non-conforming Uses Structures and Lots, OCMC 17.60 – Variances, and OCMC 17.62 – Site Plan and Design Review. The City Code Book is available on-line at www.orcity.org.



Pete Walter, AICP, Planner

pwalter@orcity.org

**Community Development Department
Planning Division**

221 Molalla Avenue, Ste. 200

Oregon City, Oregon 97045

503-496-1568 Direct

503-722-3789 Front Desk

503-722-3880 Fax

Website: www.orcity.org

New Hours(Sept 2): 8:30 AM – 3:30 PM, M-F



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Online Mapping is available at [OCWebMaps](#)



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WEBPAGE:	http://www.orcity.org/planning/project/us-16-02-nr-16-04-sp-16-04-vr-16-01
CONTACT PERSON:	Peter Walter AICP, Planner (503) 496-1568 Email: pwalter@orcify.org
NEIGHBORHOOD:	Hillendale Neighborhood Association
CRITERIA:	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 17.16 – “R-3.5” Dwelling District, OCMC 17.18 – “R-2” Multi-Family Dwelling District, OCMC 17.41 – Tree Protection Standards, OCMC 17.44 – Geologic Hazards, OCMC 17.49 – Natural Resource Overlay District, OCMC 17.50 – Administrative Processes, OCMC 17.52 – Off-Street Parking and Loading, OCMC 17.54.100 – Fences, OCMC 17.58 – Lawful Non-conforming Uses Structures and Lots, OCMC 17.60 – Variances, and OCMC 17.62 – Site Plan and Design Review. The City Code Book is available on-line at www.orcity.org .

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SIGN

SIGN

SIGN

SIGN

Fir St

Beavercreek Rd



AFFIDAVIT OF POSTING

FILE NUMBER(S):	US 16-02 / NR 16-04 / SP 16-04 / VR 16-01
APPLICANT / OWNER:	George Glass, Berryhill Equity LLC, 4004 Kruse Way Place, Lake Oswego, OR 97035
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A land use action requires the posting of signs for a period of at least fourteen (14) days that provides a brief description of the application submitted. It is your responsibility to post the signs, which may be obtained at the Oregon City Department of Community Development. **Failure to post the signs by the date specified will result in the automatic extension of the public comment period.**

The signs shall be posted by **June 20, 2016** so that they are clearly visible along the streets fronting the property (see attached map).

The signs shall be mounted on a sturdy backing (such as plywood), and posted within 10 to 15 feet of the street so that is clearly visible. The notice shall not be posted on trees or utility poles. If the weather is wet please cover the signs with clear plastic, or other clear weatherproof material.

Please remove the signs after the close of the public hearing for this file. If you have any questions please contact me at (503) 496-1568.

Pete Walter, AICP
City of Oregon City - Planning Division
221 Molalla Ave., Ste. 200
Oregon City, Oregon 97045

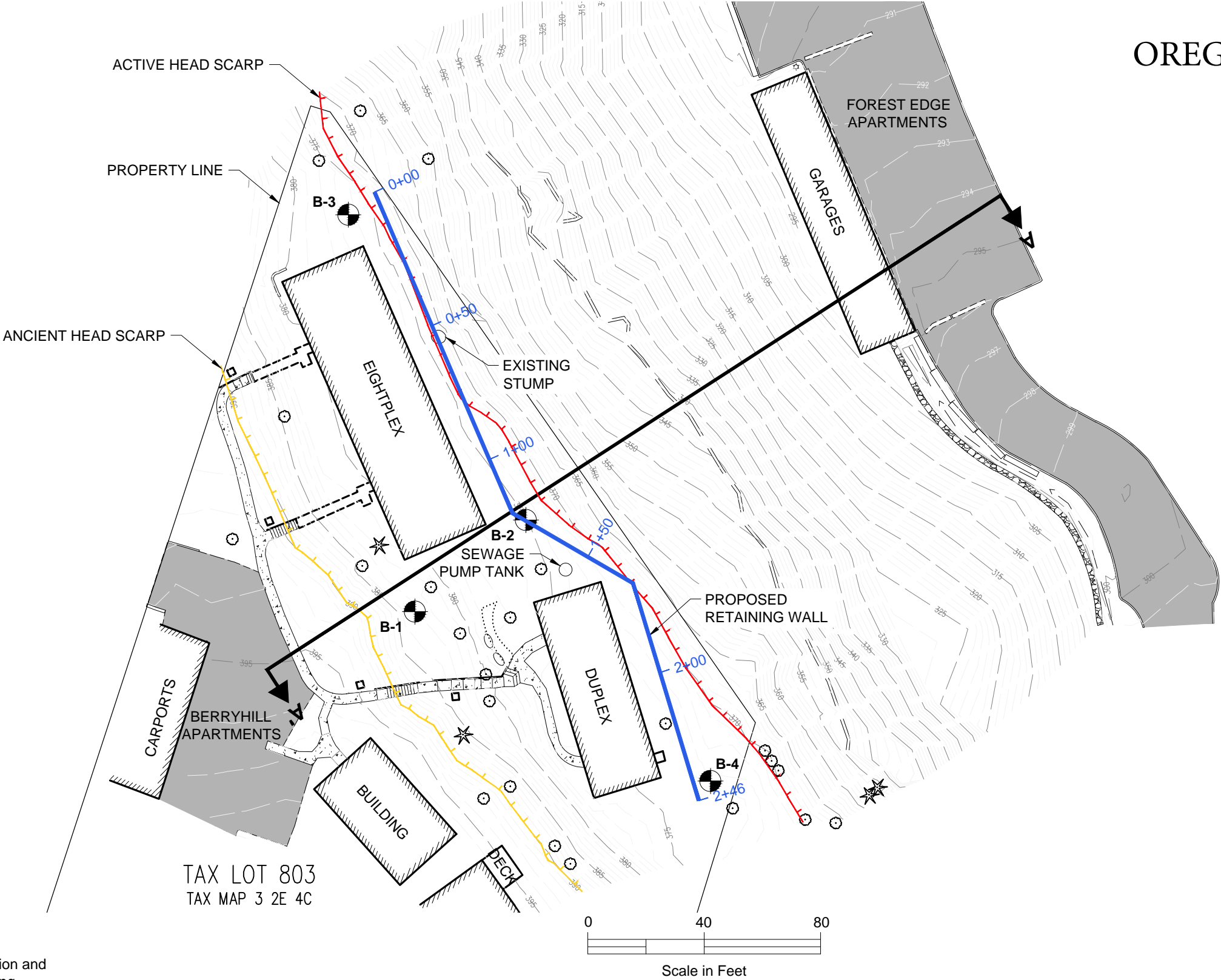
PLEASE SIGN AND RETURN THIS NOTICE TO THE PLANNING DIVISION

I hereby certify that on (date) 6/16/2016, I posted the required notices on the subject site. 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 or Representative

6/16/2016
Date

File: I:\WP\Projects\24-1 Portland\3700\3767 Berryhill Apartments Landslide\Phase-005\Graphics\CAD\Berryhill Site Plan Dec 2015.dwg Date: 02-29-2016 Author: ecp



OREGON CITY PLANNING
FILE #s

US 16-02
NR 16-04
SP 16-04
VR 16-01

LEGEND

B-1 Approximate Location and Designation of Boring

A A' Location and Designation of Slope Stability Analysis Model

- NOTES**
1. Base map from drawing 5008CX MPL-20151217.dwg, provided by AKS on December 18, 2015.
 2. Locations of trees and borings B-3 and B-4 from drawing 5008 20160203 EX COND.dwg, provided by AKS on February 3, 2016.

Berryhill Apartments Landslide Oregon City, Oregon	
SITE AND EXPLORATION PLAN	
February 2016	24-1-03767-005
SHANNON & WILSON, INC. Geotechnical and Environmental Consultants	FIG. 2

From: [David Higgins](#)
To: [Pete Walter](#)
Subject: RE: Request
Date: Friday, June 24, 2016 12:45:51 PM
Attachments: [image010.png](#)
[image011.png](#)
[image012.png](#)
[image013.png](#)
[image014.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image016.png](#)
[image017.png](#)
[Plan Tree Conflict.pdf](#)

Pete,

We have a potential tree conflict that we have been attempting to shift the wall to avoid. The tree is directly behind the duplex and is circled in red on the attached plan. We hope to avoid it but it appears possible that the contractor once hired may find they cannot install piles due to the tree conflict and need to take the tree. We can of course include this in the building permit but is it still possible for me to include this change for the planning application? As I said at this point I don't know if it will be necessary and we hope to be able to avoid it but I see it being a possible conflict. What is the process for this?

Thank you,

David Higgins, CEG*, LEG* | Associate Engineering Geologist

3990 Collins Way, Suite 100

Lake Oswego, Oregon 97035

www.shannonwilson.com

Phone: (503) 210-4750 Fax: (503) 210-4890

Direct: (503) 210-4781 djh@shanwil.com

*Registered in Oregon and Washington

Excellence. Innovation. Service. Value.

We Help Our Clients Achieve Their Goals.



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From: Pete Walter [<mailto:pwalter@ci.oregon-city.or.us>]
Sent: Tuesday, June 21, 2016 2:02 PM
To: David Higgins
Subject: RE: Request

Thank you!

From: David Higgins [<mailto:DJH@shanwil.com>]
Sent: Tuesday, June 21, 2016 2:00 PM
To: Pete Walter <pwalter@ci.oregon-city.or.us>
Subject: RE: Request

Pete,

Here it is see attached.

Thanks

David Higgins, CEG*, LEG* | Associate Engineering Geologist

3990 Collins Way, Suite 100

Lake Oswego, Oregon 97035

www.shannonwilson.com

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From: Pete Walter [<mailto:pwalter@ci.oregon-city.or.us>]
Sent: Tuesday, June 21, 2016 1:59 PM
To: David Higgins
Subject: Request

David,

Would it be possible for you to send me a text / Word version of the application narrative for the Berryhill Apartments project?

Thanks,

Pete



Pete Walter, AICP, Planner

pwalter@orcity.org

Community Development Department

Planning Division

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Oregon City, Oregon 97045

503-496-1568 Direct

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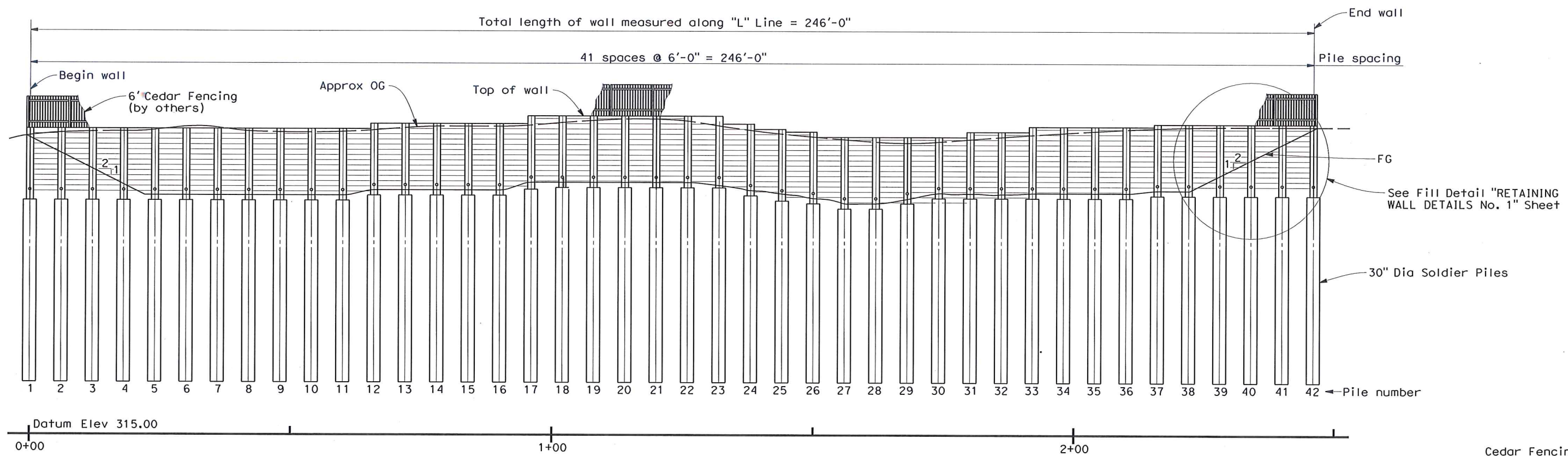
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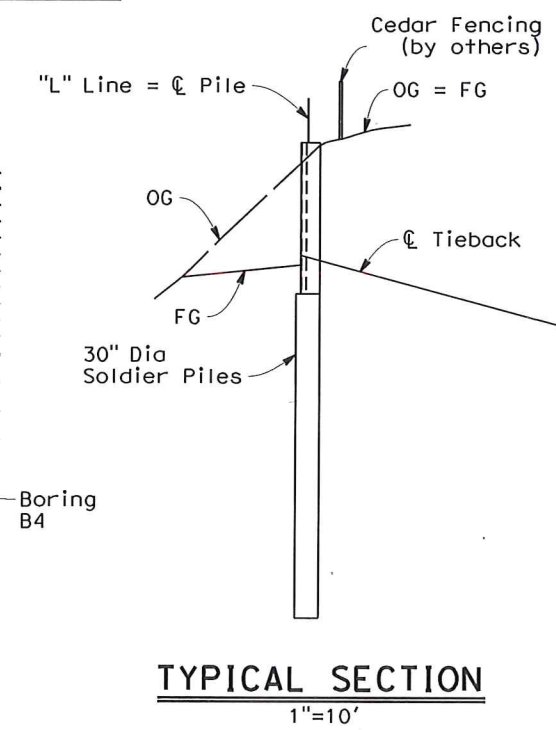
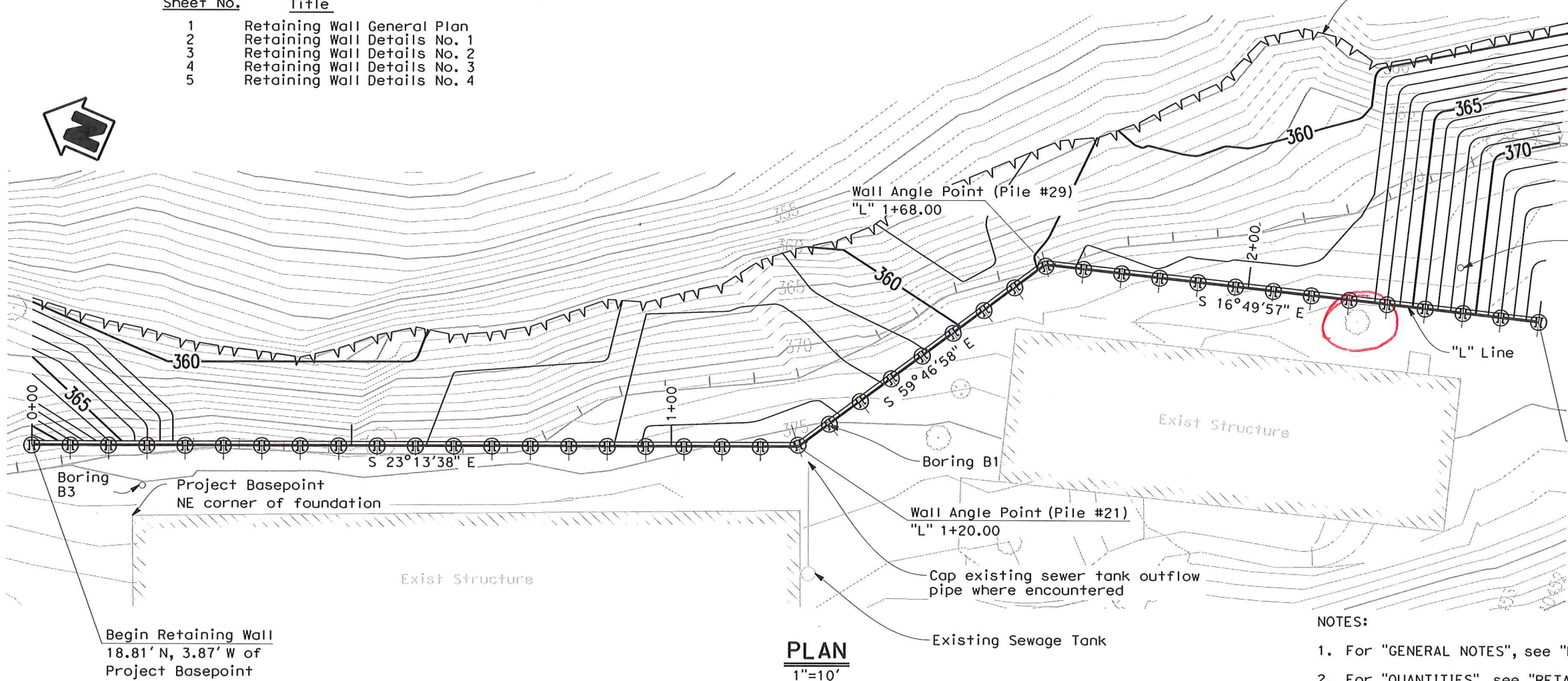


INDEX TO PLANS

Sheet No.	Title
1	Retaining Wall General Plan
2	Retaining Wall Details No. 1
3	Retaining Wall Details No. 2
4	Retaining Wall Details No. 3
5	Retaining Wall Details No. 4

MIRRORED DEVELOPED ELEVATION

1"=10'



NOTES:

1. For "GENERAL NOTES", see "RETAINING WALL DETAILS No. 4" sheet.
2. For "QUANTITIES", see "RETAINING WALL DETAILS No. 1" sheet.

BERRYHILL PARK APARTMENTS
RETAINING WALL GENERAL PLAN

SHEET
1 OF 5

PREPARED UNDER THE SUPERVISION OF:
Brett William Kornek
REGISTERED CIVIL ENGINEER



REVISION

CHECKED:	J. Goodall	JOB NO:	577-200
DRAWN:	P. Kenney	DATE:	3/25/16

From: [Gigi Cooper](#)
To: [Pete Walter](#)
Subject: SP 16-04 / US 16-02 / NR 16-04 / VR 16-01 Berryhill Apartments substantive review
Date: Thursday, June 16, 2016 3:08:02 PM
Attachments: [image003.png](#)
[SP16-04 US16-04 NR16-04 VR16-01 Berryhill NROD DEA substantive review20160616.docx](#)

Pete,

The Berryhill apartments application complies with the standards for a Type I verification. Our findings are attached. Please let me know if you have any questions.

Regards,

Gigi

Gigi Cooper, AICP | Senior Planner

David Evans and Associates, Inc.

2100 SW River Parkway | Portland, OR 97201 | www.deainc.com

d: 503.499.0229 | f: 503.223.2701 | cisco ext: 10229 | gmc@deainc.com



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RETAINING WALL DESIGN MODIFICATIONS

The design of the proposed soldier pile and tieback retaining wall will be modified slightly from what was submitted as part of the original planning application. The wall will still consist of vertical steel beams called soldier piles, steel bar anchors called tiebacks that are inserted through the face of the wall to pin the wall to the slope, and horizontal wood planks called lagging inserted between the vertical steel beams. However, the size and type of vertical steel beam will be slightly different than what is shown in the plan set submitted with the application package and a horizontal beam referred to as a waler, will be added to the face of the wall. Viewed from the face of the wall, the change in size and type of vertical steel beam will not be noticeably different than what was shown in the plan set submitted with the planning application. The horizontal steel beam called the waler, attached to the face of the wall, will change the appearance of the wall slightly and is not shown in the existing plans. We are in the process of revising the plans and the revised plans will be submitted as part of the planning application as soon as they are completed. The revised plans will also be submitted as part of the building permit application.

The reason for the design modification is the vertical steel beams (soldier piles) that were specified in our plans submitted with the planning application will not be available in time to construct the wall prior to this winter. It is very important that the retaining wall be constructed prior to this winter to prevent expansion of the landslide to upslope buildings and properties once rains begin. To meet this timeline we are revising the plans to use a soldier pile that is currently available on the market, but will require the addition of a steel horizontal beam (waler) to allow the steel bar anchors (tiebacks) to be installed through the face of the wall. The tiebacks cannot be installed through the soldier pile that is available on the market without substantial modification to the pile. Therefore the waler must be added to allow the tiebacks to be installed through the face of the wall. A photo of a sample soldier pile tieback retaining wall with wood lagging and a horizontal bar waler system is shown below. Although the appearance of the face of the wall is slightly different than what was originally submitted with the planning application, the face of the wall will not be clearly visible from downslope properties. Existing tree vegetation screening between the face of the retaining wall and downslope property will remain.

Photos of the existing vegetation screening to remain and the location of the proposed retaining wall are shown below.

Our modification to the city code narrative for section 17.62.050 standards including landscaping, building structures, and building materials is as follows:

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.

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](#)).

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.

c. The landscaping plan shall be prepared by a registered landscape architect and 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.

d. For properties within the Downtown Design District, or for major remodeling in all zones subject to this chapter, landscaping shall be required to the extent practicable up to the ten percent requirement.

e. Landscaping shall be 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.

Landscaping Applicant's Response: The location of the proposed retaining wall is not currently landscaped. It consists of bare, steeply sloping, unstable soil that is temporarily covered in plastic sheeting to prevent erosion, infiltration, and further degradation of the slope. After construction of the retaining wall is complete, adjacent areas of exposed ground will be planted with grass seed and covered with an erosion control blanket as shown in the attached erosion control plan. The slope below the retaining wall will remain an active landslide and will be subject to ground movement. Native grass will be planted as ground cover to avoid the need for irrigation of an active landslide mass during summer months. There are existing large trees

between the face of the retaining wall and downslope property. The trees will remain and will provide vegetation screening of the wall face. Planting of new trees as screening below the face of the wall will not be done because the trees would be subject to ground movement and may topple and would require irrigation of an active landslide which is typically not advisable.

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 Construction (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.

Building Structures Applicant's Response: Exposed portions of the retaining wall will consist of vertical steel piles, a horizontal steel bar at the base of the wall called a waler, and horizontal wood lagging between piles. The wood lagging, which makes up the majority of the exposed wall surface area, will blend into the surrounding forest environment. The proposed wall location is in a relatively low-visibility area, screened by existing trees at the base of the slope between the retaining wall and downslope properties. These trees will remain during and after construction.

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 baton 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.
- b. Prohibited materials. The following materials shall be prohibited in visible locations 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 or as a gate for a refuse enclosure).
 - [v.] Crushed colored rock/crushed tumbled glass.
 - [vi.] Non-corrugated and highly reflective sheet metal.
- 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.

Building Materials Applicant's Response: Exposed portions of the retaining wall will consist of vertical steel piles, a horizontal steel bar at the base of the wall called a waler, and horizontal wood lagging between piles. The wood lagging, which makes up the majority of the exposed wall surface area, will blend into the surrounding forest environment. The proposed wall location is in a relatively low-visibility area, screened by existing trees at the base of the slope between the retaining wall and downslope properties. These trees will remain during and after construction.



Sample Soldier Pile and Tieback Wall with Wood Lagging and Waler System



View of downslope existing vegetation screening to remain between retaining wall and downslope property



View of location of proposed retaining wall upslope of garage buildings and vegetation screening to remain between retaining wall and downslope property



View of location of proposed retaining wall upslope of garage buildings and vegetation screening to remain between retaining wall and downslope property



Sample Soldier Pile and Tieback Wall with Wood Lagging and Waler System



View of downslope existing vegetation screening to remain between retaining wall and downslope property



View of location of proposed retaining wall upslope of garage buildings and vegetation screening to remain between retaining wall and downslope property



View of location of proposed retaining wall upslope of garage buildings and vegetation screening to remain between retaining wall and downslope property



City of Oregon City

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

Staff Report

File Number: PC 16-072

Agenda Date: 7/11/2016

Status: Agenda Ready

To: Planning Commission

Agenda #: 3b.

From: Pete Walter

File Type: Planning Item

SUBJECT:

AN-16-0001: Annexation of one property of 0.5 acres into the City Limits.

RECOMMENDED ACTION (Motion):

Staff recommends that the Planning Commission recommend approval of AN 16-01 to the City Commission.

BACKGROUND:

This annexation application consists of one property of approximately one half-acre at 19358 S. Columbine Court with County FU-10 zoning.

The applicant Ron Wilson desires to annex the property into Oregon City in order to receive city services.

Please refer to the attached report with recommended findings, reasons for decision and conclusions.

BUDGET IMPACT:

Amount:

FY(s):

Funding Source:



FILE NO: AN 16-01

APPLICATION TYPE: Annexation

HEARING DATES: Planning Commission
June 13th, 2016, 7:00 p.m.

City Commission
July 6th, 2016, 7:00 p.m.

615 Center Street
Oregon City, OR 97045

APPLICANT: Ron and Anastasia Wilson
19358 S. Columbine Ct, Oregon City, OR 97045

OWNERS: Same as Applicant

REQUEST: Annexation of one property of approximately 0.5 acres into the City of Oregon City. The site is within the Oregon City Urban Growth Boundary and has a Comprehensive Plan designation of LR – Low Density Residential. The property is zoned Clackamas County FU-10.

LOCATION: The subject site is located at 19358 S. Columbine Ct and identified as Clackamas County APN 3-1E-12AC-03700

REVIEWER: Pete Walter, AICP, Associate Planner
Matt Palmer, EIT, Development Services Division

RECOMMENDATION: Evaluate Annexation against Factors, and Adopt the Staff Report and Proposed Findings, Reasons for Decision, and Recommendations.

PROCESS: Pursuant to OCMC Chapter 14.04. *City Boundarry Changes and Extension of Services*. The procedure for review of annexations is governed by State Law and Oregon City Code Chapter 14.04. 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 17.50.170(B) to evaluate the proposed annexation and make a recommendation to the city commission regarding how the proposal has or has not complied with the factors set forth in Section 14.04.060. 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).

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, 221 Molalla Avenue, 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.

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 shall make a recommendation to the City Commission as to whether the application has or has not complied with the factors set forth in section 14.04.060 of the Oregon City Municipal Code. The City Commission decision is appealable to LUBA within 14 days of issuance of the Notice of Decision.

PROPOSAL NO. AN-16-01 - CITY OF OREGON CITY - Annexation

Property Owners / Voters: Ron and Anastasia Wilson

Applicant(s): Same as Owner

Proposal No. AN 16-01 is a single taxlot annexation initiated by consent petitions of a double majority of the property owners and registered voters. The petition meets the requirement for initiation set forth in ORS 222.170 (2) (double majority annexation law) and Metro Code 3.09.040 (a) (Metro's minimum requirements for a petition).

Under the City's Code the Planning Commission reviews annexation proposals and makes a recommendation to the City Commission. If the City Commission decides the proposed annexation should be approved, the City Commission may approve this annexation by resolution.

If a necessary party raises concerns prior to or at the City Commission's public hearing, the necessary party may appeal the decision to the Land Use Board of Appeals.

The territory to be annexed is located generally in the South End area of the City near McLoughlin Elementary School. The territory in Proposal No. AN 16-01 contains approximately 0.5 acres, has one single-family residence with a population of 2, and had a current estimated assessed value in 2015 of \$226,256.00.

Zoning

The applicant wishes to receive the default R-10 zoning following annexation as permitted under OCMC 17.68. The applicant has not submitted a transportation impact analysis to support the rezoning at this time, therefore, staff recommends that the property maintain its existing County FU-10 zoning, requiring 10 acre minimum lots, which will serve to preclude any further development or land divisions on the subject property in advance of a zone change.

Further explanation of staff's recommendation and the procedure that the applicant may follow to show compliance and achieve R-10 zoning is described later in this report under the heading "OREGON CITY ZONING" on page 15.

REASON FOR ANNEXATION

The owner would be able to receive city services, including specifically, sanitary sewer connection, water system connection, and storm water services, as well as the full range of administrative and municipal services provided upon annexation to the City. The property

is within 300 feet of a city sanitary sewer system and by Oregon Revised Statute, it must be connected to the city sewer service if new development is proposed.

LAND USE PLANNING

SITE CHARACTERISTICS

The property gently slopes south at less than 5 percent. The applicant would be able to connect to the city sewer main system that passes along the south edge of the property with a service line. The site is a residential parcel with a few scattered trees around the existing house and outbuilding. The property is in the South End Drainage Basin.

REGIONAL PLANNING

General Information

This territory is inside Metro's jurisdictional boundary and inside the regional Urban Growth Boundary (UGB).

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

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]." 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 found not to contain specific criteria applicable to boundary changes.

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, . . ."

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

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 wishes to receive R-10 zoning following annexation, however, staff recommends that the property maintain its existing County FU-10 zoning, requiring 10 acre minimum lots, which will serve to preclude any further development or land divisions on the subject property in advance of seeking a zone change. Further explanation of staff's recommendation in this regarding is provided below under the heading "OREGON CITY ZONING" on page 15.

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 . . .

* * *

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. South Columbine Court and Salmonberry Drive are currently within the jurisdiction of Clackamas County and will remain so after this annexation occurs.

CLACKAMAS RIVER WATER

Clackamas River Water (CRW) commented on this proposal in 2014. The tax lot in question is currently a CRW water customer. The existing waterline in S Columbine Ct is a CRW 6-inch ductile iron waterline and currently serves the property.

The City Engineer has recommended that the property continue to be served by CRW per the South End Cooperative Intergovernmental Agreement. CRW requests that the lot not be withdrawn from the CRW Service Boundary.

Pursuant to the South End Waterline IGA between the City and CRW (2000), page 5 of 8, Item 5, *Transfer of Jurisdiction and Operation and Maintenance Responsibility*:

- At such time as the City annexes over 75% of the frontage on both sides of the Salmonberry Dr waterline, then the jurisdiction, operation, and maintenance responsibility for the line shall be transferred from CRW to the City.
- The City shall notify CRW in writing of its intent to transfer jurisdiction of any waterline when the "75% rule" applies.

Salmonberry Dr is approximately 1,620 feet long from South End Road to Hazel Grove Dr. Per the agreement the City must annex over 75% of the frontage on both sides of the Salmonberry Dr waterline which is approximately 1,215 feet frontage on each side of the road. Currently the City has annexed approximately 885 feet on the southwest side and 511 feet on the northeast side.

The City will not be transferring jurisdiction until the "75% rule" applies on Salmonberry Drive. Once the "75% rule" applies and transfers jurisdiction of Salmonberry Drive, then the City would also likely receive ownership of Columbine Court.

As such, until the surrounding property is entirely annexed to Oregon City the right-of-way of Salmonberry Court and Salmonberry Drive will remain under Clackamas County jurisdiction.

OREGON CITY COMPREHENSIVE PLAN

This territory is designated by the Oregon City acknowledged Comprehensive Plan as LR – Low Density Residential.

The property has an Oregon City Comprehensive Plan designation of LR – Low Density Residential.

Portions of the City’s Comprehensive Plan have some applicability and these are covered here.

Section 2 of the Oregon City Comprehensive Plan is entitled *Land Use*. Several Goals and Policies in this section are pertinent to proposed annexations.

The *Public Facilities* Section of the Comprehensive Plan contains the following pertinent Goals and Policies.

Goal 11.1: Provision of 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.

Policies

Policy 11.1.1 Ensure adequate public funding for the following urban facilities and services, if feasible:

- a. Streets and other roads and paths*
- b. Wastewater collection*
- c. Storm water management services*
- d. Police protection*
- e. Fire protection*
- f. Parks and recreation*
- g. Water distribution*
- h. Planning, zoning and subdivision regulation*

Streets and other roads and paths

S. Columbine Court and Salmonberry Drive are County maintained roads. At some point in the future the City will assume jurisdiction of the streets adjacent to the subject parcel, however this will not occur with the annexation of subject parcel. Pursuant to the current UGMA the current arrangement regarding maintenance situation is satisfactory. Therefore, no additional public expenditures will be necessary to fund the streets, roads or paths.

Wastewater collection

Upon annexation, this one home will start paying the current stormwater utility fee. Therefore, no additional public funds will need to be spent.

Police and Fire Protection

This annexation will immediately add one home to the city's police and fire protection coverage and withdraw the property from Clackamas County Enhanced Law Enforcement District. However, the Oregon City Police Department has confirmed that it already provides service to this area and it will continue to do so.

Water

As discussed previously, the property is connected to the Clackamas River Water District (CRW) water system. CRW states that the annexation does not conflict with their interests. The following are CRW's general concerns and comments:

- The tax lot in question is currently a CRW water customer. The existing waterline line at S Columbine Ct is a CRW 6-inch ductile iron waterline and currently serves the property.
- CRW requests that the lot not be withdrawn from the CRW Service Boundary.
- CRW recommended that the property continue to be served by CRW per the South End Cooperative Intergovernmental Agreement.

Retaining CRW as the provider of water service will not increase the burden placed on South Fork Water Board or the City to provide service.

Policy 11.1.1 above defines what is encompassed within the term "urban facilities and services" as it pertains to annexation. The City's plan is more inclusive in its definition of what services are considered an "urban service" than is the Metro Code. The City's Plan adds fire protection and planning, zoning and subdivision regulation to the list of urban services that are to be considered by the Metro Code. The adequacy of these facilities and services to serve the subject property, containing a single home, is discussed in greater detail below. The Metro Code also includes mass transit in addition to streets and roads.

Policy 11.1.3 Confine urban public facilities and services to the city limits except where allowed for safety and health reasons in accordance with state land use planning goals and regulations. Facilities that serve the general public will be centrally located and accessible, preferably by multiple modes of transportation.

Policy 11.1.4 Support development on underdeveloped or vacant buildable land within the City where urban 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 11.1.5 Design the extension or improvement of any major urban facility and service to an area to complement other urban facilities and services at uniform levels.

Policy 11.1.3 and Policy 11.1.4 encourage development on sites within the City where urban facilities and services are either already available or can be provided. This policy implies

that lands that cannot be provided urban services should not be annexed. The City has capacity to provide urban services to this existing home.

Policy 11.1.5 requires that the installation of a major urban facility or service should be coordinated with the provision of other urban facilities or services. No major urban facility or service is required here; rather, it requires normal extension of sanitary sewer from the existing sewer main that runs along the rear of the property to the site.

The owner has not proposed to further divide the existing parcel at this time, although this is a future possibility if the property is rezoned.

Read together, these policies suggest that when annexing lands, the City should consider whether a full range of urban facilities or services are available or can be made available to serve the territory to be annexed. Oregon City has implemented these policies with its Code provisions on processing annexations, which requires the City to consider adequacy of access and adequacy and availability of public facilities and services. Overall, it appears that the city can provide urban service capacity to this one home.

Goal 11.2: Wastewater

Seek the most efficient and economic means available for constructing, operating, and maintaining the City's wastewater collection system while protecting the environment and meeting state and federal standards for sanitary sewer systems.

Policies

Policy 11.2.2 Plan, operate and maintain the wastewater collection system for all current and anticipated city residents within the existing urban growth boundary. Strategically plan for future expansion areas.

Since all new development on annexed land is required to connect to the sanitary sewer system, this policy suggests that a measure of the adequacy of the sanitary system should be whether it could serve the potential level of development provided for by the Comprehensive Plan and Zoning designations. The city's sanitary sewer is available to this property.

Policy 11.2.3 Work with Tri-City Service District to provide enough capacity in its collection system to meet standards established by the Oregon Department of Environmental Quality (DEQ) to avoid discharging inadequately treated sewage to surface waters.

The Tri-City Service District was provided notice of this annexation. The District did not respond to the notice. The District provides sewer collection to the Cities of West Linn, Oregon City and Gladstone. The property owner must initiate the Tri-City Service District annexation after annexation to the City. The City Commission should concur with Tri-City Service District's annexation of the subject property in the enacting ordinance.

Goal 11.3: Water Distribution

Seek the most efficient and economic means available for constructing, operating, and maintaining the City's water distribution system while protecting the environment and meeting state and federal standards for potable water systems.

Policies

Policy 11.3.1 Plan, operate and maintain the water distribution system for all current and anticipated city residents within its existing urban growth boundary and strategically plan for future expansion areas.

Since new development on annexed lands may connect to the city water distribution system, this policy suggests that a measure of the adequacy of the water distribution system should be whether it could serve the potential level of development provided for by the Comprehensive Plan and Zoning designations. The subject property is zoned FU-10, imposing a 10-acre minimum lot size, which will serve to preclude any further land divisions until the land is rezoned to a City zoning designation.

As stated previously, the property is connected to the Clackamas River Water District (CRW) water system. CRW has states that the annexation does not conflict with their interests. The following are CRW's general concerns and comments:

- The tax lot in question is currently a CRW water customer. The existing waterline line at S Columbine Ct is a CRW 6-inch ductile iron waterline and currently serves the property.
- CRW requests that the lot not be withdrawn from the CRW Service Boundary.
- CRW recommended that the property continue to be served by CRW per the South End Cooperative Intergovernmental Agreement.

As the CRW comments explain, CRW can and will continue to serve the subject property containing a single home.

Goal 11.4: Stormwater Management

Seek the most efficient and economical means available for constructing, operating, and maintaining the City's stormwater management system while protecting the environment and meeting regional, state, and federal standards for protection and restoration of water resources and fish and wildlife habitat.

Policies

Policy 11.4.1 Plan, operate, and maintain the stormwater management system for all current and anticipated city residents within Oregon City's existing urban growth boundary and strategically plan for future expansion areas.

Policy 11.4.4 Maintain existing drainageways in a natural state for maximum water quality, water resource preservation, and aesthetic benefits.

Since new development on annexed lands may connect to the city stormwater management system, this policy suggests that a measure of the adequacy of the stormwater management

system should be whether the city (or the county stormwater management system in the event that drainage goes to the county) could serve the potential level of development provided for by the Comprehensive Plan and Zoning designations. New development may also have opportunities to provide further protection to preserve water quality. This annexation will not result in any changes to the stormwater drainage. No future development would be allowed under the existing FU-10 zoning designation. Improvement of the existing storm water connections leading to would be in conformance with city stormwater design standards.

Goal 11.9: Fire Protection

Maintain a high level of fire suppression and emergency medical services capacity.

Policies

Policy 11.9.1 Ensure that all areas, including newly annexed areas, receive fire protection and emergency medical services.

The property is already within Clackamas County Fire District #1. Fire protection and emergency services will be unaffected by this proposal. The annexation was transmitted to Clackamas County Sheriff's Department and Oregon City Police Department for comment. OCPD already responds to County emergency calls for the unincorporated area adjacent to Salmonberry Drive. Clackamas County Sheriff's Department was contacted and had no conflicts with the annexation. Upon annexation the area would be removed from the Clackamas County Enhanced Law Enforcement District.

Staff does not anticipate any police service problems due to the annexation of this one home.

The final section of this staff report addresses each urban service to determine whether the services are currently available or can be made available at an adequate level to serve the potential development of the property under the current planning designation and zoning that implements it.

Section 14 of the Plan is entitled *Urbanization*. Several policies in this section are pertinent to proposed annexations. The following excerpts expand on the City's annexation philosophy and requirements.

The City is required to refer all proposed annexations to the voters. Rather than having voter approval of individual property owners' requests to annex, the City should prepare and implement an annexation plan and program. The City could then annex large blocks of properties (with voter approval) at one time, rather than in a piecemeal fashion. Annexation would be tied more directly to the City's ability to provide services efficiently, maintain regular city boundaries, and help the city meet Metro targets for housing and employment. The zoning of the property should be decided at the time the Planning Commission and City Commission review and approve the annexation request.

Applications for annexation, whether initiated by the City or by individuals, are based on specific criteria contained in the City's municipal code. Metro and state regulations promote the timely and orderly provision of urban services, with which inappropriate annexations can conflict. Therefore, an annexation plan that identifies where and when areas might be considered for annexation can control the expansion of the city limits and services to help avoid those conflicts and provide predictability for residents and developers. Other considerations are consistency with the provisions of this comprehensive plan and the City's public facility plans, with any plans and agreements of urban service providers, and with regional annexation criteria.

The requirement for voter approval in section 14 of the Plan is taken from the Oregon City Charter, which requires voter approval for all annexations "unless mandated by law." SB 1573 mandates that, so long as a territory meets four criteria, the territory must be annexed by the City. Because this territory meets those criteria, no voter approval may be required by the city.

The City has not completed an annexation plan and program for this area. This annexation is still sufficiently tied directly to the City's ability to provide services efficiently with the logical extension of physical utility lines as it is adjacent to several city subdivisions, that have utilities and street improvements. The lot is dividable under R-10 zoning if annexed and a zone change is approved, since it is approximately 20,000 sf in size. This annexation could help the city meet Metro targets for housing.

The following Plan annexation policies are approval criteria for annexations under Criteria 3 of the Metro Code. They provide that the City's Comprehensive Plan designations will apply upon annexation, how zoning will be changed (either automatically or after annexation) and that annexations are to be processed according to quasi-judicial procedures.

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.

The city annexation process is set out in Chapter 14 of the Municipal Code. By requiring compliance with that code, the Metro code, and the statewide planning rules, the city is identifying the effects the full build-out of these annexed properties will have on public services and any benefits to the city as a whole.

Policy 14.4.1 *In order to promote compact urban form to support efficient delivery of public services, lands to be annexed must be within the City's Urban Growth Boundary, and must be contiguous to the existing City limits. Long linear extensions, such as cherry stems and flag lots, shall not be considered contiguous to City limits.*

The proposed annexation is contiguous to the city limits along the side and rear property lines for approximately 500 feet. No long linear extensions are proposed. The annexation would not create any islands.

Policy 14.4.2 Concept Plans and Sub-area Master Plans for unincorporated areas within the Urban Growth Boundary shall include an assessment of the fiscal impacts of providing public services to the area upon annexation, including the costs and benefits to the city as a whole.

The property is within the area of the South End Concept Plan (SECP), which was adopted in 2014. The SECP includes an applicable assessment of fiscal impacts. This property is part of the pre-2002 UGB Expansion area, and was previously part of the city's existing Comprehensive Plan with a Low Density Residential land use designation. The subject property would remain largely unaffected by the SECP since the majority of infrastructure planning in the immediate area preceded the adoption of the concept plan.

Policy 14.4.3 When an annexation is requested, the Commission may require that parcels adjacent to the proposed annexation be included to:

- a) avoid creating unincorporated islands within the city;*
- b) enable public services to be efficiently and cost-effectively extended to the entire area;*
- or*
- c) implement a Concept Plan or Sub-area Master Plan that has been approved by the Commission.*

This proposed annexation does not create an unincorporated island within the city. There is no development proposed at this time. No additional parcels are anticipated to be annexed to enable more efficient public services at this time. The area is part of the South End Concept Plan, adopted in May 2014.

Policy 14.4.4 The City may, as provided by state law, provide sewer service to adjacent unincorporated properties when a public health hazard is created by a failing septic tank sewage system; the Commission may expedite the annexation of the subject property into the city, subject to any voter approvals of annexations.

This policy does not apply to this annexation because the proposal does not include a public health hazard due to a failing septic system. State law pre-empts this annexation from voter approval requirements.

LAND USE

Section 2, of the City's Comprehensive Plan identifies land use types. This application has one residential land use type:

- 1. Low Density Residential [LR]: Areas in the LR category are primarily for single-family detached homes.*

The City/County urban growth management agreement specifies that the County's acknowledged Comprehensive Plan and implementing regulations shall apply until annexation and the City adopts subsequent plan amendments.

OREGON CITY ZONING

The Oregon City Code requires the City Planning Department to review the final zoning designation within sixty days of annexation, utilizing the chart below and some guidelines laid out in Section 17.06.030.

CITY LAND USE CLASSIFICATION

<u>Residential Type</u>	<u>City Zone</u>
Low-density residential	R-10, R-8, R-6
Medium-density residential	R-3.5, R-5
High-density residential	R-2

That section goes on to say:

"In cases where only a single city zoning designation corresponds to the comprehensive plan designation . . . Section 17.68.025 shall control."

Section 17.68.025, Zoning changes for land annexed into the city, says:

"Notwithstanding any other section of this chapter, when property is annexed into the city from the city/county dual interest area with any of the following comprehensive plan designations, the property shall be zoned upon annexation to the corresponding city zoning designations as follows:"

<u>Plan Designation</u>	<u>Zone</u>
Low-density residential	R-10
Medium-density residential	R-3.5
High-density residential	R-2

The subject property is designated Low-density residential on the City's Comprehensive Plan, and the owner has indicated a request to rezone the land to R-10. As noted above, no further development or land division may occur until the land is rezoned and condition of approval #11, ensures this result.

The City's Code contains provisions on annexation processing. Section 6 of Chapter 14 requires the City Commission "to consider the following factors, as relevant":

1. *Adequacy of access to the site;*

The site access is discussed below in the Facilities and Services section. Any future development of the property will need to include half-street/full street improvements to new interior streets, as appropriate.

2. *Conformity of the proposal with the City's Comprehensive Plan;*

As demonstrated in this section of the staff report, the City's Comprehensive Plan is satisfied.

3. *Adequacy and availability of public facilities and services to service potential development;*

The Facilities and Services discussion of this report demonstrates that public facilities and services are available and are adequate to serve the potential development that could occur under the existing low density plan designation.

4. *Compliance with applicable sections of Oregon Revised Statutes Chapter 222, and Metro Code 3.09;*

The only applicable criterion in ORS 222 is that annexed lands be contiguous to the City. The site is contiguous at its border with city property for about 500 feet along the property boundary. The Metro Code criteria are set out on page 2 of this report. This report considers each factor and the Conclusions and Reasons in the Findings and Reasons demonstrate that these criteria are satisfied.

5. *Natural hazards identified by the City, such as wetlands, floodplains, and steep slopes;*

No natural hazards are identified on the property.

6. *Any significant adverse effects on specially designated open space, scenic historic or natural resource areas by urbanization of the subject property at the time of annexation;*

No such designated areas or resources are identified for the property, and no significant adverse effects have been indicated.

7. *Lack of any significant adverse effects on the economic, social and physical environment of the community by the overall impact of annexation."*

No significant adverse effects have been identified by any necessary party.

The Commission interprets the "community" as including the City of Oregon City and the lands within its urban service area. The City will obtain a small increase in property tax revenues from adding additional assessed value to its tax roll as a result of annexing the territory. The City will also obtain land use jurisdiction over the territory. Finally it will have service responsibilities including fire, police, and general administration. The City delivers police service to the unincorporated area in the course of patrolling to deliver

service to the incorporated area. The increases in service responsibilities to the area that result from the annexation are insignificant.

Once annexed, the property owner could apply to the City for land use permits. Any impacts on the community that result from approval of development permits are a direct consequence of the permit approval, not of the annexation. Before any urban development can occur, the property needs to be rezoned, and the territory must also be annexed to the Tri-City Service District. The City Commission must concur with Tri-City Service District's annexation of the subject property in the enacting ordinance.

As noted above, SB 1573 requires the city to annex property that meet the four requirements of that act. Because this territory does so, the city is precluded from setting this matter for election even though it is otherwise consistent with a positive balance of the factors in section 6.

FACILITIES AND SERVICES

ORS 195 Agreements. ORS 195 requires agreements among providers of urban services. Urban services are defined as: sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit.

Sanitary Sewers. The City of Oregon City provides sanitary sewer service. A public 10-inch sewer line runs along the rear of the property. The individual home connection in the area required the line be extended to serve the requested area.

The Tri-City Service District provides sewage transmission and treatment services to the cities of Oregon City, West Linn and Gladstone. Each city owns and maintains its own local sewage collection system. The District owns and maintains the sewage treatment plant and interceptor system. The three cities are in the District and as provided in the intergovernmental agreement between the District and the City, the District does not serve territories outside Oregon City, with one exception.

Before January 1, 1999, state statute (ORS 199) provided that when territory was annexed to a city that was wholly within a district, the territory was automatically annexed to the district as well. That statute no longer applies in this area. Therefore, each annexation to Oregon City needs to be followed by a separate annexation of the territory to the Tri-City Service District. The City Commission must concur with Tri-City Service District's annexation of the subject property in the enacting ordinance.

The Tri-City Service District plant is along Interstate 205 in Oregon City just east of the junction of the Willamette and the Clackamas Rivers. The plant has an average flow capacity of 11 million gallons per day (mgd) and a design peak flow capacity of 50 mgd. The available average capacity is 4.4 mgd. The plant was designed to serve a population of 66,500 in the year 2001; however, the facility was recently expanded to increase the available average dry weather capacity to 11.9 mgd.

Water. The water service provider for this territory is Clackamas River Water.

The annexation proposal does not conflict with CRW's interests. CRW is a domestic water supply district organized under ORS Chapter 264 and is therefore a necessary party to this proceeding. The following are CRW's general concerns and comments:

- The tax lot in question is currently a CRW water customer. The existing waterline is a CRW 6-inch ductile iron waterline and currently serves the property.
- CRW requests that the lot not be withdrawn from the CRW Service Boundary.
- It is recommended that the property continue to be served by CRW per the South End Cooperative Intergovernmental Agreement. The City Engineer concurs.

Stormwater. No additional development has been proposed. On-site stormwater drainage or discharge to a city or county facility will be required upon future development. Any future development would have to convey site stormwater runoff to the appropriate stormwater system in the area.

Fire Protection. This territory is currently within Clackamas County Fire District #1 which serves portions of Clackamas County as well as Oregon City. 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. Staff recommends that the territory not be withdrawn from CCFD#1.

Police Protection. The Clackamas County Sheriff's Department currently serves the territory. The proposed annexation was forwarded for comment to the Sheriff's Department as well as Oregon City Police Department. Neither entity indicated that there is inadequate capacity to serve the property.

The area to be annexed lies within the Clackamas County Service District for Enhanced Law Enforcement, which provides additional police protection to the area. Due to the location being surrounded by Oregon City, Oregon City Police Department already responds to County emergency calls for the unincorporated area adjacent to Salmonberry Drive. The impact to police services upon annexation will be negligible. Clackamas County Sheriff's Department was contacted and had no conflicts with the annexation.

According to ORS 222.120 (5) the City may provide in its approval ordinance for the automatic withdrawal of the territory from the District upon annexation to the City. If the territory were withdrawn from the District, the District's levy would no longer apply to the property.

Upon annexation the Oregon City Police Department will officially serve the property.

Parks, Open Space and Recreation. The site's nearest developed park is Chapin Park about $\frac{3}{4}$ miles from the proposed annexation area. The undeveloped Filbert Run park is about 500 feet from the site. If development is proposed following annexation of the property the applicant is responsible for paying Parks System Development Charges.

Transportation. Access is provided from Salmonberry Drive, which is under County jurisdiction, and is equal distance from South End Road and Central Point Road, streets which are under Oregon City jurisdiction.

The applicant has not completed a traffic impact analysis (TIA) study for any future project since none is proposed at this time.

The proposal was reviewed by the City's transportation consultant John Replinger, P.E. of Replinger and Associates. Mr. Replinger indicated:

Because the annexation proposal includes a zone change, the applicant will need to address the requirements of Oregon's Transportation Planning Rule (TPR). 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.

Prior to a specific development proposal, 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.

The applicant and his traffic engineer should review the Guidelines for Transportation Impact Analyses and the most recent mobility standards as specified in Oregon City Municipal Code section 12.04.205.

The applicant has a choice and may address the TPR compliance issues separately from the traffic analysis for the specific development or he may address both the TPR and TAL in the same document.

Other Services. Planning, building inspection, permits, and other municipal services will be available to the territory from the City upon annexation.

STAFF RECOMMENDATION

Based on the findings made in this report and the applicant's petition, staff recommends that the City Commission approve Planning File AN 16-01, and adopt as it's own this Staff

Report and Exhibits. Staff makes the following recommendations, which have been included in the attached findings, reasons for decision and recommendations attached hereto.

- 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 property remain zoned county FU-10 and that any request for zoning other than County FU-10 shall be reviewed for compliance with adopted applicable city and state requirements, plans, codes and policies, including but not limited to, Oregon City Municipal Code, the Oregon City Comprehensive Plan, and the Statewide Transportation Planning Rule. Further, no land division or further redevelopment of the subject property may occur unless coupled with a zone change application.

EXHIBITS (On File)

1. Annexation - Vicinity Map – Sewer and Water Map
2. Annexation Application
3. Public Notices
4. CRW Comments
5. Replinger and Associates Comments
6. Approved South End Water Line IGA, 2000

The complete record and application is available for inspection at the Planning Division.

PROPOSED FINDINGS, REASONS FOR DECISION, AND RECOMMENDATIONS

Based on the Findings, 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 and sewer service, the City has both of these services available to serve the area from existing improvements in Salmonberry Drive and via the gravity sewer line that runs along the rear of the property. The existing home will continue to be serviced by Clackamas River Water.

With regard to storm drainage to the South End Basin, the city has the service available in the form of regulations to protect and control stormwater management.

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 City Commission acknowledges that the property owner has requested re-zoning of the property, but has not submitted a transportation analysis in compliance with the Transportation Planning Rule to support the request. The applicant may submit such analysis prior to final annexation approval by the Secretary of State. Any request for zoning other than County FU-10 zone shall be reviewed for compliance with adopted applicable city and state requirements, plans, codes and policies, including but not limited to, Oregon City Municipal Code, the Oregon City Comprehensive Plan, and the Statewide Transportation Planning Rule. The property will remain zoned County FU-10 until any zone change or land division is pursued by the property owner.



LAND USE APPLICATION FORM

APR 11, 2016

Type I (OCMC 17.50.030.A)

- ☐ Compatibility Review
- ☐ Lot Line Adjustment
- ☐ Non-Conforming Use Review
- ☐ Natural Resource (NROD) Verification

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 - 16 - 01

Proposed Land Use or Activity: ANNEXATION OF ONE (1)

PROPERTY

Project Name: _____ Number of Lots Proposed (If Applicable): _____

Physical Address of Site: 19358 S Columbine Ct

Clackamas County Map and Tax Lot Number(s): 3-2E-12AC-3700

Applicant(s):

Applicant(s) Signature: [Signature]

Applicant(s) Name Printed: Ron Wilson

Date: 29 March 16

Mailing Address: PO Box 3202

Phone: (503) 349-2768

Fax: _____

Email: _____

Property Owner(s):

Property Owner(s) Signature: [Signature]

Property Owner(s) Name Printed: Ron Wilson

Date: 29 March 16

Mailing Address: PO Box 3202

Phone: (503) 349-2768

Fax: _____

Email: _____

Representative(s):

Representative(s) Signature: _____

Representative (s) Name Printed: _____

Date: _____

Mailing Address: _____

Phone: _____

Fax: _____

Email: _____

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.

**PETITION OF OWNERS OF MAJORITY 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")

Legal Description:

31E-12AC-03700

SE Terminus of Columbine Ct.
Asquith Estates subdivision

Address:

19358 Columbine Ct.
Oregon City, OR 97045

**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")

Legal Description:

31E-12AC-03700
SE Terminus of Columbine Ct.
Asquith Estates subdivision

Address:

19358 Columbine Ct.
Oregon City, OR 97045

ANNEXATION PETITION

NOTE: This petition may be signed by qualified persons even though they may not know their property description or precinct number.

[illegible]

Page 7

**CERTIFICATION OF PROPERTY OWNERSHIP OF
AT LEAST ONE-HALF LAND AREA
(City Double Majority 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 at least one-half of the land area within the annexation area described in the petition, as shown on the last available complete assessment roll.

NAME DS Storm
TITLE GIS CARTOGRAPHER 2
DEPARTMENT A&T
COUNTY OF Clackamas
DATE 9-8-14

* "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 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 DT Storm
TITLE GIS Cartographer 2
DEPARTMENT A&T
COUNTY OF Clark
DATE 9-8-14

- * "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 31E-12AC-03700) 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 DS Storm
TITLE GIS Cartographer 2
DEPARTMENT A&T
COUNTY OF Clackamas
DATE 9-8-14



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 PAUL HANES *Paul Hanes*
TITLE DEPUTY CLERK
DEPARTMENT CLERK/ELECTIONS
COUNTY OF CLACKAMAS
DATE 9/5/14

CLACKAMAS COUNTY ELECTIONS
SHERRY HALL, COUNTY CLERK
1710 RED SOILS CT, SUITE 100
OREGON CITY, OR 97045



NOTICE LIST

(This form is NOT the petition)

ALL OWNERS OF PROPERTY AND/OR REGISTERED VOTERS INCLUDED IN BOUNDARY CHANGE PROPOSAL AREA. ALL OWNERS OF PROPERTY WITHIN 300 FEET OF THE OUTSIDE BOUNDARY OF THE AREA TO BE ANNEXED.

Ronald Wilson 19358 Columbine Ct 31E12AC03700

NAME OF OWNER/VOTER

ADDRESS

PROPERTY DESIGNATION

(Indicate tax lot, section number, Township and Range)

Provided by city \$15-

(1) _____

(2) _____

(3) _____

(4) _____

(5) _____

(6) _____

(7) _____

(8) _____

(9) _____

(10) _____

(11) _____

(12) _____

(13) _____

(14) _____

(15) _____

(16) _____

(17) _____

(18) _____

BOUNDARY CHANGE INFORMATION SHEET

I. EXISTING CONDITIONS IN AREA TO BE ANNEXED

- A. General location Asquith Estates - Columbine Ct
- B. Land Area: Acres 0.5 Acres approx or Square Miles _____

- C. General description of territory. (Include topographic features such as slopes, vegetation, drainage basins, floodplain areas, which are pertinent to this proposal).

The property is generally 0 to 2 % sloped. Most of the property is grass with a few fir, walnut, and cedar trees

- D. Describe land uses on surrounding parcels. Use tax lots as reference points.

North: 19353 Columbine Ct - SFR 0.25 Acres approx

East: 19328 Columbine Ct - SFR 0.5 Acres approx
Annexed

South: 19348 South End Rd - SFR 2.0 Acres approx
forested - Annexed

West: "Same as South"

- E. Existing Land Use:

Number of single-family units 1 Number of multi-family units 0

Number commercial structures 0 Number industrial structures 0

Public facilities or other uses N/A

What is the current use of the land proposed to be annexed: SFR - FU-10

F. Total current year Assessed Valuation \$ \$213,268

G. Total existing population 2

II. REASON FOR BOUNDARY CHANGE

- A. The City Code (Section 6) and the Metro Code (3.09.050 (d) & (e)) spell out criteria for consideration (see copies attached). Please provide a narrative which addresses these criteria. With regard to the City criteria, please provide a narrative statement explaining the conditions surrounding the proposal and addressing the factors in Section 6, as relevant, including:

1. Statement of availability, capacity and status of existing water, sewer, drainage, transportation, park and school facilities;
2. Statement of increased demand for such facilities to be generated by the proposed development, if any, at this time;
3. Statement of additional facilities, if any, required to meet the increased demand and any proposed phasing of such facilities in accordance with projected demand;
4. Statement outlining method and source of financing required to provide additional facilities, if any;
5. Statement of overall development concept and methods by which physical and related social environment of the site, surrounding area and community will be enhanced;
6. 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;
7. 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.

- B. Please submit 25 copies of a site plan, drawn to scale (not greater than 1" = 50') indicating:

1. The location of existing structures (if any);
2. The location of streets, sewer, water, electric and other utilities, on or adjacent to the property to be annexed.
3. 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 flooding data showing elevations of all property subject to inundation in the event of one-hundred year flood shall be shown;
4. Natural features, such as rock outcroppings, marshes or wetlands (as delineated by the Division of State Lands) wooded areas, isolated preservable trees (trees with trunks over 6" in diameter- -as measured 4 feet above the ground) and significant areas of vegetation.
5. General land use plan indicating the types and intensities of the proposed or potential development;

III. LAND USE AND PLANNING

- A. What is the applicable County Planning Designation? LR
What City Planning Designation is being sought? LR

- B. What is the zoning on the territory to be served? FU-10
What zoning designation is being sought? R-10

- C. Is the subject territory to be developed at this time? N/A

- D. Generally describe the anticipated development (building types, facilities, number of units).

Divide property and add a second SFR

- E. Can the proposed development be accomplished under current county zoning?

☐ Yes ☒ No No development proposed

N/A

If No,---has a zone change been sought from the county either formally or informally.

☐ Yes ☒ No

Please describe outcome of zone change request if answer to previous questions was Yes. Default zoning of R-10 per

Oregon City Code

- F. Is the proposed development compatible with the city's comprehensive land use plan for the area?

☒ Yes ☐ No ☐ City has no Plan for the area.

Has the proposed development been discussed either formally or informally with any of the following? (Please indicate)

☐ City Planning Commission ☒ City Planning Staff
☐ City Council ☐ City Manager

Please describe the reaction to the proposed development from the persons or agencies indicated above.

See pre application conference.

PA14-14

- G. Please indicate all permits and/or approvals from a City, County, or Regional Government which will be needed for the proposed development. If already granted, please indicate date of approval and identifying number:

APPROVAL	PROJECT FILE #	DATE OF APPROVAL	FUTURE REQUIREMENT
Metro UGB Amendment			
City or County Plan Amendment			
Pre-Application Hearing (City or County)	PA14-14	8/19/14	
Preliminary Subdivision Approval			
Final Plat Approval			
Land Partition			
Conditional Use			
Variance			
Sub-Surface Sewage Disposal			
Building Permit			

Please submit copies of proceedings relating to any of the above permits or approvals which are pertinent to the annexation.

- H. Does the proposed development comply with applicable regional, county or city comprehensive plans? Please describe.

No development proposed at this time.

- I. If a city and/or county-sanctioned citizens' group exists in the area of the annexation, please list its name and address of a contact person.

City = Hazel Grove - Westling Farm Neighborhood assoc.
Currently County = Central Pt / Leland / New Era cpo.

IV. SERVICES AND UTILITIES

- A. Please indicate the following:

1. Location and size of nearest water line which can serve the subject area.

Salmon Berry Dr / Columbine Ct - 6"

2. Location and size of nearest sewer line which can serve the subject area.

Salmon Berry Dr / Hazelnut Ct - 12"

3. Proximity of other facilities (storm drains, fire engine companies, etc.) which can serve the subject area _____

Storm drain in Salmon Berry Dr - CCFD #1

4. The time at which services can be reasonably provided by the city or district.

upon annexation

5. The estimated cost of extending such facilities and/or services and what is to be the method of financing. (Attach any supporting documents.)

See public works pre-app notes, 29 April 2014

6. Availability of the desired service from any other unit of local government. (Please indicate the government.)

See above. No development proposed at this time.

- B. If the territory described in the proposal is presently included within the boundaries of or being served extraterritorially or contractually by, any of the following types of governmental units, please so indicate by stating the name or names of the governmental units involved.

City _____

Rural Fire Dist CCFD #1

County Service Dist. _____

Sanitary District For

Hwy. Lighting Dist. _____

Water District CRW

Grade School Dist. McLaughlin

Drainage District Clack WES

High School Dist. OCSD

Diking District _____

Library Dist. C.C. Library

Park & Rec. Dist. Clack County

Special Road Dist. _____

Other Dist. Supplying Water Service _____

- C. If the territory is proposed to be served by any of the above units or any other units of government please note. CCFD, OCSD

- D. If any of the above units are presently servicing the territory (for instance, are

residents in the territory hooked up to a public sewer or water system), please so describe.

N/A

APPLICANT'S NAME

Ron Wilson

MAILING ADDRESS

19358 Columbine Ct

Oregon City, OR 97045

TELEPHONE NUMBER

(503) 349-2768

(Work) Cell

(Res.)

REPRESENTING

self

DATE:

18 Aug 2014

DOUBLE MAJORITY WORK SHEET

Please list all properties/registered voters included in the proposal. (If needed, use separate sheet for additional listings).

PROPERTY OWNERS

Property Designation (Tax Lot #s)	Name of Owner	Acres	Assessed Value	Signed Petition (Y/N)
21E-12AC-03700	Ronald Wilson	0.5	213,268	Y
31E-12AC-03700	St Anastasia Wilson	0.5	213,268	Y
TOTALS		0.5	213,268	

Worksheet (continued)

REGISTERED VOTERS

Name of Registered Voter	Address of Registered Voter	Signed Petition (Y/N)
Ronald Wilson	PO Box 3202, Oregon City, OR 97045	Y
Anastasia Wilson	PO Box 3202, Oregon City, OR 97045	Y

SUMMARY

TOTAL NUMBER REGISTERED VOTERS IN THE PROPOSAL 2

NUMBER OF REGISTERED VOTERS WHO SIGNED 2

PERCENTAGE OF REGISTERED VOTERS WHO SIGNED 100%

TOTAL ACREAGE IN PROPOSAL 0.5

ACREAGE SIGNED FOR 0.5

PERCENTAGE OF ACREAGE SIGNED FOR 100%

10
22 29
36



After recording return to:
Ronald C. Wilson and Anastasia R.
Wilson
19358 South Columbine Court
Oregon City, OR 97045

Until a change is requested all tax statements
shall be sent to the following address:

Ronald C. Wilson and Anastasia R.
Wilson
19358 South Columbine Court
Oregon City, OR 97045

File No.: 7034-1293032 (AC)

Date: October 09, 2008

THIS SPACE RESERVED FOR RECORDER'S USE

Clackamas County Official Records
Sherry Hall, County Clerk

2008-073046



\$36.00

01257734200800730460020022

10/23/2008 03:08:54 PM

D-D Cnt=1 Stn=4 KANNA
\$10.00 \$10.00 \$18.00

Recorded By
First American Title Insurance Company of Oregon
No. 1293032-UT

STATUTORY WARRANTY DEED

Scott T. Maggi and Rachel C. Maggi, as tenants by the entirety, Grantor, conveys and warrants to **Ronald C. Wilson and Anastasia R. Wilson, as tenants by the entirety**, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

LEGAL DESCRIPTION: Real property in the County of Clackamas, State of Oregon, described as follows:

31E12AC03700

Lots 9 and 9A, Block 2, ASQUITH ESTATES, in the County of Clackamas and State of Oregon.

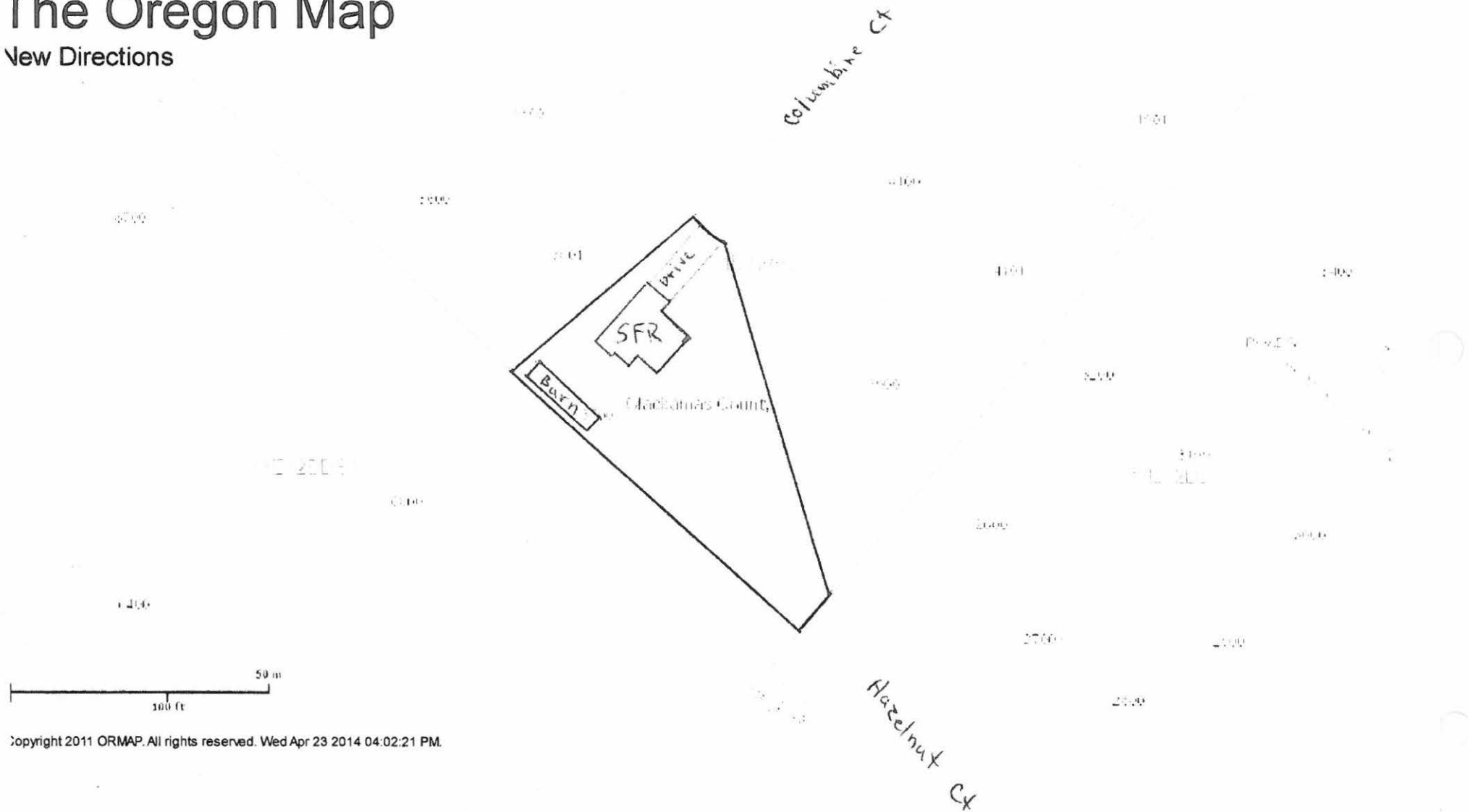
Subject to:

1. Fiscal year real property taxes, a lien not yet payable.
2. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is **\$275,000.00**. (Here comply with requirements of ORS 93.030)

The Oregon Map

New Directions



Copyright 2011 ORMAP. All rights reserved. Wed Apr 23 2014 04:02:21 PM.

Recorded By
First American Title Insurance Company of Oregon
No. 1293032-UT



After recording return to:
Ronald C. Wilson and Anastasia R. Wilson
19358 South Columbine Court
Oregon City, OR 97045

Until a change is requested all tax statements shall be sent to the following address:
Ronald C. Wilson and Anastasia R. Wilson
19358 South Columbine Court
Oregon City, OR 97045
File No.: 7034-1293032 (AC)
Date: October 09, 2008

THIS SPACE RESERVED FOR RECORDER'S USE

Clackamas County Official Records
Sherry Hall, County Clerk

2008-073046



\$36.00

01257734200800730460020022

10/23/2008 03:08:54 PM

D-D Cnt=1 Stn=4 KANNA
\$10.00 \$10.00 \$16.00

STATUTORY WARRANTY DEED

Scott T. Maggi and Rachel C. Maggi, as tenants by the entirety, Grantor, conveys and warrants to **Ronald C. Wilson and Anastasia R. Wilson, as tenants by the entirety**, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

LEGAL DESCRIPTION: Real property in the County of Clackamas, State of Oregon, described as follows:

Lots 9 and 9A, Block 2, ASQUITH ESTATES, in the County of Clackamas and State of Oregon.

Subject to:

1. Fiscal year real property taxes, a lien not yet payable.
2. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is **\$275,000.00**. (Here comply with requirements of ORS 93.030)

From the County Clerk's office

EXHIBIT "A"

LOTS 9 AND 9A, BLOCK 2, ASQUITH ESTATES, IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON.



ASQUITH ESTATES

IN THE M.M. McCARVER D.L.C. NO. 41 IN THE N. 1/2, SEC. 12
T.3S., R.1E., W.M.
CLACKAMAS COUNTY, OREGON

SHEET 1 OF 2

COMPASS CORP.
MILWAUKIE, OREGON

AUGUST, 1979

SCALE: 1" = 60'



THIS IS A TRUE COPY OF THE ORIGINAL
PLAT OF "ASQUITH ESTATES" *CRC*

LEGEND

- DENOTES 5/8" x 30" IRON ROD SET W/ YELLOW CAP STAMPED "COMPASS CORP." OR MONUMENTS FOUND AS NOTED
- DENOTES 5/8" x 30" IRON ROD WITH YELLOW CAP STAMPED "COMPASS CORP." TO BE POST MONUMENTED.

SEE P.S. 16803 FOR BOUNDARY SURVEY.

* PARENT LOT

NO	DELTA	CURVE DATA	LENGTH	RADIUS	LONG CHORD
1	91° 41' 29"		32.01'	20'	28.70'
2	88° 18' 31"		30.83'	20'	27.86'
3	90°		78.54'	50'	70.71'
4	90°		117.81'	75'	106.07'
5	15° 40' 01"		27.34'	100'	27.26'
6	28° 54' 53"		50.47'	100'	48.93'
7	31° 56' 18"		55.74'	100'	55.02'
8	13° 28' 48"		23.53'	100'	23.47'
10	90° 04' 22"		78.66'	50'	70.80'
11	90° 08' 22"		177.99'	75'	166.20'
12	22° 17' 10"		38.90'	100'	38.85'
13	14° 28' 40"		25.27'	100'	25.20'
14	14° 28' 38"		25.27'	100'	25.20'
15	15° 41' 31"		27.39'	100'	27.30'
16	23° 12' 23"		40.30'	100'	40.23'
17	90°		31.42'	20'	28.28'
18	52° 01' 12"		18.16'	20'	17.54'
19	57° 03' 50"		44.82'	45'	42.99'
20	45° 04' 44"		35.41'	45'	34.50'
21	33° 44' 56"		26.51'	45'	26.13'
22	36° 52' 44"		28.97'	45'	28.47'
23	47° 36' 28"		37.39'	45'	36.33'
24	52° 01' 12"		18.16'	20'	17.54'
25	90°		31.42'	20'	28.28'
26	31° 49' 52"		23.00'	45'	24.68'
27	31° 49' 52"		23.00'	45'	24.68'

NOTES:

- LOTS IN THIS SUBDIVISION ARE DESIGNED FOR REDIVISION WHEN SANITARY SEWERS ARE AVAILABLE. AT THE TIME SEWERS ARE AVAILABLE, LOT OWNERS WILL BE REQUIRED TO APPLY TO THE APPROPRIATE GOVERNMENT BODY FOR APPROVAL OF LAND DIVISION. LOTS CANNOT BE DIVIDED UNTIL THE NECESSARY ZONE CHANGE IS APPROVED TO ALLOW FOR FUTURE LOT PARTITIONS. LOCATIONS OF ALL INITIAL STRUCTURES SHALL CONFORM WITH THE DRAINFIELD PLAN ON FILE WITH THE COUNTY DEVELOPMENT SERVICES DIVISION AND SHALL NOT BE CLOSER THAN TEN (10) FEET TO PROPOSED FUTURE LOT PARTITION BOUNDARIES AS INDICATED BY THE LONGER DASHED LINES. HOUSES SHALL BE LOCATED IN SUCH A MANNER AS NOT TO PRECLUDE FUTURE REDIVISION. THE INITIAL HOUSE SHALL BE LOCATED ON THE PARENT PORTION OF EACH LOT AND MEET THE MINIMUM SETBACKS OF THE ZONE USING THE DASHED LINE AS IF IT WERE A PROPERTY LINE.
- AT THE TIME OF FUTURE PARTITIONING OF LOT NO. 4, BLOCK 2, THE STORM DRAINAGE CROSSING LOT 4B MAY NEED TO BE RELOCATED TO ALLOW FOR BUILDING CONSTRUCTION.

CERTIFICATE

I, CARL R. CLINTON, SAY THAT "ASQUITH ESTATES" SUBDIVISION WAS CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS AS REPRESENTED ON THE ANNEXED MAP, AND AT THE INITIAL POINT A GALVANIZED IRON PIPE 2-INCHES IN DIAMETER AND 36-INCHES IN LENGTH WAS DRIVEN 6-INCHES BELOW THE SURFACE OF THE GROUND, SAID INITIAL POINT BEING LOCATED S. 44° 10' 53" W., 1616.29 FEET AND S. 47° 22' 14" E., 280.01 FEET FROM THE MOST SOUTHERLY CORNER OF THE ABSOLOM F. HEDGES D.L.C. NO. 40 (WHICH IS ALSO THE MOST EASTERLY CORNER OF THE SAMUEL D. POMEROY D.L.C. NO. 39) IN SEC. 12 T.3S., R.1E., W.M.; THENCE FROM SAID INITIAL POINT RUNNING N. 44° 10' 53" E., 217.00 FEET TO A 5/8-INCH IRON ROD; THENCE S. 47° 22' 14" E., 915.01 FEET TO A 3/4-INCH IRON PIPE; THENCE S. 40° 05' 46" W., 45.47 FEET TO A 5/8-INCH IRON ROD; THENCE N. 47° 30' 36" W., 1197.69 FEET TO A POINT; THENCE N. 44° 10' 53" E., 243.10 FEET TO A 5/8-INCH IRON ROD; THENCE S. 47° 22' 14" E., 250.00 FEET TO THE INITIAL POINT, AND THAT POST MONUMENTATION WILL BE COMPLETED WITHIN ONE YEAR OF THE RECORDING DATE IN COMPLIANCE WITH O.R.S. 92-070 (2).

SUBSCRIBED AND SWORN TO BEFORE ME
THIS 14th DAY OF September, 1979

Hebrew S. Edwards
NOTARY PUBLIC FOR THE STATE OF OREGON

July 30, 1982
MY COMMISSION EXPIRES



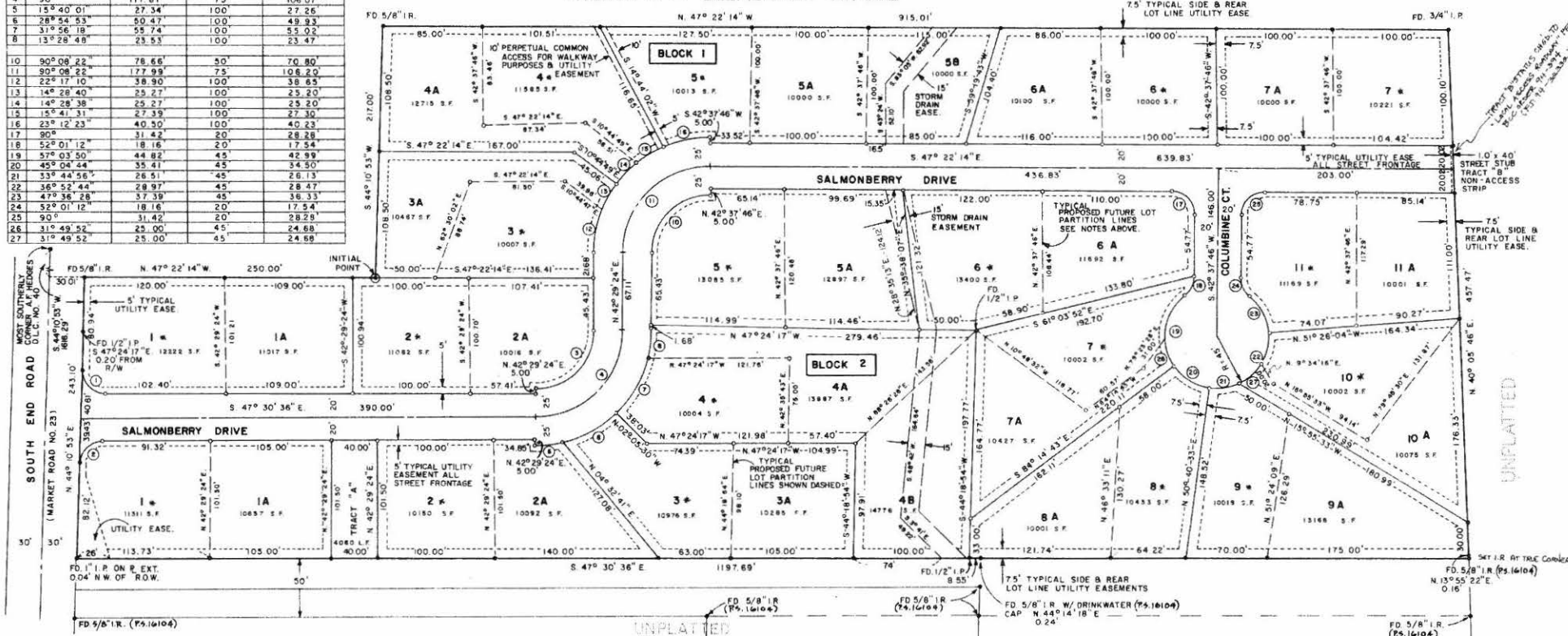
REGISTERED
PROFESSIONAL
LAND SURVEYOR

Carl R. Clinton
O.R.S. 92-070
CARL R. CLINTON
1110

NOTES (CONT)

- DIRECT VEHICULAR ACCESS FROM LOT 1, BLK. 1 AND LOT 1, BLK. 2 ONTO SOUTH END ROAD IS PROHIBITED.
- VEHICULAR ACCESS FROM LOTS 1, 1A, 2, 2A, 3, 3A, 4B, 8, 8A, 9, AND 9A ONTO THE PRIVATE DRIVEWAY ADJOINING THE SOUTHWEST PLAT BOUNDARY IS PROHIBITED UNTIL THE ROUTE HAS BEEN DEDICATED AND IMPROVED AS A COUNTY ROAD.
- EASEMENTS ARE HEREBY RESERVED UNDER AND UPON A STRIP 7.5 FEET IN WIDTH ADJOINING ALL SIDES AND REAR LOT LINES OF ALL LOTS FOR THE PURPOSES OF INSTALLING, CONSTRUCTING, OPERATING, AND MAINTAINING UTILITIES AND ADJOINING DEDICATED STREETS.

OREGON CITY ELEMENTARY SCHOOL



81/10

ASQUITH ESTATES
IN THE M.M. McCARVER D.L.C. NO. 41 IN THE N.E. 1/4, SEC. 12
T.3S, R.1E., W.M.
CLACKAMAS COUNTY, OREGON

SHEET 2 OF 2

THIS IS A TRUE COPY OF THE ORIGINAL PLAT
OF "ASQUITH ESTATES" CRC

AUGUST, 1979

COMPASS CORP.
MILWAUKIE, OREGON

DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT JOE T. LIENERT AND IRENE M. LIENERT, HUSBAND AND WIFE, ROBERT A. BIGEJ, MARY A. SCHOENBORN, CAROL J. WROLSTAD, THOMAS L. KNUDSON AND STEVE R. SMELSER, PRESIDENT OF SMELSER, INC., AN OREGON CORPORATION, OWNERS OF SAID LAND DESCRIBED IN THE ATTACHED SURVEYORS CERTIFICATE (SHEET 1 OF 2) HEREON WRITTEN AND SHOWN ON THE ACCOMPANYING MAP OF "ASQUITH ESTATES" SUBDIVISION DOES HEREBY PLAT AND LAYOUT SAID PARCEL OF LAND INTO LOTS AS SHOWN ON SAID MAP AND DEDICATE TO THE USE OF THE PUBLIC FOREVER THE STREETS AND EASEMENTS AS SHOWN OR NOTED ON SAID MAP. THE PUBLIC IS HEREBY GRANTED THE RIGHT TO MAINTAIN, REPLACE OR ENLARGE STORM SEWER FACILITIES ALONG THESE EASEMENTS AND WILL NOT BE IN ANY WAY RESPONSIBLE FOR REPLACING LANDSCAPING, FENCING OR OTHER STRUCTURES, SHRUBS OR TREES THAT MAY EXIST OR BE PLACED WITHIN THESE STORM DRAINAGE EASEMENTS. THE PUBLIC IS REQUIRED TO GIVE ADEQUATE NOTICE BEFORE SUCH ACTIVITIES ARE COMMENCED AND SHALL LIMIT ACTIVITIES TO THAT NECESSARY TO ACHIEVE A PURPOSE OF MAINTAINING THE STORM DRAINAGE EASEMENTS.

DATED THIS 15th DAY OF November, 1979

S. R. Smelser pres.
S. R. SMELSER, PRESIDENT
SMELSER, INC.

Thomas L. Knudson
THOMAS L. KNUDSON

Carol J. Wrolstad
CAROL J. WROLSTAD

Mary A. Schoenborn
MARY A. SCHOENBORN

Robert A. Bigej
ROBERT A. BIGEJ

Joe T. Lienert and Irene M. Lienert
JOE T. LIENERT and IRENE M. LIENERT

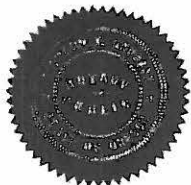
ACKNOWLEDGEMENT

STATE OF OREGON
COUNTY OF CLACKAMAS

BE IT REMEMBERED THAT ON THIS 15th DAY OF November, 1979, BEFORE ME, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED S.R. SMELSER, THE PRESIDENT OF SMELSER, INC., AN OREGON CORPORATION, AND THOMAS L. KNUDSON, CAROL J. WROLSTAD, MARY A. SCHOENBORN, ROBERT A. BIGEJ, AND JOE T. LIENERT AND IRENE M. LIENERT, HUSBAND AND WIFE, WHO ARE KNOWN BY ME TO BE THE IDENTICAL INDIVIDUALS DESCRIBED WITHIN AND WHO EXECUTED THIS INSTRUMENT AND WHO PERSONALLY ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME VOLUNTARILY FOR THE USE AND PURPOSES HEREIN NAMED.

IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND AND AFFIXED MY NOTARIAL SEAL.

Richard P. Knudson
NOTARY PUBLIC FOR THE STATE OF OREGON
MY COMMISSION EXPIRES 11/21/80

**SECOND CERTIFICATE**

STATE OF OREGON
COUNTY OF CLACKAMAS

I, CARL R. CLINTON, CERTIFY THAT I AM THE SURVEYOR OF THIS PLAT OF "ASQUITH ESTATES", A SUBDIVISION PLAT RECORDED IN BOOK 81, PAGE 10, CLACKAMAS COUNTY PLAT RECORDS; THAT INTERIOR MONUMENTATION WHICH WAS DELAYED AT THE TIME OF SAID RECORDING IS NOW COMPLETED AND IN COMPLIANCE WITH APPLICABLE STATUTES; THAT ALL INTERIOR MONUMENTS CONSIST OF 5/8" x 30" IRON RODS, EXCEPT WHERE OTHERWISE DESCRIBED UPON THE PLAT.

DATED THIS 27 DAY OF May, 1979

Carl R. Clinton
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 1110

ENDORSEMENT

UPON NOTICE OF THE ABOVE MENTIONED INTERIOR MONUMENTATION, I HAVE DIRECTED A FIELD INSPECTION AND HAVE FOUND THEM TO BE PROPERLY PLACED.

Doris E. Miles 5-27-80
CLACKAMAS COUNTY SURVEYOR
John Knudson Deputy

APPROVALS

Carl R. Clinton 2/13/1980
COUNTY PLANNING COMMISSION
By Winston Kent 3/13/1980
DIRECTOR OF PUBLIC WORKS

6-30-81
ALL TAXES PAID TO
COUNTY SHERIFF John Renfro
DEPUTY SHERIFF Ellen Pappas 4-10-80
COUNTY ASSESSOR Juanita Orr
DEPUTY ASSESSOR Pat Brest 4-10-80

Doris E. Miles 4-8-80
COUNTY SURVEYOR
DEPUTY SURVEYOR
George D. Pappas 4-11-80
COUNTY CLERK
Susan Bennett
DEPUTY CLERK
John Knudson
COMMISSIONER
John Knudson
COMMISSIONER
Ralph Graener
COMMISSIONER

2498

Taxlot Detail Report

Taxlot: 3-1E-12AC-03700



Overview Map

Taxlot Information

APN: 3-1E-12AC-03700

Alt ID: 00760830

Site Address: 19358 S COLUMBINE CT
OREGON CITY, OR 97045

Year Built: 1986



Taxlot highlighted in blue

Taxpayer Information

Taxpayer: RONALD C & ANASTASIA WILSON

Address: PO BOX 3202
OREGON CITY, OR 97045

Reference Information

Parcel Area (acres - approx): 0.5

Parcel Area (sq. ft. - approx): 23,086

Twn/Rng/Sec: 03S 01E 12

Tax Map Reference: 31E12AC

Values

Values as of: 12/20/2013

Land Value (Mkt): \$104,468

Building Value (Mkt): \$108,800

Exempt Amount: \$0

Net Value (Mkt): \$213,268

Note: The values above are Market, NOT Assessed values.

Assessed Value: \$213,268

Planning Designations

Zoning: County
- County

Comprehensive Plan: Ir
- Residential - Low Density

Subdivision: ASQUITH ESTATES

PUD (if known):

Neighborhood Assn:

Urban Renewal District:

Historic District:

Historic Designated Structure? N

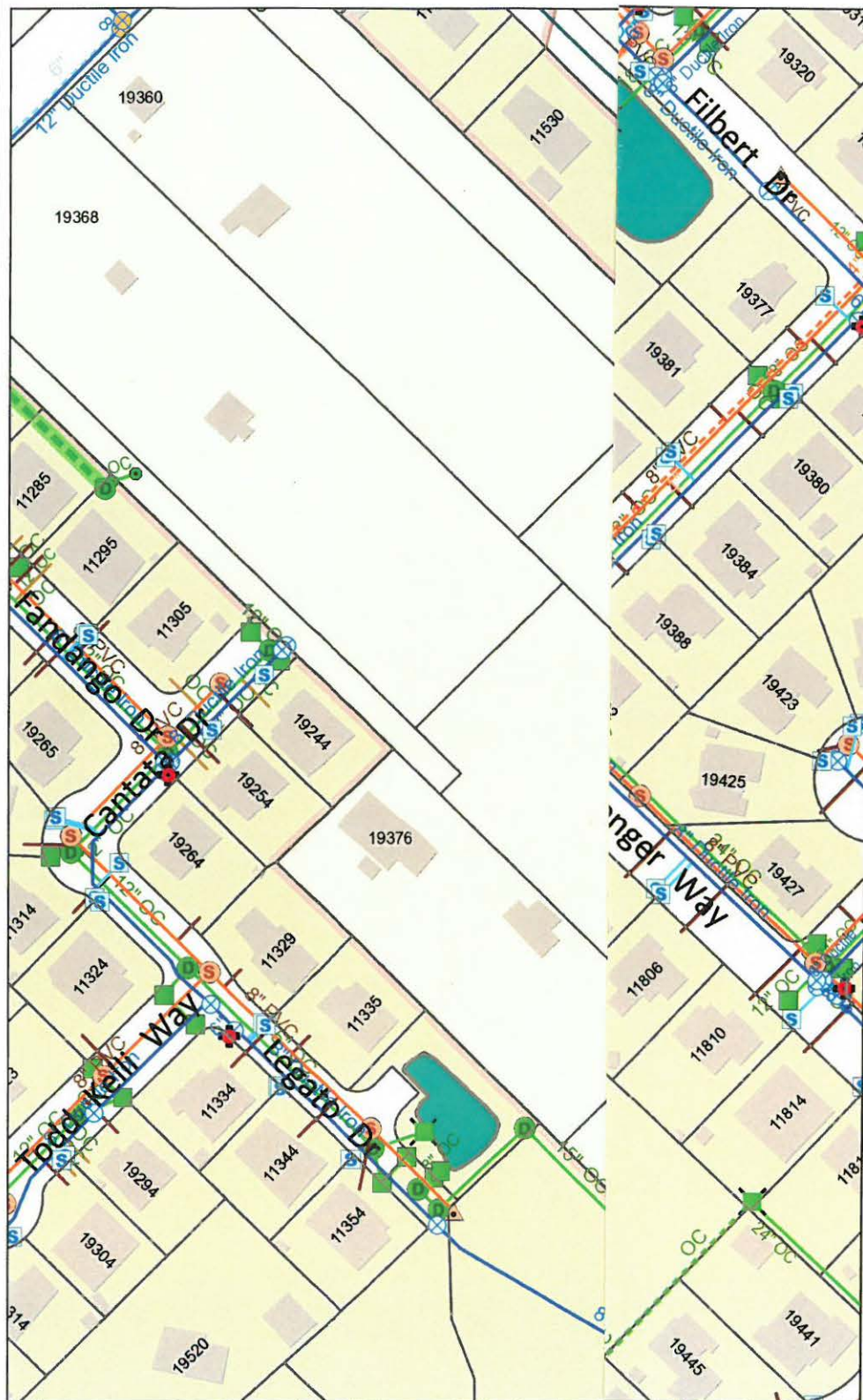
In Willamette Greenway? N

In Geologic Hazard? N

In Nat. Res. Overlay District (NROD)? N

In 1996 Floodplain? N





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
 - CRWD
- Water Valves (non PRV)**
 - (Other owner)
 - OC - Open
 - OC - Closed

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.

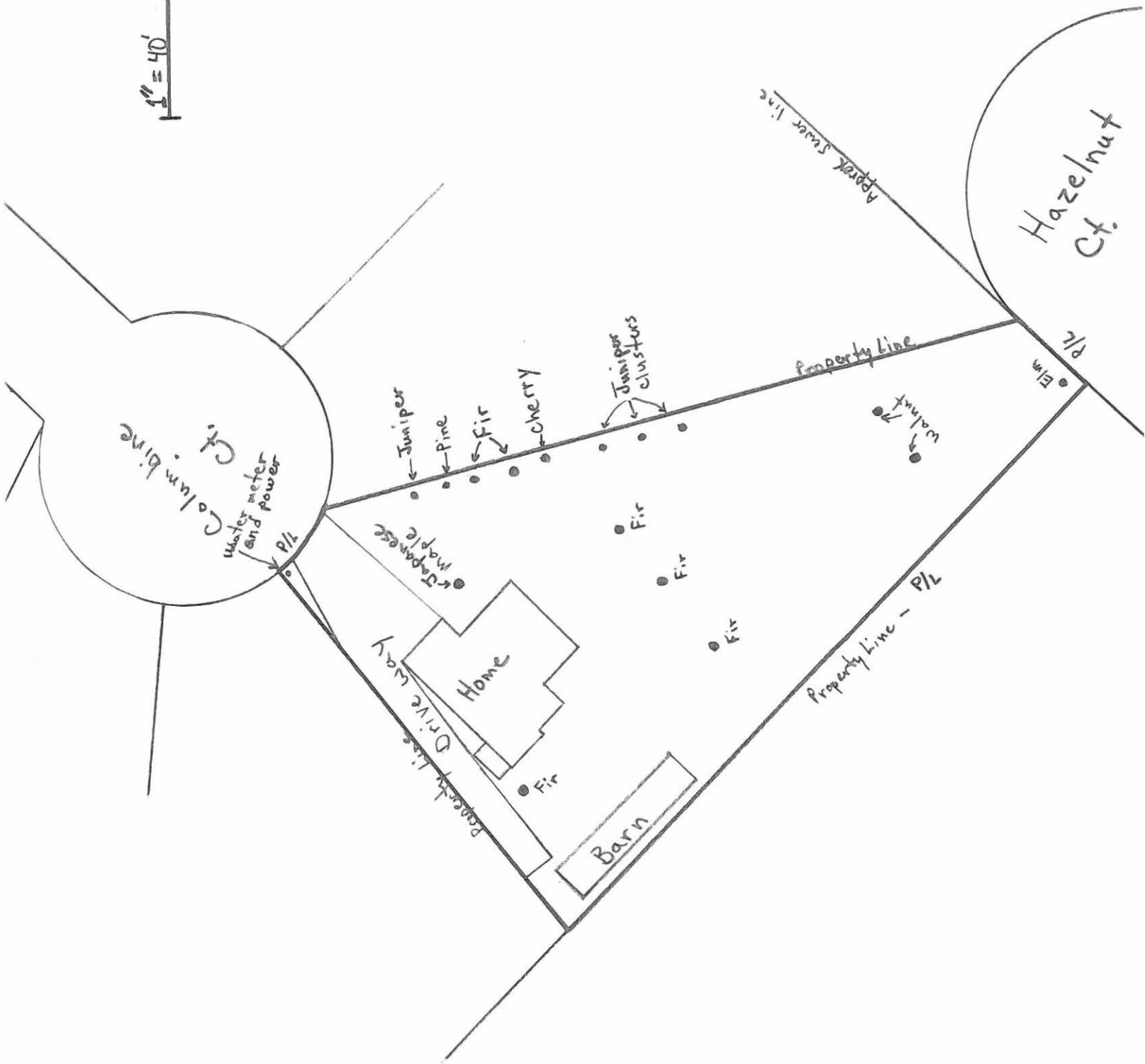
Map created 5/6/2014

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

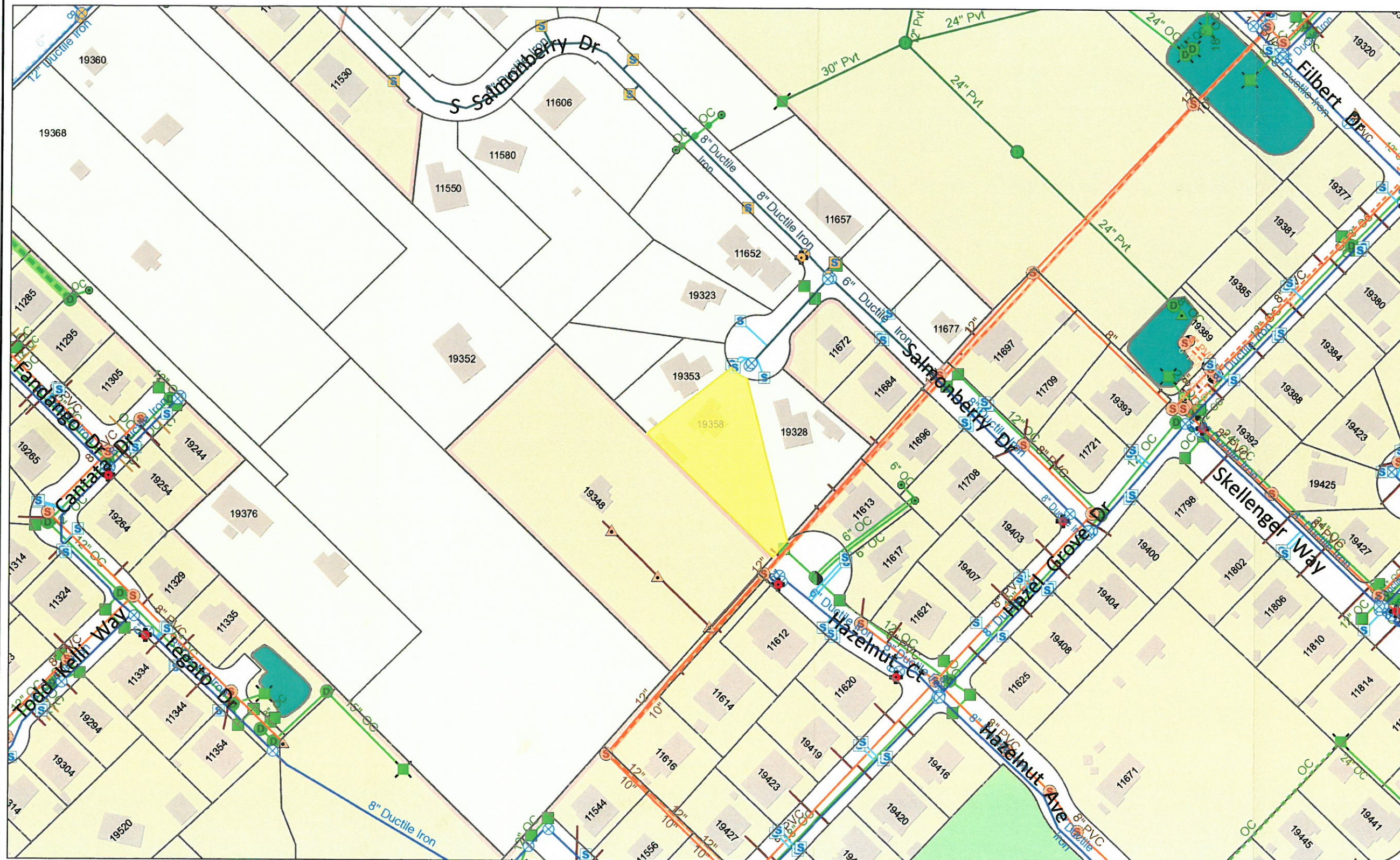




1" = 40'



Oregon City GIS 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 5/6/2014



0 277 554 Feet

1: 1,662

Legend

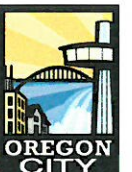
-  Taxlots
-  Taxlots (Outside UGB)
-  Unimproved ROW
- Water Hydrants
-  (Other owner)
-  OC
-  CRWD
-  Private
- Water Service Meters
-  (Other owner or Type not defined)
-  OC
-  CRWD
- Water Master Meters
-  (Other owner)
-  OC
- Water Irrigation Meters
-  (Other owner)
-  OC
-  CRWD
- Water Valves (non PRV)
-  (Other owner)
-  OC - Open
-  OC - Closed

Notes

Overview Map



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





Date: May 5, 2014 **SENT VIA EMAIL**

To: Pete Walter
City of Oregon City

From: Betty Johnson, Engineering Associate
Clackamas River Water

Subject: Completeness Review: **File:** PA 14-14

Applicant: Ron Wilson
19358 S Columbine Ct
Oregon City, Oregon 97045

Site Address: 19538 S Columbine Ct, Oregon City, Oregon 97045

Legal Description: 31E12AC03700

Completeness Review Comments:

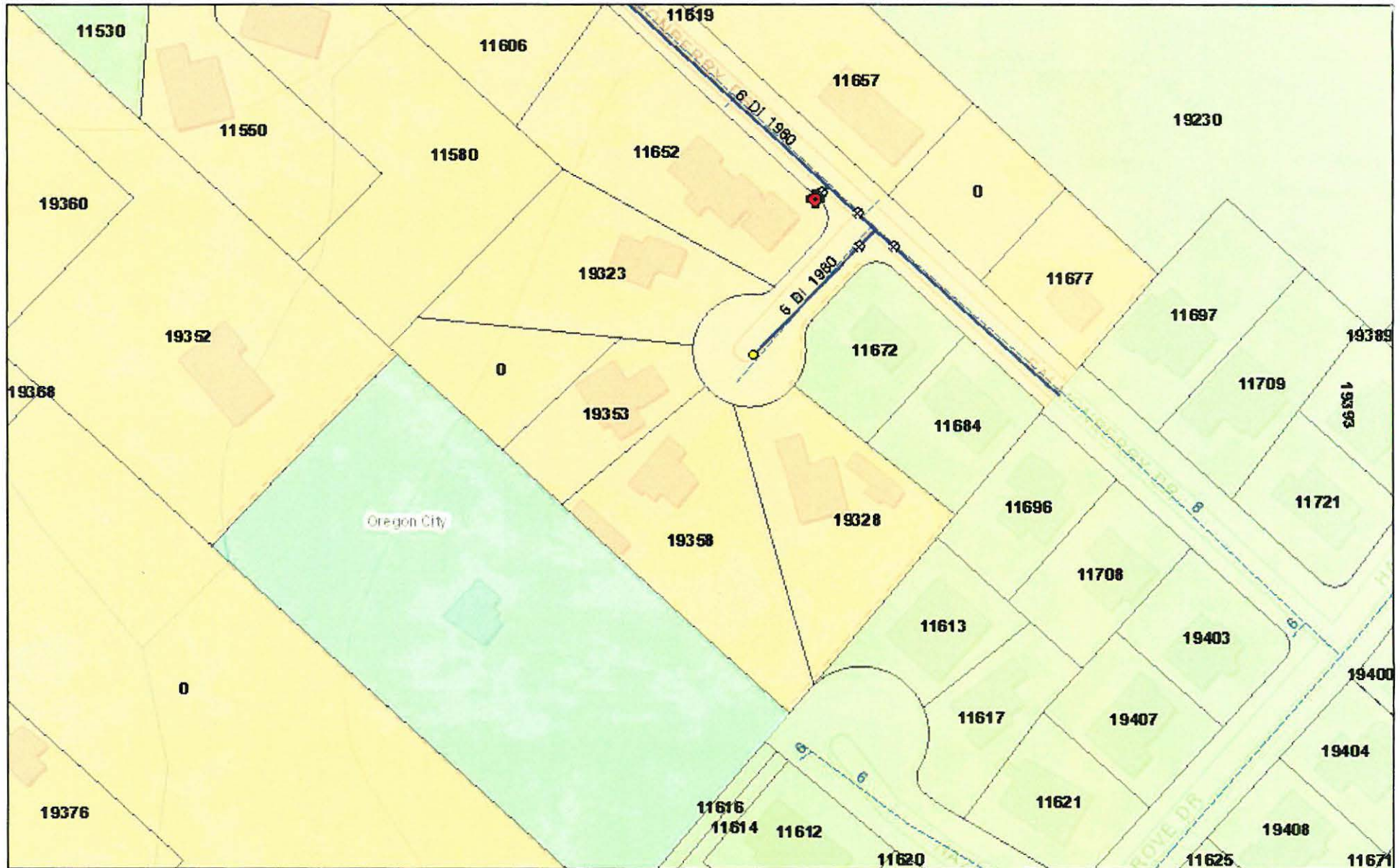
1. The tax lot in question is currently a CRW water customer. The existing waterline in S Columbine Ct is a CRW 6-inch ductile iron waterline and currently serves the property.
2. It is recommended that the property continue to be served by CRW per the South End Cooperative Intergovernmental Agreement.
3. CRW request that the lot not be withdrawn from the CRW Service Boundary.

CRW has no objections to this application, however these comments are introductory and may change based on the preliminary/final design.




For further information regarding application please contact Betty Johnson, 503-723-2571.

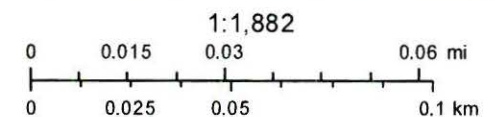
cc: Applicant
file

19358 S Columbine Ct - PA 14-14



April 24, 2014

-  Hydrants - 1:50,000
-  Waterlines
-  Valves - 1:24,000
-  Blowoffs - 1:24,000



Sources: Esri, DeLorme, HERE, TomTom, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL

COOPERATIVE INTERGOVERNMENTAL AGREEMENT

THIS AGREEMENT is made and entered into by and between CLACKAMAS RIVER WATER, a domestic water supply district created pursuant to ORS Chapter 264 ("CRW") and the CITY OF OREGON CITY, an Oregon municipal corporation ("City").

WITNESSETH:

RECITALS.

WHEREAS, the City and CRW operate municipal water systems and are engaged in the supply of water service for domestic purposes to the residents in its respective jurisdictions; and

WHEREAS, the parties and customers will derive mutual benefit from the joint construction and operation of these pipelines in the form of water quantity and pressure from such joint usage of pipelines as well as efficiencies in construction; and

WHEREAS, the parties share a common boundary or other service areas, and the parties intend this Agreement to fix present and future water service delivery boundaries and designate providers of water service in conformance with ORS 195.060 through 195.085, and that this Agreement shall be adopted and submitted for acknowledgement as part of the City's next periodic review of its Comprehensive Plan and Land Use Regulations; and

WHEREAS, in negotiating this Agreement, the parties have considered the factors of ORS 195.070, and that this Agreement will assure continuance of an appropriate and adequate level of water service; and

WHEREAS, the parties desire to designate service providers within the South End Road area and deliver water service in an orderly, efficient, non-duplicative manner as provided for within the City's public facility plan and CRW's master plan; and

WHEREAS, the parties have identified several water pipelines located in the South End Road area which are presently located within CRW boundaries and within the Urban Growth Management Boundary (UGMB); and

WHEREAS, the parties desire to jointly fund several South End-area water line connections and the construction of a water transmission line on S. South End Road from the current master meter location near McLoughlin School to Navaho Lane/Impala Lane area to avoid redundant construction of new water pipelines; and

WHEREAS, once the facilities are jointly constructed, this agreement will provide a means for the joint usage, ultimate transfer of jurisdiction, and maintenance responsibility of these lines to City in those areas noted herein; and

WHEREAS, the parties are also desirous of entering a rate setting methodology establishing a water rate for residents served by these lines; and

WHEREAS, the parties acknowledge that they have the authority to execute this

intergovernmental cooperative agreement pursuant to ORS 190.003 to 190.030; and

WHEREAS, the parties represent that the persons signing this agreement on each party's behalf are duly authorized to bind it to the terms of this agreement.

NOW, THEREFORE, IT IS AGREED by and between the parties hereto as follows:

1. **Effective Date.** This agreement shall be effective when the last party enters into the same and shall be effective for a period of twenty years from that date. The parties shall review the terms of this agreement every five years and, unless one of the parties requests amendment or termination of this agreement 90 days prior to the expiration of that five year period, the agreement shall remain in full force and effect for an additional five year period, but, in the aggregate, no more than twenty years. If a party requests amendment or termination, the parties shall use the dispute resolution process provided by section 9 herein to resolve any disputes, including those related to division of assets or territory, provided that the non-requesting party shall be deemed the party charged with the default under Step Three of section 9. Any action by Metro or other authority with jurisdiction over matters affecting this Agreement shall trigger a review of the Agreement by the parties. No such actions, however, shall affect this Agreement unless it is so amended by mutual written consent of the parties.

2. **Identification of Joint Usage Lines.** The parties agree that the following water lines shall be jointly funded, connected, and used by the parties pursuant to the terms of this section and this agreement.

a. **South End Road:** Approximately 4,000-foot ductile iron water transmission line in South End Road as further described in Section 3. Includes appropriate 8-inch tees and gate valves at connecting streets and individual service reconnects by both parties on existing 12-inch line and new line. The amount of work to be completed for this line under this agreement may be decreased based on future development requirements to loop water lines in South End Road. Development would only be responsible for a basic 8-inch water line. As a minimum, the parties to this agreement must fund for oversizing the water line and the cross street connections and reconnects.

b. **Salmonberry Drive:** Appropriate connection at the east end of street as described in Section 3.

c. **Maywood Street:** Appropriate connection at the north end of street as described in Section 3.

d. **Finnigan's Way:** City shall connect new development off Parrish Road to CRW water line in Finnigan's Way and CRW shall approve connection details and activate the connection at the appropriate time.

e. **Longstanding Court:** CRW shall install a new 8-inch connection in the existing City 12-inch line in South End Road and connect this service subject to City connection detail approval.

f. **Rose Road:** CRW shall install a new 8-inch connection in the existing

City 12-inch line in South End Road and connect this service subject to City connection detail approval.

g. **Beutel Road:** CRW shall install and connect 8-inch tee in new South End Road transmission line subject to City connection detail approval.

h. **Parrish Road:** CRW shall install 8-inch tee in new South End Road transmission line. CRW shall make connection to 8-inch line in Parrish Road if City has provided for said line by way of development. Alternatively, the parties may agree in writing to other types of connection details when the Parrish Road line is developed to South End Road.

i. **Parkland Court:** CRW shall install and connect 8-inch tee in new South End Road transmission line subject to City connection detail approval.

j. **South End Court:** CRW shall install and connect 8-inch tee in new South End Road transmission line subject to City connection detail approval.

k. **Forest Ridge Lane:** CRW shall install and connect 8-inch tee in new South End Road transmission line subject to City connection detail approval.

l. **Proposed Merchant Meadows Subdivision Development Loop Line:** City shall provide for connection to Forest Ridge Lane subject to CRW approval of connection details in the event of future development of 3-1 E 12BA, Tax Lot 1800. CRW shall activate the connection if the future development of Tax Lot 1800 is completed. CRW shall activate the connection promptly in that event.

m. **Impala Lane:** CRW shall install and connect 8-inch tee in new South End Road transmission line subject to City connection detail approval.

n. **Navaho Way:** CRW shall install and connect 8-inch tee in new South End Road transmission line subject to City connection detail approval.

o. The following lines are also joint usage lines and do not require any connections:

- 1) Columbine Court
- 2) Elizabeth Court
- 3) Sunnyridge Court
- 4) Allen Court
- 5) Shamrock Lane
- 6) Turquoise Way
- 7) Deer Lane

The City, at its own cost, may extend and interconnect from the aforesaid water

lines to allow City extension of water lines to adjacent areas. If the extension of the City lines constitutes an extraterritorial water line extension beyond then existent City Limits, CRW reserves its right to object to such extraterritorial extension on a case by case basis.

Where connection detail approval by either party is mentioned in this agreement, it includes the installation of required valves.

3. **Joint Construction of Connections and Transmission Line.** CRW and City shall jointly and equally fund the cost of making two connections of existing City and CRW water lines to be completed by CRW as part of the South End line construction effort as mentioned in Section 2b and 2c of this agreement. The parties shall also jointly and equally fund the construction of the ductile iron water transmission line, subject to pipe diameter determination, along S. South End Road and connections as outlined in Section 2a of this agreement. The transmission line is approximately 4,000 feet from McLoughlin School to the southerly terminus. CRW and the City shall jointly agree upon the final southerly terminus of this new transmission line between Impala Lane and the UGMB.

CRW will be responsible for the engineering, construction, and construction management of the transmission line and shall serve as the primary contracting public agency. CRW and the City shall jointly prepare and review, design and construction documents prior to bid. The City shall be invited to project meetings and shall be given progress reports by CRW with opportunity for comment. Change orders that increase the City's share by more than \$10,000 per change or \$50,000 aggregate must be approved by the City prior to authorization by CRW. CRW shall transmit any other progress payment information if requested. Payment shall be due within 30 days of invoice. At the completion of the project, CRW shall provide a final project accounting to ensure that the financial allocations set forth in this agreement are met with respect to final project construction costs. All performance and payment bonds and guarantees shall be for the benefit of CRW and the City. City and CRW shall each be responsible for one-half (1/2) of all costs associated with the engineering, construction, construction management, and other appropriate administrative fees of the aforesaid connections and the transmission line. CRW will bill City on a monthly basis for the City's share of these costs. Once this transmission line is placed in service, CRW shall abandon the existing CRW line in South End Road in place. CRW will use its best efforts to construct this transmission line during calendar year 2000.

4. **Master Meter.** The work provided for in this Agreement includes the installation of one master meter station located as shown on Figure 1, attached hereto and incorporated by reference.

a. **Meter Operation and Maintenance Costs.** The parties shall jointly share installation, operation, and maintenance costs for the master meter in even proportions. CRW will exercise best efforts in designing and constructing the master meter station during calendar year 2000. The City will perform operation and maintenance of the master meter station and shall account for costs on an annual basis.

b. **Meter Station Ownership.** The City shall be the owner of the master meter station proposed in this Agreement.

c. **Meter Reading and Billing.** The City shall be responsible for meter

reading, billing, and annual accounting. The meter shall be calibrated and inspected annually. CRW shall have the right to inspect and test the meter at its cost upon seven day's written notice to the City.

d. **Future Master Meter Relocations.** The Master Meter shall be sized, located, and installed to minimize the need for future relocations. In the event the master meter must be moved due to expanding or shifting service territories or as land is annexed, the meter may only be moved after seventy five (75%) of the area is annexed to the City.

5. **Transfer of Jurisdiction and Operation and Maintenance Responsibility.** At such time as City annexes over seventy-five percent (75%) of the frontage on both sides of any of the water lines described in Section 2 of this agreement, jurisdiction, operation, and maintenance responsibility for the line shall be transferred from CRW to City. City shall notify CRW in writing of its intent to transfer jurisdiction of any line under this Section. CRW shall acknowledge the notification and cooperate with the City in completing any administrative transfer documents. Until such time, jurisdiction, operation, and maintenance responsibility will remain with CRW. In the event City extends its own water lines from the lines identified in Section 2, City shall be solely responsible for all operation and maintenance, and any connections to its own extended lines and shall receive all revenues therefrom.

After transfer of jurisdiction as described above, CRW may retain non-annexed properties as customers of CRW. On those properties that CRW retains, CRW is responsible for water services billing, meter reading, and collection. CRW will also retain all water service fees, related connection fees, system development fees and all miscellaneous water service fees, including water turn off and turn on fees and meter repair and replacement fees. The rights and responsibilities described above remain with CRW even though the responsibility for operation and maintenance has been transferred to the City. Upon annexation to the City, those properties retained by CRW will be transferred to the City and the City shall thereafter be responsible for water services billing, meter reading and collection and the City shall receive all water service fees, related connection fees, system development fees and all miscellaneous water service fees.

6. **Assumption of Bonded Debt Responsibility.** CRW shall retain bonded debt responsibility for all properties serviced by the aforesaid lines until those properties are annexed into City. When the properties are annexed into City, the City shall become responsible for the bonded debt obligation of the annexed property as provided for in ORS 222.520.

7. **Establishment of Volume Rate.** The volume rate consists of a wheeling rate portion and the South Fork wholesale rate portion.

a. **Wheeling Rate For Properties Connected To The Water Lines Identified In Section 2 Of This Agreement.** CRW shall pay to the City a wheeling rate of \$0.8932 per hundred cubic feet for water used by the properties connected to the water lines identified in Section 2 of this agreement until these properties are annexed to City. The rate will be effective until a jointly funded economic study is completed to determine an appropriate rate. If the study is not completed within one year of the effective date of this agreement, the parties will update the rate set forth above based on the factors set forth in subsection 7c below.

b. **Wheeling Rate For Properties Connected To The Water Lines**

Identified In Section 2 Of This Agreement Where Jurisdiction, Operation, And Maintenance Responsibility Has Been Transferred To City. CRW shall pay to the City a wheeling rate of \$1.0667 per hundred cubic feet of water used by properties connected to the water lines identified in Section 2 of this agreement when jurisdiction over the line serving the property has been transferred to the City under Section 5 of this agreement. The rate will be effective until a jointly funded economic study is completed to determine an appropriate rate. If the study is not completed within one year of the effective date of this agreement, the parties will update the rate set forth above based on the factors set forth in subsection 7c below.

c. **Volume Rate and Updates.** The two parties shall update the two wheeling rates in Section 7a and 7b every fifth year. This update is intended to account for variances in the number of customers within CRW served by the respective lines, metered usage, and variations of continuing costs and bonded indebtedness. Both parties agree to jointly fund an economic study update every five years. Between study updates, each year on the anniversary date of this agreement, the wheeling rate portion of the volume rate shall be increased by 75% of the Portland, Oregon Consumer Price Index based on the previous December 31 index. The South Fork wholesale portion of the volume rate will be adjusted annually to reflect the City's then current South Fork wholesale rate. CRW shall pay the City a volume water rate that includes the City's South Fork Water Board wholesale rate. City will then remit that portion of the volume rate directly to the South Fork Water Board.

8. **Amendment Provision.** The terms of this agreement may be amended or supplemented only by the mutual agreement of the parties. Any amendments or supplements must be in writing, refer to this agreement, and be executed by the parties.

9. **Dispute Resolution.**

a. Subject to extensions of time by mutual consent in writing, failure or unreasonable delay by any party to substantially perform any provision of this agreement shall constitute default. In the event of an alleged default or breach of any term or condition of this agreement, the party alleging such default or breach shall give the other party not less than 30 days notice in writing specifying the nature of the alleged default and the manner in which the default may be cured satisfactorily. During this 30-day period, neither party shall be considered in default for purposes of termination or instituting legal proceedings.

b. The parties shall first attempt to resolve the dispute by negotiation, followed by mediation, if negotiation fails to resolve the dispute.

Step One: (Negotiation). The City Manager and CRW General Manager, or other persons designated by each of the disputing parties will negotiate on behalf of the entities they represent. The Managers, or their representatives, shall then meet with each other and attempt to resolve the issue. If the dispute is resolved at this step, there shall be a written determination of such resolution, signed by each Manager and ratified by the governing bodies that shall be binding upon the parties.

Step Two: (Mediation). If the dispute cannot be resolved within thirty (30) days at Step One, the parties shall submit the matter to non-binding mediation. The parties shall attempt to agree on a mediator. If they cannot agree, the parties shall request a list of five (5)

mediators from an entity or firm providing mediation services. The parties will attempt to mutually agree on a mediator from the list provided, but if they cannot agree, each party shall select one (1) name. The two selected shall select a third person. The dispute shall be heard by a panel of three (3) mediators and any common costs of mediation shall be borne equally by the parties who shall each bear their own costs and fees therefor. If the issue is resolved at this step, a written determination of such resolution shall be signed by each Manager and approved by the governing bodies.

Step Three (Legal Action). After exhaustion of the preceding processes, if the parties agree, any dispute or claim shall be settled by arbitration under the jurisdiction of the Circuit Court of the State of Oregon for Clackamas County pursuant to ORS Chapter 36 or by arbitration provided by the Department of Land Conservation and Development, at the election of the party charged with the default. In the absence of such an agreement, that same court shall have jurisdiction over any dispute.

10. **Applicable Law.** This agreement shall be construed and enforced in accordance with the laws of the State of Oregon.

11. **Attorneys' Fees.** In the event any legal action or proceeding is commenced to construe or enforce a provision of this Agreement, the losing party, as determined by the judge, shall pay the prevailing Party's reasonable attorneys' fees, paralegal fees, expert fees and costs as determined by the judge at trial, or upon any appeal, petition or arbitration, or any combination of the foregoing.

12. **Nonwaiver.** Failure by any party in time to require performance by any other party or parties of any of the provisions hereof shall in no way affect such party's rights to enforce the same, nor shall any waiver by any party or parties of any breach of this agreement be held to be a waiver of any succeeding breach or a waiver of this Agreement.

13. **Binding Effect.** The covenants, conditions, and terms of this agreement shall extend to, be binding upon, and inure to the benefit of any personal representatives, successors, and assigns of the parties hereto.

14. **Severability.** In case any one or more of the provisions contained in this agreement shall be invalid, illegal, or unenforceable in any respect, the validity, legality and enforceability of the remaining provisions shall remain.

15. **Notices.** Any notice herein required or permitted to be given, shall be given in writing and shall be effective when actually received and may be given by hand delivery or by United States mail, first class postage prepaid, addressed to the parties as follows:

FOR OREGON CITY:

City of Oregon City

Attention: City Manager

320 Warner Milne Road

Oregon City, Oregon 97045

FOR CLACKAMAS RIVER WATER:

Clackamas River Water

Attention: General Manager

16770 SE 82nd Drive, Suite 100

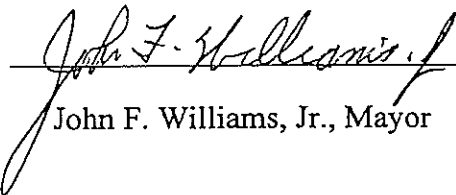
P.O. Box 2439

Clackamas, Oregon 97015

IT IS SO AGREED:

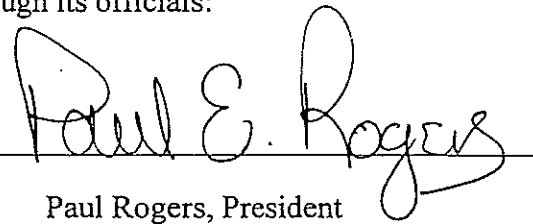
FOR OREGON CITY by and through its
officials:

By:


John F. Williams, Jr., Mayor

FOR CLACKAMAS RIVER WATER by or
through its officials:

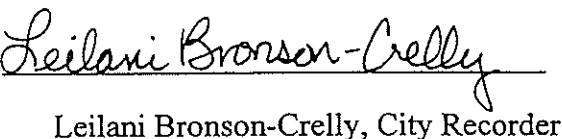
By:


Paul Rogers, President

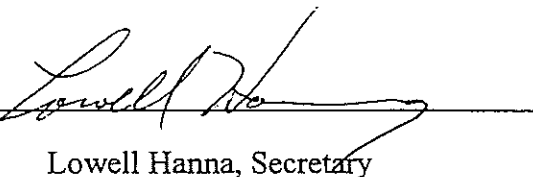
Date: Feb. 2, 2000

Date: 2-8-00

By:


Leilani Bronson-Crelly, City Recorder

By:


Lowell Hanna, Secretary

Nancy Ide

STATE OF OREGON)

COUNTY OF CLACKAMAS) ss

I, Leilani Bronson-Crelly, City recorder of the City of Oregon City do

hereby certify that the foregoing copy of the cooperative

Intergovernmental Agreement between

Clackamas River Water and the City of Oregon City,

has been by me compared with the original and that it is a
correct transcript therefrom, and the whole of such original, as
the name appears on file and of record in my office and in my
care and custody. IN TESTIMONY WHEREOF I have hereunto
set my hand this 3rd day of January, 20 00

Nancy Ide

City Recorder

From: [Aleta Froman-Goodrich](#)
To: [Pete Walter](#)
Cc: [Matthew Palmer](#); [Wendy Marshall](#)
Subject: AN 16-01 Annexation CRW IGA Question - RE: Notice of Annexation Public Hearing - AN 16-01
Date: Monday, June 06, 2016 2:06:32 PM
Attachments: [image001.png](#)
[2000 OC CRW IGA South End 2-2-2000.pdf](#)

Hello Pete,

Following up on your question about current IGAs with CRW in the South End Rd area.

The attached 2000 OC-CRW IGA for South End Road is effective for 20 years from execution. IGA was executed in the year 2000, therefore the IGA is effective through 2020.

Thanks,
Aleta

From: Pete Walter
Sent: Friday, June 3, 2016 10:38 AM
To: Aleta Froman-Goodrich; baldwinb@tri-met.org; 'Betty Johnson'; Bob George; 'Boll, Heather'; Boumann, Mike; BRUMLEY Seth A; Central Point/Leland Road CPO; Central Point/Leland Road CPO 2; Chris Wadsworth; Dawn Hickson; ddehart@onemain.com; Denise Conrad; Eric Underwood; Gail Curtis (region1devrevapplications@odot.state.or.us); Ginger.Redlinger@orecity.k12.or.us; Grant O'Connell (o'connelg@trimet.org); Hamlet of Beaver creek; Holcomb Outlook CPO; intstats@sbcglobal.net; James Band; Jeffrey Raker; Jennifer Stephen (jennifer.stephens@pgn.com); jerry.herrmann@birdlink.net; Jim Williams; John Collins; John Knapp; John M. Lewis; John Replinger (replinger-associates@comcast.net); Katie Durfee; Kent, Ken; Martin Montalvo; Matthew Palmer; Mike Boumann; Mike Roberts; Mike.Livingston@pgn.com; Neighborhood Association Chairs; ODOT Development Review (region1devrevapplications@odot.state.or.us); richard.e.craven@gmail.com; salmoclarki@stinkingdesert.com; Scott Archer; TAYAR Abraham * Avi; Tim Finlay (timfin@co.clackamas.or.us); Ugo DiLullo (ugodil@co.clackamas.or.us); Wendy Marshall; Wes Rogers, OC School District; BROOKING Joshua C
Subject: Notice of Annexation Public Hearing - AN 16-01

NOTICE OF ANNEXATION APPLICATION (SECOND NOTICE)

First Notice Mailed to all Owners within 300 feet of the Subject Property on: May 16, 2016

Second Notice Mailed to all Owners within 300 feet of the Subject Property on: June 6, 2016

COMMENT DEADLINE:	(Public Hearing Continued) On Monday, July 11, 2016, the Planning Commission will conduct a public hearing at 7:00 pm in the Commission Chambers at City Hall, 625 Center Street, Oregon City, Oregon 97045, and; On Wednesday, July 20, 2016, the City Commission will conduct a public hearing at 7:00 pm in the Commission Chambers at City Hall, 625 Center Street, Oregon City, Oregon 97045 on the following annexation application. Any interested party may testify at either or both of the public hearings or submit written testimony at the Planning Commission or City Commission hearings prior
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	to the close of the hearing.
FILE NUMBER:	AN 16-01: Annexation
APPLICANT/ OWNER:	Ron and Anastasia Wilson 19358 S. Columbine Ct, Oregon City, OR 97045
REPRESENTATIVE:	Same as Owner
REQUEST:	Annexation of approximately 0.46 acres into the City of Oregon City. The site is within the Oregon City Urban Growth Boundary and has a Comprehensive Plan designation of LR – Low Density Residential.
WEBPAGE:	http://www.orcity.org/planning/project/16-0001
LOCATION:	19358 S. Columbine Ct, Oregon City, OR 97045 Clackamas County APN 3-1E-12AC-03700
STAFF CONTACT:	Pete Walter, AICP, Associate Planner, (503) 496-1568. Email: pwalter@orcity.org
NEIGHBORHOOD ASSOCIATION:	Hazel Grove / Westling Farms (South End) N.A.
CRITERIA:	Metro Code 3.09, Oregon City Municipal Code Title 14 and Subsection 17.68.025, the Land Use Chapter of the Clackamas County Comprehensive Plan, the City/County Urban Growth Boundary Management Agreement and Sections 11 and 14 of the Oregon City Comprehensive Plan.

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, 221 Molalla Avenue, 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.

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 shall make a recommendation to the City Commission as to whether the application has or has not complied with the factors set forth in section 14.04.060 of the Oregon City Municipal Code. The City Commission shall only set for an election annexations consistent with a positive balance of the annexation factors.



Pete Walter, AICP, Planner
pwalter@orcity.org
Community Development Department
Planning Division
 221 Molalla Avenue, Ste. 200
 Oregon City, Oregon 97045
 503-496-1568 Direct
 503-722-3789 Front Desk
 503-722-3880 Fax
Website: www.orcity.org
New Hours(Sept 2): 8:30 AM – 3:30 PM, M-F



Need Zoning and other Tax Lot Information? - [Generate a Property Report](#)

Online Mapping is available at [OCWebMaps](#)



Please consider the environment before printing

PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the State Retention Schedule and may be made available to the public.

From: [Tom](#)
To: [Pete Walter](#)
Cc: [Kathy Hogan](#)
Subject: Re: Ron Wilson HGWFNA Attendance sheet
Date: Friday, April 17, 2015 10:35:41 AM
Attachments: [4-16-2015 Sign In Sheets.pdf](#)

Pete and Kathy,

I forgot to attach the attendance sheet to the last message.

Tom

On 4/17/2015 10:17 AM, Pete Walter wrote:

> Tom,
>
> Thanks for the email. I will keep a copy for the file.
>
> Pete
>
> -----Original Message-----
> From: Tom [<mailto:tom.obrien4@comcast.net>]
> Sent: Friday, April 17, 2015 10:17 AM
> To: Pete Walter
> Cc: Kathy Hogan
> Subject: Ron Wilson
>
> Good Morning Pete,
>
> I wanted to let you know that Ron Wilson attended the Hazelgrove Westling Farms Neighborhood Association meeting last evening Thursday 16 April 2015.
>
> Ron discussed what he has been working with you on regarding the annexation of his property located at 19358 Columbine Court, Oregon City, OR 97045.
>
> Those present had no problem and agreed with his plan to annex based upon his desire to add a room on to his home and connect to a city sewer line.
>
> Tom O'Brien - Co Chair
> Kathy Hogan - Co Chair
>

From: [Tom](#)
To: [Pete Walter](#)
Cc: [Kathy Hogan](#)
Subject: Ron Wilson
Date: Friday, April 17, 2015 10:16:33 AM

Good Morning Pete,

I wanted to let you know that Ron Wilson attended the Hazelgrove Westling Farms Neighborhood Association meeting last evening Thursday 16 April 2015.

Ron discussed what he has been working with you on regarding the annexation of his property located at 19358 Columbine Court, Oregon City, OR 97045.

Those present had no problem and agreed with his plan to annex based upon his desire to add a room on to his home and connect to a city sewer line.

Tom O'Brien - Co Chair
Kathy Hogan - Co Chair

Hazelgrove - Westling Farm Neighborhood Association

Date _____

Event _____

NAME(S)	ADDRESS	E-Mail	TELEPHONE
Kathy Hogan	19721 S. Central Park Rd	Hogansbluff@aol.com	503 657-9435
Tom + Marguerite O'Brien	19364 Hazelgrove Dr	tom.obrien4@comcast.net	503 723-3334
Mari Lyn Nuttall	19388 Vincent Dr		503-657-7057
Gregg + Jean Howard	19372 Hazelgrove Dr	goghoward@gmail.com	503 303 4340
LEE + SUE MULLER	11953 HAZEL PARK DR	harleylee@juno.com	503-388-7929
Jim + Cathy Elting	19531 S. Central Point	cjeltin@aol.com	503-656 9434
MATT LYSAGHT	320 WARNER MILNER Rd	MLYSAGHT@ORCITY.ORG	503-793 6999
Vern + Velma Emra	19428 Hazel Grove Dr.	v2emra@msn.com	502-659-6650
ANDY HOLTHOUSE	19341 HAZEL GROVE DR.	ANDY@OREGON@COMCAST.NET	(503) 550-6532
Chris Engelle	19525 Hummingbird Loop	chrisengelles@gmail.com	503 740 5309
Dora Meeley	11614 Parrish Rd	intstats@bcbglobal.net	503 500-5035
MARK NOLL	10835 S. NAVAJO	msnoll@a.com	503 804-2138

Hazelgrove - Westling Farm Neighborhood Association
Date 7/17/2015 Event _____

7/17/2015

Event

[illegible]



City of Oregon City

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

Staff Report

File Number: PC 16-066

Agenda Date:

Status: Agenda Ready

To: Planning Commission

Agenda #: 3b.

From: Pete Walter

File Type: Planning Item

SUBJECT:

Request to Continue Annexation file AN-16-0001 for the property located at 19358 S. Columbine Court to July 11, 2016.

RECOMMENDED ACTION (Motion):

Staff recommends that the Planning Commission open the public hearing, take testimony from any person present who wishes to testify, then continue the public hearing for AN-16-0001 to July 11, 2016.

BACKGROUND:

Annexation File AN-16-0001 was submitted by Ron and Anastasia Wilson, who are petitioning to annex approximately 0.46 acres of property to the City. The property is located at 19358 S. Columbine Ct, Oregon City, OR 97045 and identified as Clackamas County APN 3-1E-12AC-03700. The property has a Comprehensive Plan designation of LR Low Density Residential.

Staff requests a continuance of the public hearing in order to provide correct additional notice for AN-16-0001. Staff provided newspaper notice of the public hearing, mailed public notice of the application on May 16, 2016, and the applicant posted the property with the land use notice sign, however, staff neglected to provide adequate notice to affected governmental entities, special districts, providers of urban services, including Tri-Met, Oregon Department of Transportation and Metro, and any affected recognized neighborhood associations and any party who has requested in writing such notice as required by OCMC 17.50.090(C).

From: replinger-associates@comcast.net
To: [Pete Walter](#)
Subject: Re: Small Annexations / TPR compliance
Date: Friday, July 01, 2016 8:00:21 AM

Thanks, Pete.

The correct guidance is as follows:

Because the annexation proposal includes a zone change, the applicant will need to address the requirements of Oregon's Transportation Planning Rule (TPR). 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.

Prior to a specific development proposal, 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.

The applicant and his traffic engineer should review the *Guidelines for Transportation Impact Analyses* and the most recent mobility standards as specified in Oregon City Municipal Code section 12.04.205.

The applicant has a choice and may address the TPR compliance issues separately from the traffic analysis for the specific development or he may address both the TPR and TAL in the same document.

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.

John

John Replinger, PE
Replinger & Associates LLC
6330 SE 36th Avenue
Portland, OR 97202



Community Development – Planning

221 Molalla Ave. Suite 200 | Oregon City OR 97045

Ph (503) 722-3789 | Fax (503) 722-3880

NOTICE OF ANNEXATION APPLICATION

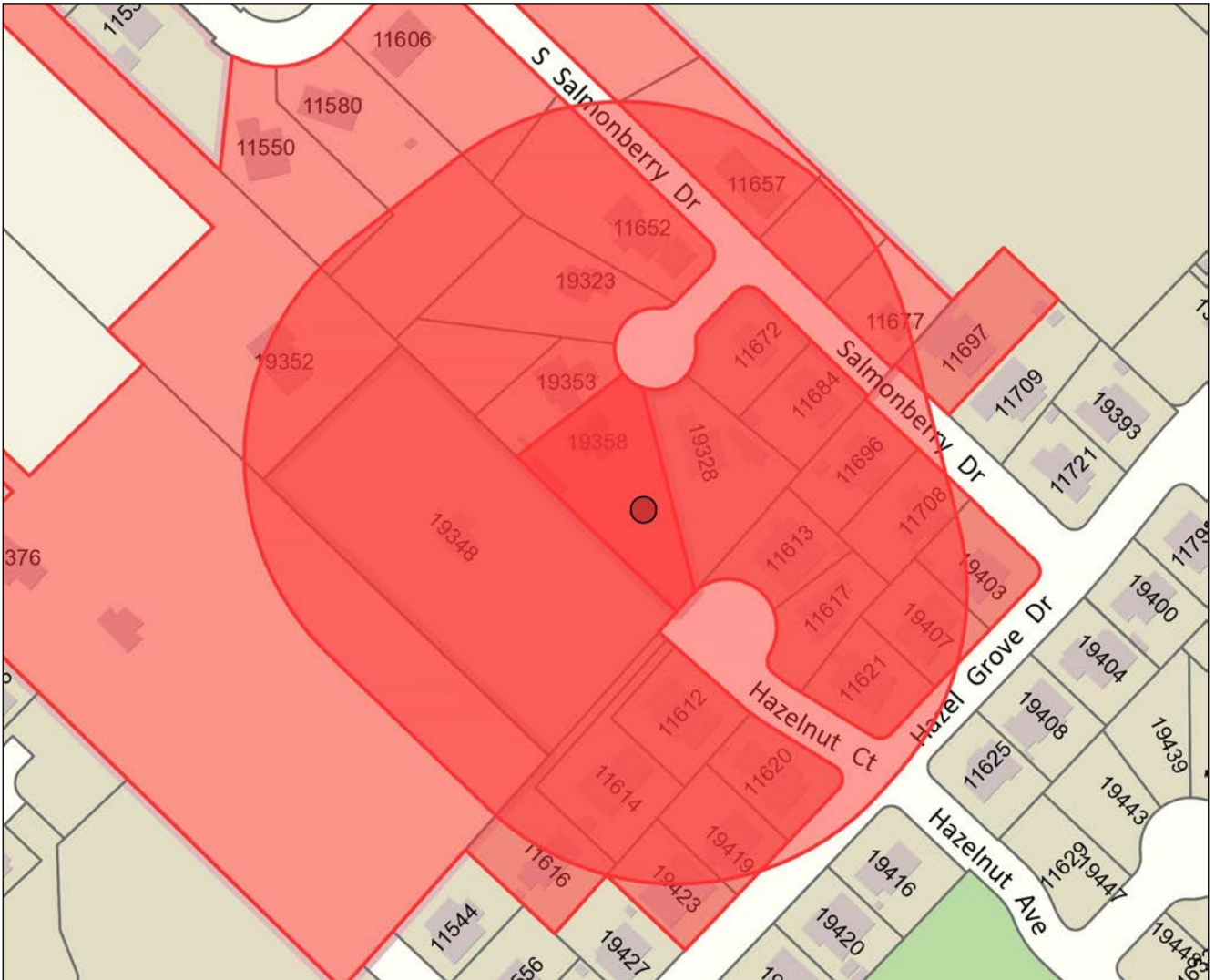
Notice Mailed to all Owners within 300 feet of the Subject Property on: May 16, 2016

COMMENT DEADLINE:	On Monday, June 13, 2016, the Planning Commission will conduct a public hearing at 7:00 pm in the Commission Chambers at City Hall, 625 Center Street, Oregon City, Oregon 97045, and; On Wednesday, July 6, 2016, the City Commission will conduct a public hearing at 7:00 pm in the Commission Chambers at City Hall, 625 Center Street, Oregon City, Oregon 97045 on the following annexation application. Any interested party may testify at either or both of the public hearings or submit written testimony at the Planning Commission or City Commission hearings prior to the close of the hearing.
FILE NUMBER:	AN 16-01: Annexation
APPLICANT/ OWNER:	Ron and Anastasia Wilson 19358 S. Columbine Ct, Oregon City, OR 97045
REPRESENTATIVE:	Same as Owner
REQUEST:	Annexation of approximately 0.46 acres into the City of Oregon City. The site is within the Oregon City Urban Growth Boundary and has a Comprehensive Plan designation of LR – Low Density Residential.
LOCATION:	19358 S. Columbine Ct, Oregon City, OR 97045 Clackamas County APN 3-1E-12AC-03700
STAFF CONTACT:	Pete Walter, AICP, Associate Planner, (503) 496-1568. Email: pwalter@orccity.org
NEIGHBORHOOD ASSOCIATION:	Hazel Grove / Westling Farms (South End) N.A.
CRITERIA:	Metro Code 3.09, Oregon City Municipal Code Title 14 and Subsection 17.68.025, the Land Use Chapter of the Clackamas County Comprehensive Plan, the City/County Urban Growth Boundary Management Agreement and Sections 11 and 14 of the Oregon City Comprehensive Plan.

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Mailing Labels Report



Labels created:	5/16/2016 1:02 PM
Run by:	Pete Walter (pwalter@orcity.org)
Labels generated using:	User-defined Graphic
Use graphic or underlying taxlot(s)?	Underlying taxlot(s)
Buffer?	Yes
Buffer Distance:	300 Foot
Label type:	Taxpayers
Sort order:	By Name
Output format:	Pdf
# Taxlots used to create labels:	32
# Labels generated:	31

ALAN W & JANET E BARKER
19352 S SOUTH END RD
OREGON CITY, OR 97045

JAY M CONLEY
11606 S SALMONBERRY DR
OREGON CITY, OR 97045

MIKE MOLL
20139 S SOUTH END RD
OREGON CITY, OR 97045

ANGELA M & DAVID T BUTSCH
11550 S SALMONBERRY DR
OREGON CITY, OR 97045

JEFFERSON & CYNTHIA GILLESPIE
11619 S SALMONBERRY DR
OREGON CITY, OR 97045

PATRICIA A COADY
11652 S SALMONBERRY DR
OREGON CITY, OR 97045

BLACKWELL MICHAEL S CO-TRUSTEE
11620 HAZELNUT CT
OREGON CITY, OR 97045

JOHN JR & KELLY BELL
11708 SALMONBERRY DR
OREGON CITY, OR 97045

PAUL A & JOANN L ROTH
11697 SALMONBERRY DR
OREGON CITY, OR 97045

CRANDALL ELOISE H TRUSTEE
19407 HAZEL GROVE DR
OREGON CITY, OR 97045

JOSEPH SPRANDO
11621 HAZELNUT CT
OREGON CITY, OR 97045

RICHARD L & JEANNE M MYHRE
19323 S COLUMBINE CT
OREGON CITY, OR 97045

DANIEL D BLESS
11616 HAZELNUT CT
OREGON CITY, OR 97045

KAREN E MCKINNEY
19376 S SOUTH END RD
OREGON CITY, OR 97045

RICHARD MYHRE
19323 S COLUMBINE CT
OREGON CITY, OR 97045

DARREL L & ERICA L WATSON
11617 HAZELNUT CT
OREGON CITY, OR 97045

KAREN L & TIMOTHY P SNYDER
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TERESA E WICKLUND
11672 SALMONBERRY DR
OREGON CITY, OR 97045

THOMAS C MILLER
PO BOX 33770
PORTLAND, OR 97292



6605 SE Lake Road, Portland, OR 97222
PO Box 22109, Portland, OR 97269-2109
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 Accounting Manager of *Clackamas Review/Oregon City News and Estacada News*, a newspaper of general circulation, published at Clackamas, in the aforesaid county and state, as defined by ORS 193.010 and 193.020, that

City of Oregon City

Notice of Public Hearing – AN 16-01;
CLK13616

a copy of which is hereto annexed, was published in the entire issue of said newspaper for

1

week in the following issue:

May 11, 2016

Charlotte Allsop

Charlotte Allsop (Accounting Manager)

Subscribed and sworn to before me this
May 11, 2016.

Desirae A Marglin

NOTARY PUBLIC FOR OREGON

PO: PETE WALTER

Acct #500291

Attn: Pete Walter

City of Oregon City

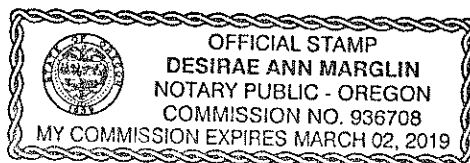
PO Box 3040

Oregon City, OR 97045-0304

Size: 2 x 5.5"

Amount Due: \$130.35*

*Please remit to address above.



NOTICE OF ANNEXATION PUBLIC HEARING

COMMENT DEADLINE: On Monday, June 13, 2016, the Planning Commission will conduct a public hearing at 7:00 pm in the Commission Chambers at City Hall, 625 Center Street, Oregon City, Oregon 97045, and; On Wednesday, July 6, 2016, the City Commission will conduct a public hearing at 7:00 pm in the Commission Chambers at City Hall, 625 Center Street, Oregon City, Oregon 97045 on the following annexation application. Any interested party may testify at either or both of the public hearings or submit written testimony at the Planning Commission or City Commission hearings prior to the close of the hearing.

FILE NUMBER: AN 16-01: Annexation

APPLICANT/ OWNER: Ron and Anastasia Wilson, 19358 S. Columbine Ct, Oregon City, OR 97045

REPRESENTATIVE: Same as Owner

REQUEST: Annexation of approximately 0.46 acres into the City of Oregon City. The site is within the Oregon City Urban Growth Boundary and has a Comprehensive Plan designation of LR – Low Density Residential.

LOCATION: 19358 S. Columbine Ct, Oregon City, OR 97045, Clackamas County APN 3-1E-12AC-03700

STAFF CONTACT: Pete Walter, AICP, Associate Planner, (503) 496-1568. Email: pwalter@orc.org

NEIGHBORHOOD ASSOCIATION: Hazel Grove / Westling Farms (South End) N.A.

CRITERIA: Metro Code 3.09, Oregon City Municipal Code Title 14 and Subsection 17.68.025, the Land Use Chapter of the Clackamas County Comprehensive Plan, the City/County Urban Growth Boundary Management Agreement and Sections 11 and 14 of the Oregon City Comprehensive Plan.

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, 221 Molalla Avenue, 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.

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 shall make a recommendation to the City Commission as to whether the application has or has not complied with the factors set forth in section 14.04.060 of the Oregon City Municipal Code. The City Commission shall only set for an election annexations consistent with a positive balance of the annexation factors.

Publish 05/11/2016.

CLK13616

From: lfaxon@pamplinmedia.com
To: [Pete Walter](#)
Subject: RE: Oregon City Public Notice AN 16-01
Date: Thursday, May 05, 2016 1:58:22 PM
Attachments: [image001.png](#)

Good Afternoon Pete,

Notice received. I will get this notice in the **May 11th editions** of the **Clackamas Review and Oregon City News**. Once published, I will send affidavits of publication to your attention.

Thank you,

Louise Faxon

Legal Advertising

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lfaxon@commnewspapers.com or lfaxon@pamplinmedia.com

Legals Notices are online at: <http://publicnotices.portlandtribune.com>

From: Pete Walter [mailto:pwalter@ci.oregon-city.or.us]

Sent: Thursday, May 05, 2016 12:46 PM

To: Louise Faxon <lfaxon@pamplinmedia.com>

Cc: Christopher Long <clong@ci.oregon-city.or.us>

Subject: Oregon City Public Notice AN 16-01

Good afternoon Louise,

Please can you publish the attached notice in the next edition of the Clackamas Review / Oregon City News.

Thanks!



Pete Walter, AICP, Planner

pwalter@orc.org

Community Development Department

Planning Division

221 Molalla Avenue, Ste. 200

Oregon City, Oregon 97045

503-496-1568 Direct

503-722-3789 Front Desk

503-722-3880 Fax

Website: www.orcity.org

New Hours(Sept 2): 8:30 AM – 3:30 PM, M-F



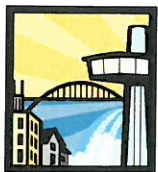
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Online Mapping is available at [OCWebMaps](#)



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PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the State Retention Schedule and may be made available to the public.



AFFIDAVIT OF POSTING OF NOTICE FOR LAND USE APPLICATIONS

Applicant: Ron Wilson

Location: 19358 S. Columbine Ct, Oregon City, OR 97045

File Number: AN 16-01: Annexation - 0.53 ac

Your application requires the posting of signs on the subject site that provides a brief description of your proposal 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 so they are clearly visible. The notices shall not be posted on trees or utility poles. If the weather is wet please cover the signs with clear plastic, or other clear weatherproof material. It is your responsibility to post the signs and failure to do so by the date specified will result in the automatic extension of the public comment period. **Please see attached map for sign posting locations.**

The signs shall be posted by **May 20, 2016** so that they are clearly visible along the street fronting the property. A map is enclosed distinguishing the location of where the signs should be posted. Please maintain the sign posted until after the City Commission hearing has been closed. If you have any questions please contact me at (503) 496-1568.

Pete Walter, AICP, Associate Planner
City of Oregon City - Planning Division
221 Molalla Avenue, Suite 200
Oregon City, Oregon 97045

PLEASE SIGN AND RETURN THIS NOTICE TO THE PLANNING DIVISION

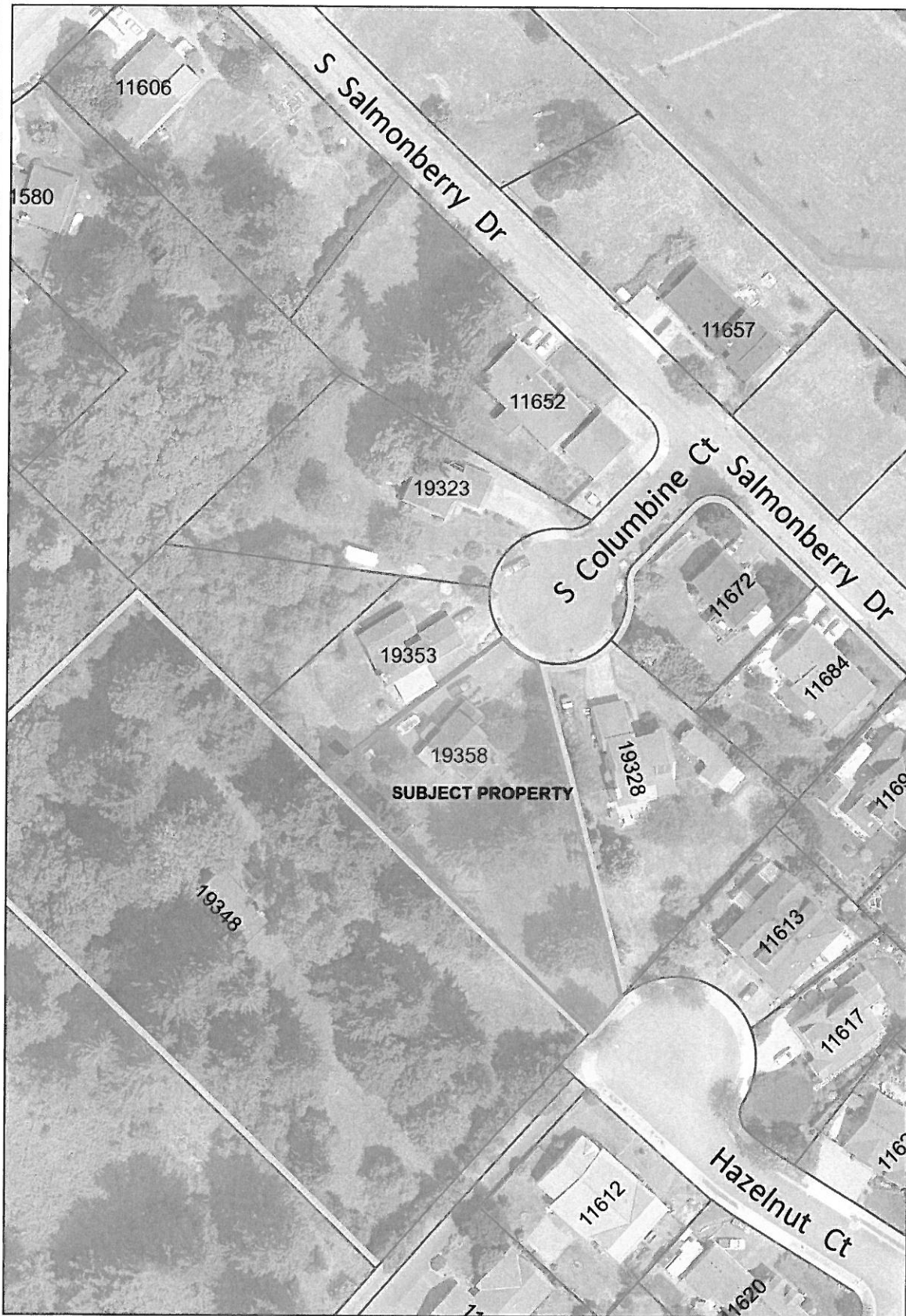
I hereby certify that on (date) 20 May 16, I posted the required signs on the subject site in accordance with the requirements of the Oregon City Municipal Code. If there is any delay in the city's land use process caused by the applicant's failure to correctly post the subject property for the required period of time and in the correct location, the applicant agrees to extend the one-hundred-twenty-day period in a timely manner.

Applicant

20 May 16

Date

Oregon City GIS Map



- Legend**
- Taxlots
 - Taxlots (Outside UGB)
 - Unimproved ROW
 - City Limits
 - UGB
 - Basemap

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.



0 100 Feet
1: 1,200

AN 16-01

Map created 5/16/2016

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





NOTICE OF ANNEXATION APPLICATION (SECOND NOTICE)

First Notice Mailed to all Owners within 300 feet of the Subject Property on: May 16, 2016

Second Notice provided pursuant to OCMC 17.50.090(C) to affected governmental entities, special districts, providers of urban services, including Tri-Met, Oregon Department of Transportation and Metro, and any affected recognized neighborhood associations.

COMMENT DEADLINE:	On Monday, July 11, 2016, the Planning Commission will conduct a public hearing at 7:00 pm in the Commission Chambers at City Hall, 625 Center Street, Oregon City, Oregon 97045, and; On Wednesday, July 20, 2016, the City Commission will conduct a public hearing at 7:00 pm in the Commission Chambers at City Hall, 625 Center Street, Oregon City, Oregon 97045 on the following annexation application. Any interested party may testify at either or both of the public hearings or submit written testimony at the Planning Commission or City Commission hearings prior to the close of the hearing.
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APPLICANT/ OWNER:	Ron and Anastasia Wilson 19358 S. Columbine Ct, Oregon City, OR 97045
REPRESENTATIVE:	Same as Owner
REQUEST:	Annexation of approximately 0.46 acres into the City of Oregon City. The site is within the Oregon City Urban Growth Boundary and has a Comprehensive Plan designation of LR – Low Density Residential.
LOCATION:	19358 S. Columbine Ct, Oregon City, OR 97045 Clackamas County APN 3-1E-12AC-03700
STAFF CONTACT:	Pete Walter, AICP, Associate Planner, (503) 496-1568. Email: pwalter@orccity.org
NEIGHBORHOOD ASSOCIATION:	Hazel Grove / Westling Farms (South End) N.A.
CRITERIA:	Metro Code 3.09, Oregon City Municipal Code Title 14 and Subsection 17.68.025, the Land Use Chapter of the Clackamas County Comprehensive Plan, the City/County Urban Growth Boundary Management Agreement and Sections 11 and 14 of the Oregon City Comprehensive Plan.

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NOTICE OF ANNEXATION APPLICATION (SECOND NOTICE)

First Notice Mailed to all Owners within 300 feet of the Subject Property on: May 16, 2016

Second Notice Mailed to all Owners within 300 feet of the Subject Property on: June 6, 2016

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WEBPAGE:	http://www.orcity.org/planning/project/16-0001
LOCATION:	19358 S. Columbine Ct, Oregon City, OR 97045 Clackamas County APN 3-1E-12AC-03700
STAFF CONTACT:	Pete Walter, AICP, Associate Planner, (503) 496-1568. Email: pwalter@orcify.org
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From: Pete Walter
To: [Aleta Froman-Goodrich](#); ["baldwinb@tri-met.org"](#); ["Betty Johnson"](#); ["Bob George"](#); ["Boll, Heather"](#); ["Boumann, Mike"](#); ["BRUMLEY Seth A"](#); ["Central Point/Leland Road CPO"](#); ["Central Point/Leland Road CPO 2"](#); [Chris Wadsworth](#); ["Dawn Hickson"](#); ["ddehart@onemain.com"](#); [Denise Conrad](#); [Eric Underwood](#); ["Gail Curtis \(region1devrevapplications@odot.state.or.us\)"](#); ["Ginger Redlinger@orecity.k12.or.us"](#); ["Grant O'Connell \(o'connelg@trimet.org\)"](#); ["Hamlet of Beavercreek"](#); ["Holcomb Outlook CPO"](#); ["intstats@sbcglobal.net"](#); [James Band](#); ["Jeffrey Raker"](#); ["Jennifer Stephen \(jennifer.stephens@pgn.com\)"](#); ["Jerry.herrmann@birdlink.net"](#); [Jim Williams](#); ["John Collins \(johnc@sfbw.org\)"](#); [John Knapp](#); [John M. Lewis](#); ["John Replinger \(replinger-associates@comcast.net\)"](#); ["Katie Durfee \(kdurfee@orecity.org\)"](#); ["Kent, Ken"](#); [Martin Montalvo](#); [Matthew Palmer](#); ["Mike Boumann"](#); [Mike Roberts](#); ["Mike.Livingston@pgn.com"](#); ["Neighborhood Association Chairs"](#); ["ODOT Development Review \(region1devrevapplications@odot.state.or.us\)"](#); ["richard.e.craven@gmail.com"](#); ["salmoclarki@stinkingdesert.com"](#); [Scott Archer](#); ["TAYAR Abraham * Avi"](#); ["Tim Finlay \(timfin@co.clackamas.or.us\)"](#); ["Ugo DiLullo \(ugodil@co.clackamas.or.us\)"](#); [Wendy Marshall](#); ["Wes Rogers, OC School District"](#); ["BROOKING Joshua C"](#)
Subject: Notice of Annexation Public Hearing - AN 16-01
Date: Friday, June 03, 2016 10:37:00 AM
Attachments: [image001.png](#)
[AN 16-01 Second Public Notice.pdf](#)
[Vicinity Map.pdf](#)

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STAFF CONTACT:	Pete Walter, AICP, Associate Planner, (503) 496-1568. Email: pwalter@orecity.org
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Pete Walter, AICP, Planner

pwalter@orcity.org

Community Development Department

Planning Division

221 Molalla Avenue, Ste. 200

Oregon City, Oregon 97045

503-496-1568 Direct

503-722-3789 Front Desk

503-722-3880 Fax

Website: www.orcity.org

New Hours(Sept 2): 8:30 AM – 3:30 PM, M-F



Need Zoning and other Tax Lot Information? - [Generate a Property Report](#)

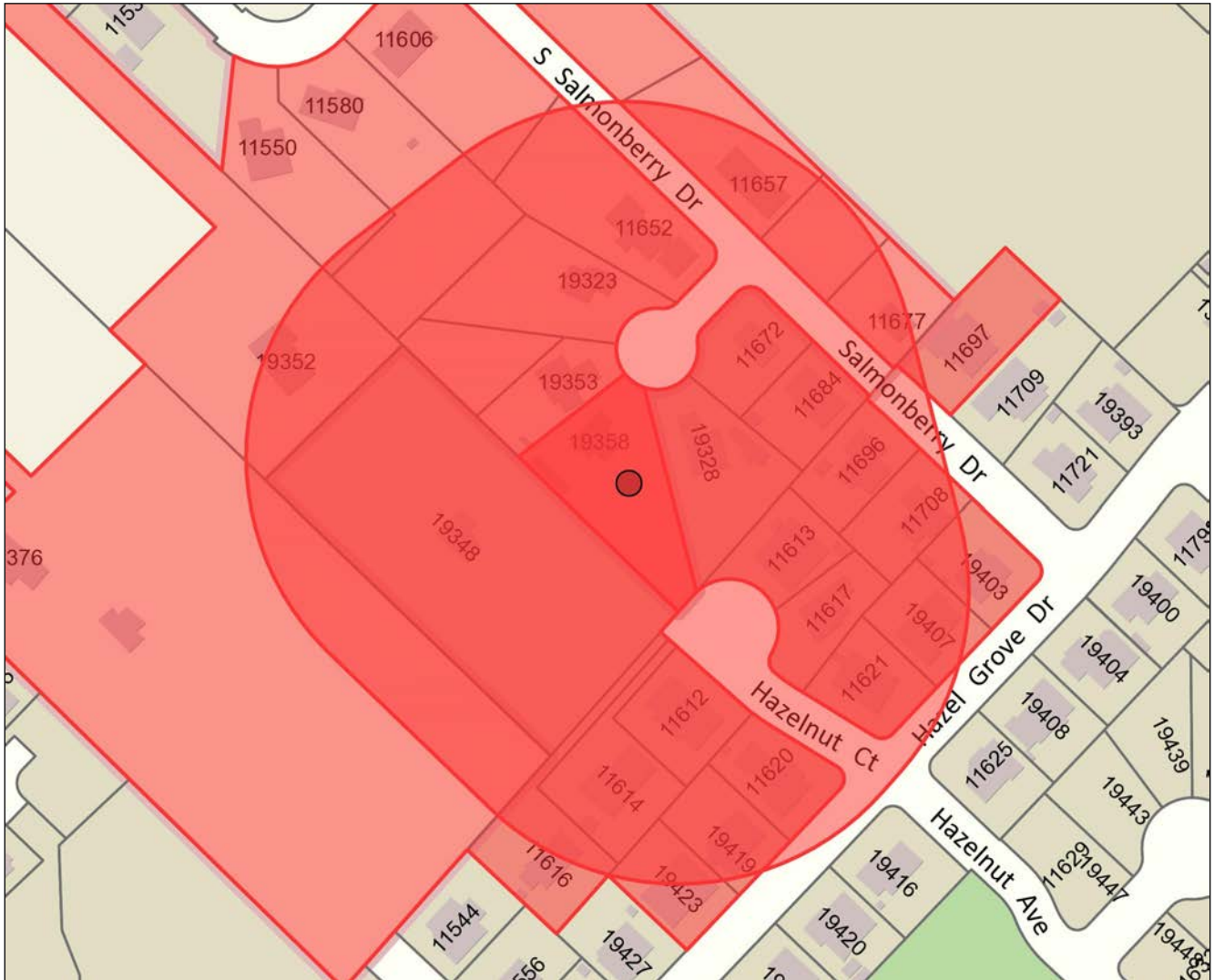
Online Mapping is available at [OCWebMaps](#)



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Use graphic or underlying taxlot(s)?	Underlying taxlot(s)
Buffer?	Yes
Buffer Distance:	300 Foot
Label type:	Taxpayers
Sort order:	By Name
Output format:	Pdf
# Taxlots used to create labels:	32
# Labels generated:	31

ALAN W & JANET E BARKER
19352 S SOUTH END RD
OREGON CITY, OR 97045

JAY M CONLEY
11606 S SALMONBERRY DR
OREGON CITY, OR 97045

MIKE MOLL
20139 S SOUTH END RD
OREGON CITY, OR 97045

ANGELA M & DAVID T BUTSCH
11550 S SALMONBERRY DR
OREGON CITY, OR 97045

JEFFERSON & CYNTHIA GILLESPIE
11619 S SALMONBERRY DR
OREGON CITY, OR 97045

PATRICIA A COADY
11652 S SALMONBERRY DR
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BLACKWELL MICHAEL S CO-TRUSTEE
11620 HAZELNUT CT
OREGON CITY, OR 97045

JOHN JR & KELLY BELL
11708 SALMONBERRY DR
OREGON CITY, OR 97045

PAUL A & JOANN L ROTH
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OREGON CITY, OR 97045

CRANDALL ELOISE H TRUSTEE
19407 HAZEL GROVE DR
OREGON CITY, OR 97045

JOSEPH SPRANDO
11621 HAZELNUT CT
OREGON CITY, OR 97045

RICHARD L & JEANNE M MYHRE
19323 S COLUMBINE CT
OREGON CITY, OR 97045

DANIEL D BLESS
11616 HAZELNUT CT
OREGON CITY, OR 97045

KAREN E MCKINNEY
19376 S SOUTH END RD
OREGON CITY, OR 97045

RICHARD MYHRE
19323 S COLUMBINE CT
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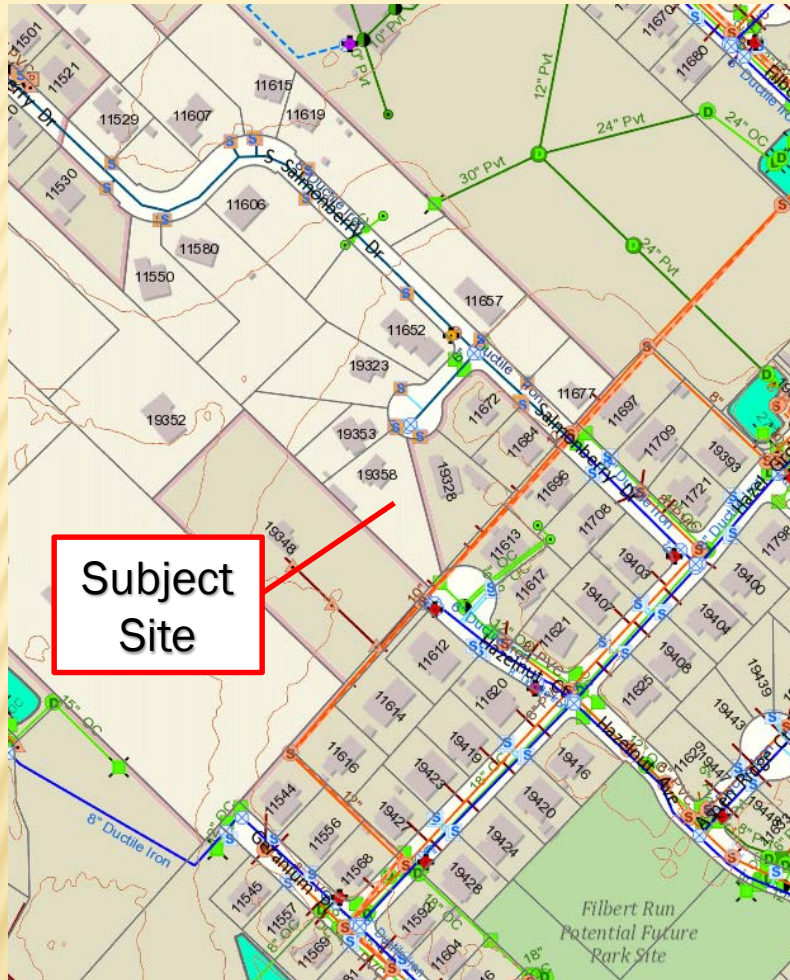
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TERESA E WICKLUND
11672 SALMONBERRY DR
OREGON CITY, OR 97045

THOMAS C MILLER
PO BOX 33770
PORTLAND, OR 97292



AN 16-01: ANNEXATION OF 0.5 ACRES 19358 S COLUMBINE CT

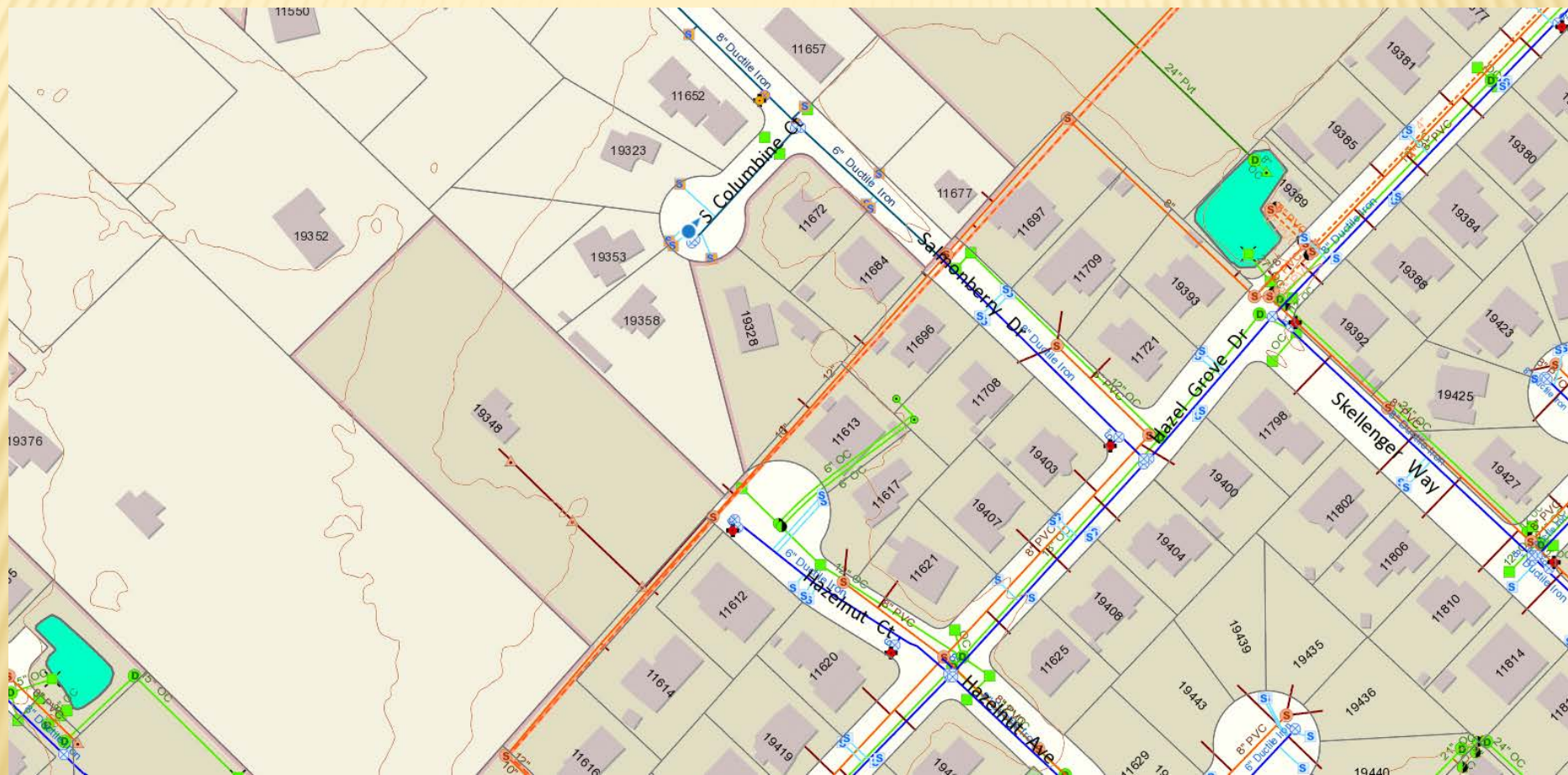
February 5th, 2014 - City Commission

PLANNING FILE: AN 13-01

FACTS:

1. Owner: Ron Wilson
 2. Location: 19538 S. Columbine Ct
 3. One (1) tax lot of approximately 0.5 acres.
 4. The property is contiguous to the city and does not create any county islands.
 5. One existing house.
 6. Sewer hookup to city line at rear of property
 7. Water and Storm sewer available in Columbine Court or Hazelnut Court
 8. Comprehensive Plan Designation = Low Density Residential
 9. Current Clackamas County zoning = FU-10, which will remain.
 10. If the annexation is approved by the voters, the property owner may request rezoning to the City's R-10 Single Family Residential designation within 60 days.
 11. Property has been within the UGB since 1979.
 12. Property will remain serviced by CRW water service under IGA.
-

LOGIC FACILITIES WARE





PLANNING FILE: AN 13-01

OREGON CITY MUNICIPAL CODE APPROVAL CRITERIA

- A. When reviewing a proposed annexation, the commission shall consider the following factors, as relevant:
 - 1. Adequacy of access to the site;
 - 2. Conformity of the proposal with the city's comprehensive plan;
 - 3. Adequacy and availability of public facilities and services to service potential development;
 - 4. Compliance with applicable sections of ORS Ch. 222, and Metro Code Section 3.09;
 - 5. Natural hazards identified by the city, such as wetlands, floodplains and steep slopes;
 - 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;
 - 7. Lack of any significant adverse effects on the economic, social and physical environment of the community by the overall impact of the annexation.
- (Ord. 99-1030 §6, 1999)



PLANNING FILE: AN 13-01

OREGON CITY MUNICIPAL CODE APPROVAL CRITERIA

- The annexation has been reviewed against the applicable factors
OCMC 14.04.060 Annexation factors
- Staff analyzed the application and believes that the application represents a positive balance of factors.
- Staff recommends that the Planning Commission forward a recommendation for approval of AN 16-01 to the City Commission.



City of Oregon City

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

Staff Report

File Number: 16-417

Agenda Date: 7/11/2016

Status: Agenda Ready

To: Planning Commission

Agenda #: 4a.

From: Pete Walter

File Type: Minutes

Approval of Planning Commission minutes for 11/30/2015, 12/14/2015, 01/11/2016, and 02/22/2016.

RECOMMENDED ACTION (Motion):

Review and approve the minutes.

BACKGROUND:

See attached.



City of Oregon City

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

Meeting Minutes - Draft

Planning Commission

Monday, February 22, 2016

7:00 PM

Commission Chambers

1. Call to Order

Chair Kidwell called the meeting to order at 7:00 p.m.

Present: 6 - Charles Kidwell, Tom Geil, Zachary Henkin, Paul Espe, Denyse McGriff and Damon Mabee

Absent: 1 - Robert Mahoney

Staffers: 3 - Pete Walter, Tony Konkol and Laura Terway

2. Presentations

2a. [16-084](#)

Metro Associate Regional Planner Jeffrey Raker

Jeffrey Raker, Metro Associate Regional Planner, gave a presentation on the organization of the Metro Regional Government. He explained that Metro was the only elected government in the United States at the regional scale and is primarily known for its growth management and its transportation planning investment. Metro serves as the metropolitan planning instrument for the region, primarily distributing Federal transportation dollars to the 25 cities in three counties and supporting regional planning efforts. Metro is a seven member Council from six districts and one that is region-wide for the Council president. Mr. Raker stated part of his role was to be a liaison with jurisdictions. He stated that Metro

- 1. Manages the Urban Growth Boundary;*
- 2. Manages solid waste and recycling; and*
- 3. Operates the zoo, convention center, expo center, performing arts center, transfer stations for hazardous waste drop-off.*

Mr. Raker explained that the 20/40 growth concept adopted 20 years ago included 37 centers for concentration of growth and 300 miles of prioritized corridors for development, including the urban and rural reserves. Mixed housing and employment were Metro's focus served by the mixed modal transportation system, with an emphasis on providing civic activities and public services to the population. Metro protects industry by providing freight mobility efforts and designating certain industrial lands for protection. Metro supported green infrastructure and parks systems. He stated that there had been three bond elections over the past two decades. Mr. Raker commented that in addition to being a liaison to local jurisdictions, he supported development and land use review functions to see how a city complied with the framework and functional plans. He stated he was excited to become involved with supporting the City in its efforts with the Willamette Falls project.

2b. [16-096](#)

Presentation by Luke Norman - CCC Transportation System Coordinator

Luke Norman, Clackamas Community College Transportation System Coordinator, stated his campus role was to reduce transportation barriers for students and to increase connections to the campus. His presentation included a description of the campus transit center. He noted that 10% of the students use transit to access the campus. He stated the current transit facilities were inadequate and do not allow for enhanced transit service in the future. He introduced CCC's proposed transit center and the shared-use path connection to Oregon City High School. The new center would double the bus capacity, remove the potential of conflicts with personal autos, and provide short and long-term bike parking with bike lockers. Benefits are proposed to be:

1. 25-year additional capacity plan;
2. Increase student access to career technical education;
3. Last-mile connection to Oregon City High School and Beavercreek Road sites; and
4. Improve rural resident access to jobs and social services.

Mr. Norman stated the proposed transit center was dependent on successful award of the ConnectOregon grant. If granted, construction would begin in 2017.

Bob Cochran, Dean of Campus Services, stated that the new access point that connects Meyers Road to the campus would be the third entrance onto the campus. As busses entered from Hwy. 213, they would cross Douglas Loop and proceed through to Meyers Road. Douglas Loop would not be used as an egress. Mr. Cochran added that the Industrial Technical Center and a master plan amendment would be moving forward simultaneously through the planning process.

2c. [16-097](#)

Presentation by Vanessa Vissar - TriMet.

Vanessa Vissar, with TriMet's Planning and Policy Department, distributed a draft 20-year vision document and planning map for future bus service in Oregon City and Clackamas County and explained how it would support the Beavercreek Road Concept Plan. She described the planning and data-collection process that TriMet used to develop the draft vision. A final vision was anticipated by Spring 2016. She stated the public process produced the following goals:

1. Better connections between communities and job/education centers;
2. More local service and connections for neighborhoods; and
3. More service on existing lines.

She highlighted the proposed changes in Oregon City:

1. Line 152, re-routing the line for better connections to Milwaukie;
2. Line 32, connections to the Orange Line to downtown Portland;
3. Line 79, more frequent service and added connections in Oregon City to the Clackamas industrial area; and
4. Provision of a new service called Community and Job Service Shuttles at two specific locations.

She explained the process TriMet utilizes to make annual bus line changes, including budget and fleet requirements.

The Commissioners asked questions related to local service and challenged TriMet with the City's need for intermediate bridging. Ms. Vissar agreed to respond to their question on the positive benefits of the opening of the Orange Line.

3. General Business

3a. [PC 16-033](#)**L 15-01: Beavercreek Road Concept Plan approval.**

Pete Walter, Planner, stated the Planning Commission approved the readoption of the Beavercreek Road Concept Plan on January 25, 2016 and asked that staff bring back a memorandum for the Commission to review that summarized their concerns. The memo would be presented to the City Commission. The memo was drafted to include the following issues:

- 1. Transportation issues, emphasizing haste in adopting the alternative mobility targets;*
- 2. Increase in TriMet service to the City and the concept plan area; and*
- 3. Holly Lane extension and connections, acknowledging the challenges.*

Commissioner McGriff felt the City should not be adding traffic to Holly Lane, and her concern should be acknowledged in the memo.

Chair Kidwell stated the Holly Lane concerns would not be resolved easily, and he felt the memo looked good to him. Aside from the Holly Lane concerns, there was consensus that the memo was ready for the City Commission's review. Commissioners Kidwell and McGriff agreed to present the memo to the City Commission at its meeting on March 2, 2016.

Mr. Walter commented that staff agreed with the edits to the Goal 5 section of the memo that would move forward to the City Commission, as edited by the Planning Commission and with additional input by Commissioner McGriff. The section would be organized into the subcategories for Goal 5 natural resources, historic resources, and open space.

Motion by Damon Mabee, second by Zachary Henkin, to approve the memorandum as presented.

Aye: 6 - Charles Kidwell, Tom Geil, Zachary Henkin, Paul Espe, Denyse McGriff and Damon Mabee

4. Adoption of the Minutes**4a. [16-099](#)****Adoption of Planning Commission Minutes for June 22 and August 10, 2015**

Commissioner McGriff provided the correct name of the speaker for item 3 on the August 10, 2015 draft minutes.

Motion by Tom Geil, second by Paul Espe, to approve the minutes of the June 22, 2015 and August 10, 2015 meetings, as corrected.

Aye: 6 - Charles Kidwell, Tom Geil, Zachary Henkin, Paul Espe, Denyse McGriff and Damon Mabee

5. Communications**[16-082](#)**

Laura Terway, Planning Manager, announced the hiring of a part-time planner, John Stutesman, who began working today, and a new full-time planner, Diliانا Vassileva. She announced the upcoming Planning Commission schedule, including a joint work session with the Transportation Advisory Committee on April 11, 2016 with a Transportation 101 educational opportunity. She announced that communications

would begin soon on the upcoming marijuana discussions.

Tony Konkol, City Manager, reported that the kick-off for the Riverwalk would be held soon, and that the design team was in town last week. The partners group approved a draft IGA for governance of the project, setting up the decision-making authority for budgeting and specific resources to be provided by each agency involved. He assigned two Planning staff members, Christina Robertson-Gardiner and Kelly Reid, as .9 FTE dedicated planners for the Riverwalk project. The Metro development grant would provide funding for an additional planner to back-fill the loss of the planning staff for normal planning responsibilities, and other funds were identified to provide for the .5 FTE planner. He announced the Riverwalk event to be held on March 30, 2016, 4:00-8:00 p.m.

Commissioner McGriff felt there should be more state agency coordination with the school district so discussions could happen to encourage reinvestment into the schools within the City rather than building new schools on the outskirts of the city.

Ms. Terway referred to the statistics in the Commission's packet of the planning applications the past year. She anticipated staying busy the next year, and there were potentially some larger projects anticipated.

6. Adjournment

Chair Kidwell adjourned the meeting at 8:27 p.m.



City of Oregon City

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

Meeting Minutes - Draft

Planning Commission

Monday, January 11, 2016

7:00 PM

Commission Chambers

1. Call to Order

Chair Kidwell called the meeting to order at 7:05 p.m.

Present: 6 - Charles Kidwell, Tom Geil, Robert Mahoney, Zachary Henkin, Paul Espe and Denyse McGriff

Absent: 1 - Damon Mabee

Staffers: 3 - Tony Konkol, Pete Walter and Laura Terway

2. Public Comments

Betty Mumm, Oregon City, requested that Commissioners speak directly into the microphones so their comments will be clearly recorded. She suggested that the rules for public comments be consistently applied to all speakers and the length of speaking time enforced equally. Chair Kidwell explained the rules for public comment and noted that the Commission makes every effort to enforce them. He noted that the Commission had the authority to extend a speaker's time allowed as needed.

3. Public Hearing

3a. [PC 15-251](#)

Re-adoption of the Beavercreek Road Concept Plan (Planning File LE 15-03)

Chair Kidwell called for the staff report for Planning file LE 15-03.

Pete Walter, Planner, presented the staff report for the third public hearing on the Beavercreek Road Concept Plan. He recapped the issues presented at the November 23, 2015 public hearing. He stated that revised findings and a new staff report had been prepared. An issues matrix had been prepared in response to the public comments received on November 23, 2015. He stated that new exhibits had been received following the November 23rd meeting and they include the following:

- 1. Revised findings and staff report*
- 2. Issues matrix*
- 3. Letter from John Collins, South Fork Water Board*
- 4. E-mail communications from Clackamas County staff, Karen Buhrig on transportation concerns, and Linda Preisz on historical resources.*
- 5. Various public comments from Paul Edgar, Christina Kosinski, and the Hamlet of Beavercreek.*
- 6. Letter from James Nicita*

Mr. Walter gave a PowerPoint presentation describing the outstanding issues raised during the public hearing process including the issues and the City's response and recommendations. The issues addressed on the matrix include the following topics:

- 1. Job creation*

2. Citizen involvement
3. Need for additional industrial land
4. Hwy. 213 / Beavercreek congestion
5. Goal 6 OARs regarding air and water quality
6. Landslide and slope risk
7. Water supply, pressure, jurisdiction
8. Reservoirs
9. Sewer system capacity and connections

Mr. Walter discussed implementation and how to move forward offering the following comments:

1. Alternative mobility targets for ODOT intersections need to be addressed prior to any rezoning.
2. Comprehensive Plan designations are needed to implement the concept plan.
3. Zoning code amendments are needed to implement the concept plan.
4. These will be achieved through a separate public legislative process
5. Annexations and zoning of property will be owner initiated when conditions are suitable.

Mr. Walter stated the issues matrix, revised findings, and additional testimony showed that all concerns had been addressed and that additional steps and implementation items need to be taken. The Plan adoption is the first step. He asked that the Planning Commission find that File LE 15-03, the re-adoption of the Beavercreek Road Concept Plan and appendices meets the requirements of the statewide land use goals, Metro Title XI, Metro Title IV as well as the applicable concept plan criteria. Staff requests the Planning Commission forward the file to the City Commission with a recommendation for approval with the implementation steps outlined by staff as discussed in the Plan.

Tony Konkol, Community Development Director, referred to the letter from James Nicita on cottage manufacturing in the west and east mixed-use neighborhoods of the concept plan (the yellow areas on the concept plan map). He discussed the limitations for home occupation in those areas and explained that staff proposed to address this concern in the implementation of the zoning. He stated Mr. Nicita's letter indicated that the Commission provided a directive to staff at the July 20, 2011 meeting to add cottage manufacturing to the east and west mixed-use neighborhoods. He reviewed the video of the July 20, 2011 meeting discussing cottage manufacturing, and he said the City Commission motion was to reconsider the yellow areas for greater cottage manufacturing. He stated there was question whether cottage manufacturing should be allowed in those residential zones and asked the Commission whether they wished to reconsider adding cottage manufacturing to the Code. Chair Kidwell recommended that public testimony be received before the Commission makes a decision.

Commissioner Geil asked Assistant City Attorney, Carrie Richter, to clarify what information the Commission would be considering this evening. Ms. Richter replied that staff's responsibility was to respond to all the evidence and comments received thus far. She clarified that the issues were largely the Title IV land use issue and infrastructure. She added that the City was in a remand position where the City Commission's instruction to the Planning Commission was to revisit the Title IV lands issue and note the revised utility master plans.

Commissioner Espe asked if there had been response from TriMet on the issues, and Mr. Walter replied that the City had not received a response from TriMet.

Chair Kidwell opened the public hearing and explained the speaking rules.

Christine Kosinski, unincorporated Clackamas County, stated that the City had no plan to move traffic from the hilltop to the transportation corridor. She stated that traffic would be routed to a roundabout at Maplelane Road and Holly Lane, and residents of Holly Lane have repeatedly requested that Holly Lane be removed from the Transportation System Plan due to the heavy traffic being routed there and the potential for landslides along Holly Lane. Residents of Holly Lane cannot obtain landslide insurance to protect their property from landslides in that area. She stated that because of the lack of a transportation plan for the area, the City cannot meet State Goal #12 and #7, and asked that the Planning Commission deny the approval of the Plan. She asked that Holly Lane be removed from the Transportation System Plan.

Jon Makler, ODOT, Portland, Oregon, addressed the transportation issues concerning the Plan. He understood the public's concerns and affirmed the letter he submitted that expressed ODOT's lack of objection to the staff findings. He agreed the sequence of events appeared confusing, which were approving the Plan and then addressing the transportation and other issues after the approval. He stated ODOT is comfortable with the approach staff proposed.

Commissioner Mahoney responded to Mr. Makler that the City must comply with the regulations of many agencies, and he was glad that ODOT understood those challenges and the public's concerns. Mr. Makler stated the City would have the staffing of other collaborating agencies to work through transportation concerns and other issues of concern to the public. He acknowledged the requirement to meet the statewide goals during the process, and that ODOT communicates with Metro during its transportation analysis in employment zones. He offered to help bring TriMet to the table.

Paul Edgar, Oregon City, distributed a document related to Statewide Goal #6. He believed that the City must approve a transportation plan before the concept plan was adopted.

James Nicita, Oregon City, questioned whether Betty Mumm's intent at the beginning of the meeting was an attempt to intimidate the Commission, and if so, he hoped the Commission would reject that attempt. He referred to the City Commission's directive to staff at the July 20, 2011 City Commission meeting and stated there had been time to consider whether there was a demand for cottage housing and how it would relate to whether it was appropriate for neighborhood density. He noted that directive was not mentioned in this proceeding and to his knowledge it had not been discussed since that directive. He would like to see an amendment to the plan adding the words "cottage manufacturing" into the types of uses that were authorized in those zones. During the zoning and comprehensive plan development process, the zoning specifications could be considered in the zoning and comprehensive planning process.

Elizabeth Graser-Lindsey, Beavercreek, Oregon, noted the transportation studies done ten years ago were out of date. She felt a new transportation study should be done to learn what the issues are due to extensive development approved in the Beavercreek Road/Hwy. 213 corridors. She recommended the City purchase land in the Thayer Road/Holly Lane area to build an adequate junction. She stated that no funding was available to address the road concerns on Holly Lane.

Commissioner McGriff asked to invite Jon Makler from ODOT to the speaker table to address her questions, and Mr. Makler came forward. Commissioner McGriff stated that transportation was a major issue. She did not understand how the transportation

issues would be resolved and asked how to get those issues addressed sooner rather than later. Mr. Makler responded that the path the City was on was the right one. He explained that the sequence of actions the City would take if the Concept Plan was approved included a refinement plan to determine several months down the road how much could be squeezed out of the supplementary actions at the intersection. The plan would adopt the Alternative Mobility Standards, and this would clear the way for the City to adopt the zoning and the comp plan designations which represent the implementation of the plan. The logical sequence was to first approve the Concept Plan, then the transportation refinement plan, and then the implementation actions. He does not characterize the sequence as kicking the transportation issue down the road. The refinement plan would provide opportunity to explore other traffic options that ODOT could consider at the intersection. He stated these are prudent steps that include satisfying the industrial lands requirement, make the change in the Concept Plan, and resolve the key issue with Metro.

Commissioner McGriff stated the City would not be immune to pressures in the concept plan area and other areas affected by the intersection. She wanted to see an increase in employment in the plan area, but she felt that businesses might consider other location options due to the traffic problems.

Mr. Konkol stated that, being a regional center, the City had concerns about the intersection whether or not the Concept Plan was in place. He added that 50% of the trips do not start or stop in Oregon City. He asked to what extent does the City continue to raise System Development Charges in Oregon City to pay for improvements that are on a state facility that serves a larger region. He added that efficiency and safety were top priorities.

Chair Kidwell closed the public hearing.

Motion by Commissioner Tom Geil, second by Commissioner Denyse McGriff, to continue the hearing to the next available date.

Aye: 6 - Charles Kidwell, Tom Geil, Robert Mahoney, Zachary Henkin, Paul Espe and Denyse McGriff

Laura Terway, Planner, stated the next available date is January 25, 2016, and the Commission agreed to this date. The Commission agreed that the record was closed, and the Commission was continuing the hearing for further discussion and decision.

The meeting was recessed at 8:40 p.m. and reconvened at 8:50 p.m.

Chair Kidwell confirmed that the record was closed and no further testimony would be received on the Beavercreek Road Concept Plan hearing at the Planning Commission level. Carrie Richter, Assistant City Attorney, clarified that testimony would be received when the item is reviewed at the City Commission.

3b. [PC 15-247](#)

ZC 15-04: Zone Change, PZ 15-02: Amendment to the Comprehensive Plan and CP 15-02: Master Plan Amendment

Chair Kidwell read the standard hearing procedures for a quasi-judicial hearing for agenda item 3b. He asked if Commission members had any ex parte contacts, conflicts of interest, statements to declare, and he asked if Commissioners had visited the site. Commissioner McGriff stated she had been in the area of the hospital and that she attended a neighborhood meeting where a representative from Willamette Falls Hospital was present for an agenda item, but she left the room for that discussion. No other Commissioners had any statements to declare or ex parte contacts. The audience did not have any comments on these declarations.

Laura Terway, Planner, presented the staff report which included a PowerPoint presentation. She stated a master plan for the hospital had been approved in 2012, including a 3-phase implementation. She gave a brief description of the goals of the three phases. She stated the applicant desired to amend the master plan, and she described the changes in detail. She stated the applicant desired to amend the phase plan, eliminating Phase 3. The two buildings in phase three would be reduced to a single building with an overall smaller square footage. The end date would remain 2021 for all phases. She indicated a zone change was required from R6 to MUE, Mixed Use Employment District, which also required an amendment to the City's Comprehensive Plan from LR, Low Density Residential, to MUE. She reported that the staff report from previous meetings on this application had been amended to show compliance with state goals, and that a noticing error had been remedied. She recommended approval with conditions and entered the PowerPoint presentation into the record.

Commissioner Mahoney asked that if when the residential use were eliminated, was that made up elsewhere in the Comprehensive Plan. Ms. Terway referred to the Findings that discussed the reduction of the half acre, and steps had been taken to allow for many opportunities for housing and housing types and affordable housing throughout the City. She described other actions taken by the City to provide for residential use.

Commissioner McGriff asked how all the actions for additional residential use apply to the neighborhood being discussed, since the application creates a loss of housing stock in that neighborhood. Ms. Terway replied that new homes have been built in the neighborhood and there are mixed use zoning designations including multi-family residential as a permitted use nearby. Ms. Richter stated there was no criteria requiring the City to consider neighborhood specificity.

Commissioner Espe asked for the building height for MUE, and Ms. Terway replied it could be very high. However, she stated the applicant proposed limitations such as, 1) property in pink on the map is a parking lot, eliminating a tall building in that space; 2) the new medical office building in the neighborhood would be only two stories.

Chair Kidwell invited the applicant to speak. Present were Stefanie Slyman of Harper Houf Peterson Righellis Inc., the land use planner representing Willamette Falls Hospital; Russ Reinhard, CEO of Providence Willamette Falls Hospital, who would discuss the need for the request; Josh Kolberg of PKA Architects who would discuss the site analysis for the proposed medical office building (MOB) and parking; and Sherri Paris, the hospital's Chief Operating Officer who would conclude the presentation discussing the community benefits of the proposal.

Mr. Reinhard stated the current two buildings were 100% full, and the hospital was growing, especially requiring access to primary care. He explained some of the proposed changes to reduce the crowded facilities and to bring in new services to Oregon City.

Mr. Kolberg presented a PowerPoint summarizing the scale of development. The request was for a reduction in the total number of office square feet from 50,000 sf to 35,000 sf and a reduction in the number of required off-street parking from 100-200 to 70-140 spaces. He explained that one building that would co-locate as many services as necessary would best fit on the west site. History had shown the importance of a parking lot adjacent to the medical office building.

Commissioner Mahoney asked what consideration had been given for safety in the off-street parking lot. Mr. Kolberg stated the MOB would include a patient drop-off

point, and that safety in the parking lot was being considered in the lot's design. Commissioner McGriff asked where the employees would park and if the medical staff would be commuting to various medical facilities throughout the metro area or if they were full time at the Oregon City facility. Mr. Reinhard replied that the staff would be full time at the Oregon City facility since the facility is being built for primary care offices. He added that employee parking will be at the back of the lot.

Ms. Paris described the impact and services the hospital had provided to the community over the past 60 years. She stated that employees are asked not to park on the street within three blocks of the campus, and hospital security monitors this rule. Employees are offered free TriMet passes. She stated that as the City and the region has grown, the hospital was proposing the expansion to accommodate the need.

Commissioner Geil asked how far into the future the growth would accommodate. Mr. Reinhard replied the master plan included growth up to 2021 and should serve the community adequately up to that point in time.

Commissioner McGriff asked why a parking structure was not included in the plan. Ms. Paris stated it was not in the plan at this time. Mr. Reinhard added that the cost of the structure and its maintenance was high and budget constraints and stewardship did not allow for a structure.

Chair Kidwell opened the public hearing.

Amber Holveck was present representing the Oregon City Chamber of Commerce and spoke in support of the master plan expansion request and the land use zoning change. She noted the growing community would benefit from the added services. She stated a strong medical facility for the growing community was a critical need. Businesses that bring living wage jobs want good schools, parks, infrastructure, and medical care. She stated the Oregon City Chamber of Commerce urged the Planning Commission to support the zone change and master plan amendment as proposed.

Francesca Anton, Oregon City, secretary of McLoughlin Neighborhood Association, was present on the neighborhood's behalf. She read a letter from the neighborhood and presented it for the record. The association felt that the entire neighborhood integrity would be compromised by Providence's further expansion across Division St. They were sincerely frustrated and without malice with their inability to control their own ability to provide community safety and livability where they live. The association felt that Providence's decision to build across Division St. rather than use its existing property for financial reasons should be carefully considered by the Planning Commission. The association was concerned that it was being asked to accommodate yet another public building in the neighborhood that reduced the amount of residential dwellings. They believed the neighborhood should not have to compromise its residential dwellings for a medical facility desiring to keep its costs down and yet make a profit. The Comprehensive Plan required affordable housing, but the expansion would cause the loss of six affordable housing units. Why was our small neighborhood being asked to shoulder the burden of a growing rural population outside the City?

Tiffany Gillespie, Oregon City, was a homeowner in the McLoughlin Neighborhood near the hospital. She felt the hospital was conducting its expansion proposal in a responsible and thoughtful manner. She reviewed the staff report and Findings that indicated a negligible impact on traffic and housing with the changes. She and her husband are satisfied with the evidence and wanted to voice their support for the change.

Karin Morey, Oregon City, resident of the Rivercrest Neighborhood, was a former volunteer of the hospital. She pointed out that the hospital was previously a part of the Buena Vista Neighborhood Association which, due to lack of neighborhood interest, was merged into McLoughlin NA. She believed there was additional room to develop in the area where the hospital wished to expand. She noted the homes in that area were very small and sitting on very large lots. She believed the neighborhood needed the jobs, the accessibility of the hospital services, and the hospital has done an excellent job in creating a minimum impact on the neighborhood.

Jay Pierce, resident of the McLoughlin Historic Neighborhood, took exception to the notion that there is a reference in the Comprehensive Plan to preserving the residential character of a historic neighborhood as the basis for the objection presented by the neighborhood association this evening since there are many examples of commercial uses. He supported the proposed change on the edge of the association on the applicant's own property. He stated new housing was underway in the historic neighborhood and did not think it was a valid comparison. He felt the master plan amendments and new zoning application should be granted.

Michael McCully, resident of Trillium Park Estates located behind the hospital in the landslide area, expressed his traffic concerns at 15th and Division and at the Division and Anchor Way hairpin turn. He asked when these traffic issues would be addressed. He also asked if the second medical office building identified on the drawings as deleted would be removed from the zoning.

Betty Mumm, Oregon City, a former employee of Willamette Falls Hospital, encouraged approval of the application and reminded the Commission that the hospital served the rural areas such as Molalla, Canby, and Estacada.

Dorothy Dahlsrud, Oregon City, expressed her concern for water run-off from surface parking lots. She asked if the residents in the rezoned area would incur an additional tax burden.

Stefanie Slyman of Harper Houf Peterson Righellis Inc., the land use planner representing Willamette Falls Hospital, and Russ Reinhard, CEO of Providence Willamette Falls Hospital, returned for rebuttal and to answer questions. Regarding the lack of citizen involvement, she noted that Statewide Goal #1 did not apply to private developers, but Providence held three neighborhood meetings, presented to the Citizen Involvement Council, and held an open house for the neighborhood. They believed they went above and beyond to communicate with the neighborhood. Concerning structured parking, she pointed out that for the zone, the minimum FAR is 0.25 and Providence was exceeding that standard, a rate of 0.5. Regarding expansion of the hospital into the neighborhood, she pointed out that the west side of Division was already predominately mixed use employment. The homes currently in the area were non-conforming uses and could not be built there today. The 4 homes owned by Providence are considered MUE and are not considered part of the City's residential inventory. As Providence moved forward with development, all development plans would be reviewed by the City, a new traffic study would be submitted, and the issue of stormwater run-off into Trillium would be addressed. The Master Plan was through the year 2021, it removed the second MOB, and any future changes after 2021 would need a new master plan and approval by the City. Mr. Reinhard shared the traffic concerns at Division and Anchor Way and 15th and Division. He stated they planned to add sidewalks along 15th and Division, but road changes were costly and will need to be addressed at that time. He wanted to be a good neighbor.

Chair Kidwell closed the public hearing.

Commissioner Geil asked staff whose responsibility it was for improvements at the intersection of Division and Anchor Way. Ms. Terway said it depends on the size of the development, but the traffic study done at that time would provide direction.

Commissioner McGriff stated for the record that for Statewide Goal #1, Renee King went out of her way to schedule meetings with the McLoughlin Neighborhood Association.

Commissioner Mahoney stated he would support the project, and the hospital had made a reasonable request. The Findings, the testimony, and the collective wisdom of the Planning Commission would bear this out.

Commissioner Henkin stated it was a good application, and though he did not like losing the homes, he felt the project would be good for the City.

Commissioner Espe stated the loss of the affordable housing was disconcerting, but the hospital had been a part of the neighborhood for many years. He wanted to ensure the neighborhood compatibility and building design would be appropriate, including building height. He acknowledged the hospital's efforts at citizen participation, and stated he would support the project.

Commissioner McGriff appreciated the efforts of the hospital to involve the neighborhood association. She supported the construction of the OMB and did not believe the impact would be great. She was not supportive of the surface parking lot and would not support the zone change. She did not believe the loss of the affordable housing was diminimis. She affirmed that the property was not in the McLoughlin Historic District.

Chair Kidwell said he generally supported the project. He felt the loss of the housing was a concern, but housing relocation could be an option.

Motion by Commissioner Tom Geil, second by Commissioner Robert Mahoney, to approve PZ 15-02, amendment to Comprehensive Plan; ZC 15-04, Zone Change; and CP 15-02, Master Plan Amendment.

Aye: 5 - Charles Kidwell, Tom Geil, Robert Mahoney, Zachary Henkin and Paul Espe

Nay: 1 - Denyse McGriff

Chair Kidwell recessed the meeting at 10:15 pm. The meeting was reconvened at 10:20 p.m.

3c. [PC 15-248](#)

ZC 15-03: Zone Change and PZ 15-01: Comprehensive Plan Amendment

Chair Kidwell dispensed with the reading of the standard hearing procedures. He asked if Commission members had any ex parte contacts, conflicts of interest, or statements to declare, and whether Commissioners had visited the site.

Commissioner McGriff stated she had been by the site on numerous occasions. Commissioner Espe said he had been by the site, but he had not had ex parte contacts. Chair Kidwell stated he drives by the site nearly every day but nothing to declare. He asked the audience if there were any questions or concerns for the Commissioners' declarations and there were none.

Laura Terway, Planner, gave the staff report and provided a PowerPoint

presentation. She explained the details of the application and stated that the applicant wished to change the current residential designations at the site to Mixed Use Corridor (MUC) and the current zoning designations to MUC-2. She explained the applicant's proposed limitations and the proposed trip caps of 128 AM peak hour trips and 168 PM peak hour trips. She stated if the applicant desired to amend the trip cap after the Alternative Mobility Standard or corridor study had been adopted, they could increase the trip cap through a Type IV process. If an Alternative Mobility Standard or corridor study was done in the future by another agency or developer, the request would go before the Planning Commission and City Commission for adoption. If the applicant chose to change the trip cap at that time, the application would need to go before the Planning Commission and City Commission for approval. The applicant is not planning to develop on the property with this application. Since no turning of the dirt is planned, no environmental review is required. The application is solely for an amendment to the Comprehensive Plan and the zone change. Ms. Terway stated due to the trip cap, and the limitations to prohibit permitted and conditional uses, the applicant did not propose to increase the traffic impact at the site. Staff recommends approval of Planning File ZC 15-03 and PZ 15-01 with conditions. She entered into the record a packet of materials including the PowerPoint presentation, additional information from the applicant and the public, and additional Findings that did not make it into the original packet.

Commissioner McGriff asked about the red-lined changes in the packet, and Ms. Terway responded that there were four conditions of approval provided in the most recent staff report. The fourth condition was removed, which was the request to amend the trip cap from the process because the applicant no longer had the request. Carrie Richter, Assistant City Attorney, added that the trip capacity would be reviewed via land use applications and building permits.

Commissioner McGriff asked why the zone change and plan amendment were being requested if no development was being proposed?

The applicant, Dan Fowler, Historic Properties, LLC, and Michael Robinson, Attorney from Perkins Coie, were present to address the Commission. Mr. Robinson stated that the trip cap may be mitigated through the Transportation Planning Rule (TPR). He stated there would not be a net increase or vehicle trips through the intersection; the TPR required that the project not make the traffic worse. He addressed Commissioner McGriff's question on the reason for the applications when no development was proposed and replied that, according to ORS 227.178, the plan map and zoning need to be in place and effective before the development application can be submitted. He stated the applicant agreed with the staff report and the amended conditions for approval. Mr. Robinson distributed an exhibit from the Hart Crowser study, a geotechnical study explaining why there was no risk of landslide on the site. The exhibit showed the site was above the landslide area. He reviewed the statewide planning goals listed in his report and explained how the applicant had satisfied them - Goal #1, Goal #5, Goal #6, Goal #7, and Goal #12.

Mr. Robinson stated that James Nicita submitted a document with his comments on the applications, and he had reviewed it and provided a summary. Concerning the plan policy, he noted that they were either mandatory, where it needs to be addressed, or aspirational, where it does not need to be addressed. Most plan policies were aspirational. The mandatory policies were addressed in the revised staff report and had been satisfied.

Chair Kidwell opened the public hearing.

Mike Mitchell, Oregon City, stated he lives two blocks from the site. He expressed

concern for more development at the site of a failed intersection at Hwy. 213 and Beavercreek Road. He feared that a future development of homes where the residents worked outside the City would create a community empty of activity during the day. He was encouraged to learn the developer was proposing something different. His greatest concern was with the trip cap and the usages that would be restricted and hoped the caps would be fully enforced.

Christine Kosinski, unincorporated Clackamas County, asked if Mr. Robinson was aware that Lloyds of London, the only underwriter of landslide insurance, would not issue a policy for anyone who lived within one mile of a landslide. She noted that the bus administration building on the site is 57 feet away from the landslide, and City regulations required that development must be 200 feet away from the toe of the landslide. She expressed her water detention pond concerns and the release of water into landslide area. She commented on Dr. Burns' warnings from 1993 and his recent visit to the Canemah Neighborhood Assn. meeting and encouraged the Commission to pay attention to his comments.

Jon Makler, ODOT, stated he had great sympathy regarding the trip cap and the citizen's questions. He stated that ODOT assumed that the traffic predicted from the land use as zoned would hit the intersection in the future, so when a trip cap is adopted, the expected traffic is assumed. He encouraged the City to explore enforcement of trip caps. He affirmed that ODOT does not object to the rezone, including the staff methodology that followed, and the Findings were valid.

Bob Nelson, unincorporated Clackamas County, expressed concern for potential landslides near the site. He predicted if the landslide was activated, Hwy. 213 would be damaged. He preferred the site be donated to Metro for control. He stated that landslides can creep uphill. He stated he submitted a letter to Mayor Dan Holladay and admitted there was an error in the letter. He corrected the error saying there are landslide ordinances that are very limited. He felt many questions were unanswered, and he did not support approval of the applications.

Elizabeth Graser-Lindsey, Beavercreek, stated the zone change was based on a trip cap that ignored the Transportation System Plan. The City's TSP provides that 50% of trips in 2035 will be by alternative transportation, and therefore the trip cap should be at 50% of the current level, which is 722 trips per day instead of 1,444. She noted that all building applications would be accepted without considering the road capacity or consideration of the recent landslides. She noted that the applicant's geologic report indicated the property needs to be totally covered with an impervious surface. This concerned her because water should not be collected in landslide areas and results in the plat being totally erroneous for housing count in a landslide area. She added that she submitted documentation showing there was not adequate sewage capacity for the sewage created from the housing area.

Paul Edgar, Oregon City, expressed concern that there was not an adequate transportation master plan for the area with set-asides for the needed capacity for right-of-way requirements.

James Nicita, Oregon City, asked the Commission if they received his submittal and the supporting exhibits and the Commission said yes. He asked that the record be held open if the Commission continued the hearing this evening. He referred to the trip cap and stated he did not see how the map used to establish the trip cap could apply when there was a substantial Goal #5 resource area. He did not believe a trip cap could be calculated based on a shadow plat unless the plat went through a full review based on the current zoning. He felt the application was incomplete because the Goals had not been adequately addressed, and that the applicant should be the

party to remedy the application. He recommended the Commission deny the request.

Dan Fowler, in his rebuttal, confirmed that his research determined that landslide insurance was available for purchase on Maplelane Court.

Tom Sisul, Civil Engineer at Sisul Engineering, referred to the map of water resources and 200 feet beyond. He confirmed that an environmental scientist visited the area to check what jurisdictional waters were onsite. There was a very narrow drainageway that would have the minimum buffers permitted by City. In addition, the City Code allowed lots to extend the rear part of the yard into the water resource. He noted the cul-de-sac area on Thayer Road with a potential right-in, right-out only that resulted in loss of density. The water detention areas near a landslide area did not require water infiltration, and the water infiltration system did not have to be part of the water quality retention system. The road configuration was set up to meet all City requirements for a subdivision configuration.

Tim Blackwood, Geotechnical Engineer with Hart Crowser, stated he conducted a comprehensive review of the site to determine the risk of a landslide. He looked at the potential of a large landslide to move the highway down to the creek and shallow landslide. He stated the potential for the large landslide is very low. The potential for the shallow landslide was low-to-moderate, and mitigation methods were provided to avoid a landslide, such as: 1) Not infiltrating water on the site; 2) Avoid placing large fills on the slope; 3) Include a slope setback for development. The development would be adjacent to the landslide area, not on the landslide. He recommended a detention area rather than infiltration. Water collected needs to be detained and routed off the site, and the site does not need to be covered entirely with impervious materials.

Michael Robinson stated in order to remove the trip cap, the applicant must return to the Planning Commission for a recommendation to the City Commission. Referring to Ms. Kosinski's comments regarding detention ponds on landslide areas and referred back to Mr. Blackwood's comments regarding the water mitigation. Regarding ODOT's testimony, as opposed to a proposed use subdivision, there was more review and control with the current application because of the required trip review. Regarding Ms. Graser-Lindsey's testimony on consideration of the TSP, he stated the developer did not need to consider the TSP in the trip cap. He referred to Mr. Nicita's testimony and said the applicant was subject to the 120-day clock and a completeness review which determined when the 120-day clock began. He stated there was ample criteria to show the applicant met the approval criteria. He noted that goals in Oregon generally do not apply to permits. He noted page 15 of the staff report citing evidence from the fire district that there were no concerns for fighting fires in the site area. He affirmed that the applicant believed the application was sufficient for approval.

Chair Kidwell closed the public hearing.

Ms. Richter asked if the Commission would like to continue the deliberation to January 25th, 2016 and the Commission said yes.

Motion by Commissioner Zachary Henkin, second by Commissioner Paul Espe, to continue the hearing to January 25, 2016 for the purpose of deliberation and for the applicant to be authorized to submit final written argument to be received by Planning staff by 5:00 p.m. on January 18, 2016, and that no new evidence shall be submitted.

Aye: 6 - Charles Kidwell, Tom Geil, Robert Mahoney, Zachary Henkin, Paul Espe and Denyse McGriff

4. Communications

5. Adjournment

Chair Kidwell adjourned the meeting at 12:05 a.m. on January 12, 2016.



City of Oregon City

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

Meeting Minutes - Draft

Planning Commission

Monday, December 14, 2015

7:00 PM

Commission Chambers

1. Call to Order

Chair Kidwell called the meeting to order at 7:00 p.m.

Present: 7 - Charles Kidwell, Tom Geil, Robert Mahoney, Zachary Henkin, Paul Espe, Denyse McGriff and Damon Mabee

Staffers: 3 - Tony Konkol, Laura Terway and Wendy Marshall

2. Public Comments

3. Public Hearing

3a. Re-adoption of the Beavercreek Road Concept Plan - Request for Continuance (Planning File LE 15-03)

Tony Konkol, Community Development Director, requested continuance of the public hearing to January 11, 2016 to allow staff time to complete responses to questions asked at the last meeting on the Beavercreek Road Concept Plan. He entered into the record Exhibit A, written comments submitted tonight from Christine Kosinski.

Motion by Denyse McGriff, second by Robert Mahoney, to continue the review of the Beavercreek Road Concept Plan, File LE 15-03, to January 11, 2016.

Aye: 7 - Charles Kidwell, Tom Geil, Robert Mahoney, Zachary Henkin, Paul Espe, Denyse McGriff and Damon Mabee

3b. The Cove Phase I: CP 15-01: Concept (Master) Plan Amendment, DP 15-01: Detailed Development Plan, NR 15-05: Natural Resources Overlay District Review and US 15-06: Geologic Hazards Overlay District Review

Chair Kidwell read the standard hearing procedures for the quasi-judicial hearing for agenda item 3b, The Cove, Phase I. He asked if Commission members had any ex parte contacts, conflicts of interest, statements to declare, and he asked if Commissioners had visited the site since the last meeting. Ms. McGriff stated she had been in and around the site for the past 25 years and had been near the site yesterday afternoon. Commissioner Mabee stated he drives by the site regularly. Commissioner Mahoney stated he was familiar with the site. Commissioner Henkin stated he was familiar with the site and had no ex parte contacts. Commissioner Espe stated he had no ex parte contacts and uses the Cove in a variety of ways for recreation. Chair Kidwell said he had no ex parte contacts to declare and was familiar with the site but had not visited the area recently. The audience did not have any comments on these declarations.

Laura Terway, Planner, presented the application including a PowerPoint presentation. The primary purpose for the application was to construct multi-family dwelling units on Lot 2, directly adjacent to the Oregon City Shopping Center. She reported that the application had been reviewed by the Urban Renewal Commission of Oregon City, and clarified that the Planning Commission would only be considering what was before them this evening. There was no recommendation from the Urban Renewal Commission to consider. She stated tonight's review would ensure that the application complied with the previously approved master plans and current City Code. Ms. Terway stated the original approval of the Cove project occurred in 2008, followed by a master plan amendment in 2009. Since that time, the City sold Lot 2, and she explained the proposed amendments to the master plan. The first amendment included a permanent trail head parking lot facility; an increase of dwelling units on Lot 2 from 220 to 244; added 5,500 square feet of office space and 1,000 square feet for office or restaurant; a temporary trail head parking lot during Phase I; increase the number of dwelling units along the waterfront from 180 to 195; amend the design for Main St. and Agnes Ave. and Agnes extension; adjustments from the City Code identified in the staff report; and an amended phasing plan. The phasing plan would extend to 2019, with five phases beginning in 2015.

Wendy Marshall, Development Projects Manager, reviewed the public improvements for streets, sidewalks, public accessways, and emergency access associated with the project. Highlights include: Phase I would include the completion of Main St. and the roundabout, which includes sidewalk on both sides and crossings to include connection to the trails. Phase II included the completion of sidewalk extending through the trail loop and Agnes Ave., including a short half street, 20 feet of pavement with a sidewalk for emergency vehicles, pedestrians, and bicycles.

Ms. Terway explained a condition of approval in Phase I required implementation of a pedestrian sidewalk connection to McLoughlin Blvd. to allow for foot traffic generated by the multi-family dwelling units on Lot 2. She explained another condition of approval that required areas undesignated for development should be assigned a Phase for completion, potentially for plantings rather than active use. She stated there were conditions of approval associated with landscaping, and there were required City Code standards for street trees, onsite landscaping, and buffer requirements. Commissioner McGriff noted that junipers were not native to the area and felt they were a nuisance. She preferred the juniper not be used in the landscaping plan, and Chair Kidwell concurred.

Ms. Marshall discussed the detailed development plan including the overall earthwork cutting/filling plan. She addressed grading in Phase I and stated the project could not fill into the floodplain any more than what was removed. The water volume must remain stable, and homes would be built above the floodplain.

Ms. Terway stated the project would work within the City's Natural Resource Overlay District, a buffer that protects natural features and wildlife. She explained the project's activity in the area and the mitigation required. She described the building layout during Phase II for residential and commercial use.

Commissioner Mahoney asked if the fire district had provided comment on the project and who had jurisdiction regarding the placement of fire hydrants. Ms. Terway replied there was a condition of approval requiring approval from the fire district and the City was awaiting its response. Ms. Marshall responded that the City had spacing standards for the placement of the fire hydrants consistent with the fire district. The fire district has other standards for onsite installations.

Ms. Terway stated that, due to grading near the north park, the applicant would

construct a temporary 8' wide asphalt trail for 920' to replace the existing trail in Phase I, and build a permanent trail to replace the temporary trail in Phase II.

Ms. Terway stated that staff recommended approval with conditions. She explained there were minor tweaks to the conditions, none of which the essence of the conditions, but provide greater specificity of the condition.

Ms. Marshall pointed out that proposed condition #28 stated the sidewalk was eliminated from the required cross-section gap in front of the apartments. The developer could choose to build the sidewalk, but a tweak in the condition language would be required to allow the developer to opt to build the sidewalk.

Chair Kidwell invited the applicant forward for their presentation.

Ed Darrow, Principal for Pacific Property, gave a brief history of 2006 of the Cove project's master planning progress. He described the development details of Phases I - V using a visual presentation. He pointed out the economic value of the project to the City for Phase I and II and noted the 250 construction jobs and other new jobs created through the commercial opportunities designed into the site. He explained the public amenities created in the project such as an outdoor amphitheater, water sport activity opportunities, trails, swimming, and connectivity from the site to the Oregon City Shopping Center. He explained the esplanade planned for Phase II including a sidewalk along the water for walking and biking. He felt the project would change the environment, eliminate invasive species, and enhance the habitat. Mr. Darrow introduced Paul Herskowitz to further describe the project.

Paul Herskowitz, Grand Cove, LLC, gave a brief description of housing projects he formerly developed. He stated the proposed Cove project would develop a conventional, market-rate apartment community and his team would manage the property. He asked for the Commission to approve the proposed amendments to the master plan tonight, as development was planned to begin in April 2016.

Commissioner Espe noted that 220 trees would be removed and asked if the plan was to replace those trees. Mr. Herskowitz replied yes, the trees would be replaced, per Code.

Commissioner Mahoney asked how pedestrians would walk to the Oregon City Shopping Center. Reed Stapleton, with the developer's civil engineering firm, replied there was a condition of approval to provide a sidewalk down Main St. to Firestone on this public thoroughfare. There was an easement that would allow for a future public connection to that property, although it was not currently developed.

Commissioner McGriff asked where delivery trucks, moving trucks, and other. Mr. Herskowitz replied that most deliveries are done during the day, and like other apartment communities, the trucks approach the complex and make the deliveries. There will not be loading zones at the garden-style apartments.

Mr. Stapleton presented a slide showing the cross-section on Main St. and the potential of providing a sidewalk in that area, and he pointed out that the cross-section had been approved with the original approval seven years ago. The shed section and swale on the apartment site was part of the original DDP approval, Condition #20, and the project would develop this area as approved. Commissioner Mabee noted that the slide presented showed a sidewalk and he asked about the discrepancy. Lloyd Hill, architect, confirmed there was not a sidewalk in the slide, but what looked like a sidewalk was a stormwater swale.

Chair Kidwell opened the public hearing.

Jerry Herrmann, Gladstone, was present representing Rivers of Life, a youth and training organization. He did not intend to inhibit the project moving forward. He presented several points he asked the Commission to consider: 1) Clackamette Cove is 48 acres of open water, and its water quality is important to consider. He said the current water quality was poor and presented the Commission with his comments for improvement. He emphasized it was time to exercise the permit granted from the Corp of Engineers and the Division of State Lands eight years ago to put a water quality channel in place that would also serve as a safety access for marine patrol. 2) He suggested a signage campaign to educate the public on the upcoming changes at the Cove, such as "future beaver habitat" and "future trail access." 3) He suggested employing an alternative workforce in the project such as the youth in the City and especially at-risk youth. 4) He suggested the Commission invite the Lower Harbor Trust Fund to give a presentation on cleaning up the Willamette Falls area.

Bryon Boyce, Oregon City, was present speaking on behalf of the Clackamas River Basin Council as a longtime board member. He presented the Council's comments and questions: 1) the gravel at the mouth of the Cove is a concern, and the extent of the dredging needs to be defined once the water lowers. 2) Funding is available for restoration projects, and the City, in conjunction with government agencies and non-profit partners, could develop a plan to access the available funds. 3) He suggested a study in the north spit area that is hazardous with steep sides and steady erosion during high water and vertical drop-offs. He felt the City should consider its liability in the area. He stated he agreed with Commissioner McGriff's preference to increase the use of native plants at the Cove.

The Commission recessed for a break and reconvened at 9:00 p.m.

Heidi Bezzerides, resident of unincorporated Clackamas County, stated she utilizes the Cove for swimming and the area for recreation regularly and she spoke on the importance of water quality and non-motorized uses of the Cove when considering the Cove development. Her greatest concern with the development was that runoff from roofs and parking lots was designated to drain directly into the Cove with minimal filtration. She feared that the water quality would be dramatically compromised for the fish, wildlife, and people who swim in the Cove.

Justin Iverson, Oregon City, expressed concern for lack of boat access to the Cove. He was concerned that property values would skyrocket and create a market that was no longer affordable. Commissioner Mabee responded that the boat ramps at Clackamette Park would remain open for boat access, and the entire Cove would remain open for swimming.

Dorothy Dahlsrud expressed safety concerns for bicyclists and persons walking with dogs on the esplanade, and she suggested a sign with safety guidelines or a colored path. She stated with an additional 400 units, there would be more dogs to navigate the sidewalks. She preferred to see native Oregon trees and tall mixed conifers and star-gazing magnolias, especially due to the eagles and osprey in the area requiring large trees for nesting. She preferred sidewalks on both sides of the street and more off-street parking.

William Gifford, Oregon City, stated that after observing the progression of the Cove project for the past nine years, he felt pleased with the current project and the amendments and appreciated the vision of the developers for the project. He encouraged the Commission to support the application tonight.

Karen Sorbel, incorporated Clackamas County, a regular walker in the Cove area, stated the ospreys were protected by the migratory bird laws. She stated a higher nesting platform or two should be built before construction so the new location was available for the birds. She expressed a concern over the impact of the additional sewer use with the new development as it relates to the current sewer moratorium. John Lewis, Public Works Director, assured her that the sewer moratorium was limited only to the affected areas which did not include the Cove area.

Nick Bezzerides, resident of unincorporated Clackamas County, and a user of the Cove waters and recreation area, stated that he supported the development and was supportive of the non-motorized boating activity for a quieter Cove and better water quality. He noted the City codes which required bio swells and trapping in storm water systems. He encouraged the residents and users of the Cove to respect the City's efforts to ensure water quality through their behavioral activities. As a river scientist, he echoed Bryon Boyce's comments that the channel may get dredged, but the river may fill it back in the next year and he hoped the developers would consider this in their planning. He recognized the building was out of the floodplain, but noted that nature does not always follow those rules.

Chair Kidwell closed the public testimony.

Ed Darrow stated he appreciated all the thoughtful citizen comments and assured the Commission the project would be exceptional. He stated that it's a project objective to create a swimmable, healthy water environment, and he was working with a consultant to learn how to enhance the water and to develop an approach to keep it continually clean.

Reed Stapleton added that an alternative to the juniper would be found and addressed in the final landscape plans.

Commissioner McGriff asked how the animals and birds would be affected during construction. Mr. Darrow replied that the intent was to modify the plan as the development occurred to address the concerns. He stated there were many tall trees on the peninsula for the birds to nest and would consider installing platforms.

Ed Darrow stated the area behind Agnes St. near I-205 would be a great area for off-leash dogs.

Commissioner McGriff asked John Replinger, traffic consultant for the City, to update the traffic impact as it related to the current plan. Mr. Replinger stated the traffic analysis was used as a basis for original approval in 2008, and the current approval included a few more units causing a fairly small change in the net increment and a slightly greater impact. The applicant analyzed the 5-6 frequently used intersections and the traffic analysis was updated. The traffic criteria met the operations at the intersections. He summarized that the amount of traffic added to the system at the buildout year would meet the performance standards adopted as a City.

Chair Kidwell closed the public hearing.

Motion by Paul Espe, second by Tom Geil, to recommend approval of the Cove Concept Development Plan: CP 15-01; DP 15-01; NR 15-05; and US 15-06 as amended.

Aye: 7 - Charles Kidwell, Tom Geil, Robert Mahoney, Zachary Henkin, Paul Espe, Denyse McGriff and Damon Mabee

3c.

Revised Heritage Tree Ordinance.

Tony Konkol, Community Development Director, noted the changes to the revised heritage tree ordinance that had been recommended for approval by the Natural Resources Committee.

The Commission asked to receive the final draft of the ordinance from staff prior to it going before the City Commission.

Motion by Tom Geil, second by Damon Mabee, to recommend approval of the Revised Heritage Tree Ordinance and to include a cover letter of the Planning Commission's approval of the ordinance with the staff report to the City Commission for final approval.

Aye: 6 - Charles Kidwell, Tom Geil, Robert Mahoney, Zachary Henkin, Denyse McGriff and Damon Mabee

Abstain: 1 - Paul Espe

4. Communications

Commissioner McGriff reported that the heritage tree at 5th & Jefferson was lost in a storm. She stated that the entire congressional delegation, except for Congressman Walden, sent a letter to the President asking for an appropriation in the budget for the work needing to be done at the Willamette Falls Locks.

5. Adjourn

Chair Kidwell adjourned the meeting at 10:07 p.m.



City of Oregon City

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

Meeting Minutes - Draft

Planning Commission

Monday, November 30, 2015

7:00 PM

Commission Chambers

1. Call to Order

Chair Kidwell called the meeting to order at 7:00 p.m.

Present: 6 - Charles Kidwell, Tom Geil, Robert Mahoney, Zachary Henkin, Denyse McGriff and Damon Mabee

Absent: 1 - Paul Espe

Staffers: 2 - Tony Konkol and Pete Walter

2. Public Hearing

2a. [PC 15-227](#)

Continuance for ZC 15-04: Zone Change, PZ 15-02: Amendment to the Comprehensive Plan and CP 15-02: Master Plan Amendment

Tony Konkol, Community Development Director, requested continuance of item 2a to a date certain of January 11, 2016 due to a noticing error. He recommended the Commission take testimony of anyone present and then continue the hearing.

Commissioner McGriff asked if the staff report would be amended to address the comprehensive plan criteria, and Mr. Konkol said yes and that a supplemental memo would be prepared to address the previous issues raised.

There was no public testimony given.

Motion by Commissioner Damon Mabee, second by Commissioner Zachary Henkin, to continue the hearing for item 2a to a date certain of January 11, 2016.

Aye: 6 - Charles Kidwell, Tom Geil, Robert Mahoney, Zachary Henkin, Denyse McGriff and Damon Mabee

2b. [PC 15-228](#)

Continuance for ZC 15-03: Zone Change and PZ 15-01: Comprehensive Plan Amendment

Tony Konkol, Community Development Director, requested continuance of item 2b to a date certain of January 11, 2016.

There was no one present to testify.

Motion by Commissioner Denyse McGriff, second by Commissioner Tom Geil, to continue item 2b to a date certain of January 11, 2016.

Aye: 6 - Charles Kidwell, Tom Geil, Robert Mahoney, Zachary Henkin, Denyse McGriff and Damon Mabee

2c. [PC 15-221](#)**Revised Heritage Tree Ordinance.**

Pete Walter, Planner, presented the staff report for item 2c, revised heritage tree ordinance, using a PowerPoint presentation. He provided background on the existing code regulating the criteria and process for heritage tree designation. He reported that the Natural Resources Committee and Planning Commission had provided previous input on the revisions. He summarized the revisions to include clarification of the roles of staff, Natural Resources Committee, Parks & Recreation Advisory Committee, and the City Commission; clarified owner consent; clarified the process for final designation and legal protection; and readability. He noted that the intent of the code was not to act as a comprehensive tree ordinance. He stated the revisions addressed the nomination and review processes; the heritage and site and condition criteria for designation; protection through a restrictive covenant; and new definitions.

Commissioner Mahoney commented on the importance of developing a comprehensive tree ordinance to protect trees on public and private property utilizing public funds. Commissioner Mabee commented that the current proposed heritage tree ordinance would help determine the will of the people toward their protective responsibility. Chair Kidwell added that the proposed revisions were not in place of a comprehensive tree ordinance but were designed to clear up ambiguities and confusion.

James Nicita, Oregon City, presented several points. 1) The addition to Section II, page 4, of a date certain for the review was good. 2) He agreed with Commissioner Mahoney's comments, particularly in regards to stands as opposed to individual trees. He felt the arborist cost would be expensive for the property owner. He referred to page 6 of the proposed ordinance and suggested shifting the burden onto the City to prove, through an arborist's opinion, that a tree was unhealthy, rather than requiring the applicant to prove the tree was healthy. He felt the City was in a better position to bear the cost. 3) He felt that all the heritage tree codes should be in Chapter 12, rather than divided between Chapter 12 and 17. 4) Regarding the Penalties and Enforcement section, he stated that civil or criminal penalties should be instituted for unlawful destruction of trees. He asked that the Commission continue this item for further discussion.

Motion by Commissioner Tom Geil, second by Commissioner Denyse McGriff, to continue item 2c to December 14, 2015.

Aye: 6 - Charles Kidwell, Tom Geil, Robert Mahoney, Zachary Henkin, Denyse McGriff and Damon Mabee

3. Adjournment*Communications:*

Mr. Konkol reported that the Willamette Falls Legacy Project worked with ECONorthwest on local funding options, and staff held a tour with the City Commission to Wilsonville and Lake Oswego and met with their Economic Development Departments, focusing on the Villebois and Coffee Creek areas. Villebois used urban renewal for development assistance, and Lake Oswego creatively worked with private property owners for use of private parking areas for public use.

Commissioner McGriff reported that a shopping center on Molalla placed signs in the public rights-of-way some distance away from their shops and asked if that in compliance with Code. Mr. Konkol replied he would need to look into the matter.

Chair Kidwell referred to tonight's agenda and stated that the titles of items 2a and 2b did not include a description of the specific project being discussed and asked for improved language for the public's understanding of what would be discussed. Mr. Konkol agreed and replied that staff would make appropriate changes to be more descriptive.

Mr. Konkol gave an update on the Willamette Falls Legacy Project.

Chair Kidwell adjourned the meeting at 8:14 p.m.