



# City of Oregon City

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

## Meeting Agenda Planning Commission

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Monday, June 24, 2013

7:00 PM

Commission Chambers

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1. Call to Order

2. Public Comments

3. General Business

3a. Update to the Oregon City Street Tree List

Attachments: [Staff Report](#)  
[Current Adopted List](#)  
[Street Tree List Draft Update June PC Draft](#)

4. Public Hearing

4a. A request for a Zone Change and 10-lot Subdivision approval for a property located at 14270 Canyon Ridge Drive.

Attachments: [Commission Report](#)  
[TP 13-02 and ZC 13-01 Staff Report](#)  
[Exhibit 1.Vicinity Map](#)  
[Exhibit 2.Applicant's Submittal Application and Code Responses](#)  
[Exhibit 2. Stormwater Report](#)  
[Exhibit 2. Transportation Analysis Letter](#)  
[Exhibit 2. Master Plan](#)  
[Exhibit 2. Existing Conditions](#)  
[Exhibit 2. Erosion Control Plan](#)  
[Exhibit 2. Grading Plan](#)  
[Exhibit 2. Utility Plan](#)  
[Exhibit 2. Preliminary Plat](#)  
[Exhibit 2. Preliminary Tree Removal Plan](#)  
[Exhibit 2. Tree Replacement Plan](#)  
[Exhibit 2. Neighborhood Meeting Notes](#)  
[Exhibit 2. CC&Rs](#)  
[Exhibit 2. Email correspondence](#)  
[Exhibit 3. Comments from John Replinger of Replinger and Associates](#)  
[Exhibit 4. Public Comments received to date](#)

[Exhibit 4. Public Comments received to date](#)

[Exhibit 5. Engineering Policy EP 00-01](#)

**5. Communications**

**6. Adjournment**

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*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](http://oregon-city.legistar.com)).*

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# City of Oregon City

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## Staff Report

File Number: 13-436

**Agenda Date:** 6/24/2013

**Status:** ATS Review

**To:** Planning Commission

**Agenda #:** 3a.

**From:** Planner Pete Walter

**File Type:** Report

### **SUBJECT:**

Update to the Oregon City Street Tree List

### **RECOMMENDED ACTION (Motion):**

Consideration and recommendation for approval by resolution of the City Commission.

### **BACKGROUND:**

The Natural Resources Committee has been working on updates to the Oregon City Street Tree List since late 2012. After numerous revisions, the NRC unanimously recommended approval of the attached list at their last meeting on June 19, 2013. The updated draft list includes several new species of trees, and has eliminated several species from the existing list which have proven to be problematic, such as Norway Maple. The updated draft list was compiled based on many hours of research by city staff, volunteers, and other groups. A variety of sources were referenced, including more up-to-date regional municipal street tree lists, the Metro "Trees for Green Streets" manual, and OSU Horticulture Department website.

Special thanks to Erik Carr of Clackamas Soil and Water District, who also serves as NRC Tree Sub-Committee Chair and is a Certified Arborist, and also to Bryon Boyce, NRC Chair, and all members of the NRC.

The current list, which is attached for comparison, was adopted by Resolution 98-14.

Staff will provide further background on the proposed draft list and related materials at the Planning Commission meeting. We welcome any comments or questions about the draft.

### **BUDGET IMPACT:**

Amount: N/A

FY(s):

Funding Source:

## RECOMMENDED STREET TREES FOR PLANTING IN 3' TO 4' PLANTING STRIPS

TREE SPECIES	HEIGHT SPREAD	STRUCTURE	FOLIAGE	FLOWERS, FRUIT, OTHER SPECIAL INTEREST
<b>Trident Maple</b> <i>Acer buergeranum</i>	25' 20'	Oval to Round	Glossy green turning yellow orange red	Exfoliating bark, adaptable to varied conditions
<b>Vine Maple</b> <i>Acer circinatum</i>	25' 10'	Upright Spreading	Medium green turning bright orange and red	Northwest native maple, open delicate form, thrives in shade
<b>Amur Maple</b> <i>Acer ginnala</i>	20' 20'	Upright Round	Green turning yellow to scarlet red	Small fragrant flowers followed by winged fruit
<b>Rocky Mountain Glow Maple</b> <i>Acer grandidentatum</i>	25' 15'	Oval	Dark green turning	Requires well drained soil bright red
<b>Paperbark Maple</b> <i>Acer griseum</i>	30' 20'	Round	Green w/silver under, bright red orange in fall	Interesting cinnamon brown under exfoliating bark
<del><b>Crimson Sentry Norway Maple</b> <i>Acer platanoides</i></del>	<del>25' 12'</del>	<del>Upright</del>	<del>Red turning maroon to bronze in fall</del>	<del>Smaller than most Norway maple cultivars</del>
<b>Pyramidal Serviceberry</b> <i>Amelanchier canadensis pyramidalis</i>	30' 20'	Very Upright	Dark green turning brilliant red and orange	White flowers in spring, dark purple fruit attract birds
<b>Allegheny Serviceberry</b> <i>Amelanchier laevis</i>	25' 15'	Upright and Oval	Green turning orange in fall	White flowers in spring, blue purple fruit attract birds
<b>Lavelle Hawthorne</b> <i>Crataegus x lavelle</i>	30' 20'	Upright	Dark glossy green turning bronze red	White flowers, red persistent fruit
<b>Crimson Cloud Hawthorn</b> <i>Crataegus laevigata "Crimson Cloud"</i>	25' 18'	Oval	Glossy green	Flowers are bright red with white center, bright red fruit
<b>Columnar Hawthorn</b> <i>Crataegus monogyna "Stricta"</i>	30' 10'	Tightly Upright	Green turning yellow	White flowers, small clusters of red fruit
<b>Flowering Ash</b> <i>Fraxinus ornus</i>	30' 25'	Pyramidal to Round	Medium green turning yellow	Fragrant creamy white flowers
<b>Golden Desert Ash</b> <i>Fraxinus oxycarpa aureopolia</i>	20' 18'	Round, Compact	Green turns golden early	Unusual gold colored bark
<b>Goldenrain Tree</b> <i>Koelreuteria paniculata</i>	30' 20'	Round, Open	Green turning yellow	Yellow flowers in summer, brown persistent fruits, tolerant of poor conditions

## RECOMMENDED STREET TREES FOR PLANTING IN 3' TO 4' PLANTING STRIPS

TREE SPECIES	HEIGHT SPREAD	STRUCTURE	FOLIAGE	FLOWERS, FRUIT, OTHER SPECIAL INTEREST
<b>Newport Plum</b> <i>Prunus cerasifera</i>	20' 20'	Oval to Round	Purplish Red	Single pink flowers
<b>Japanese Tree Lilac</b> <i>Syringa reticulata</i>	25' 15'	Pyramidal	Green	White panicles and yellow brown fruit
<b>Skyrocket Oak</b> <i>Quercus robur "Fastigiata"</i>	45' 15'	Fastigate	Dark green turning yellow brown	Interesting oak for very narrow spaces

## RECOMMENDED STREET TREES FOR PLANTING IN 4 ½' TO 5 ½' PLANTING STRIPS

TREE SPECIES	HEIGHT SPREAD	STRUCTURE	FOLIAGE	FLOWERS, FRUIT, OTHER SPECIAL INTEREST
<b>Queen Elizabeth Hedge Maple</b> <i>Acer campestre</i> "Queen Elizabeth"	35' 30'	Upright, Oval	Dark green turning yellow	
<b>Paperbark Maple</b> <i>Acer griseum</i>	30' 20'	Round	Green w/silver under, bright red orange in fall	Interesting cinnamon brown under exfoliating bark
<del><b>Cleveland II Norway Maple</b></del> <del><i>Acer platanoides</i> "Cleveland"</del>	<del>40'</del> <del>25'</del>	<del>Upright</del>	<del>Medium green turning bright yellow</del>	
<del><b>Parkway Norway Maple</b></del> <del><i>Acer platanoides</i></del>	<del>40'</del> <del>25'</del>	<del>Oval</del>	<del>Dark green turning yellow</del>	<del>Good central leader</del>
<del><b>Variegated Norway Maple</b></del> <del><i>Acer platanoides</i></del>	<del>35'</del> <del>25'</del>	<del>Broadly Oval</del>	<del>Light green with white margins</del>	
<del><b>Columnar Norway Maple - Compact</b></del> <del><i>Acer platanoides</i></del>	<del>35'</del> <del>15'</del>	<del>Fastigiate</del>	<del>Dark green turning yellow</del>	<del>Ascending branches, good for very narrow spaces</del>
<del><b>Olmsted Columnar Norway Maple</b></del> <del><i>Acer platanoides</i></del>	<del>40'</del> <del>20'</del>	<del>Upright</del>	<del>Dark green turning yellow</del>	<del>Also good for narrow spaces</del>
<b>Armstrong Red Maple</b> <i>Acer rubrum</i> "Gerling"	45' 15'	Fastigiate	Light green turning yellow orange red	
<b>Gerling Red Maple</b> <i>Acer rubrum</i> "Gerling"	35' 20'	Pyramidal	Green turning orange red	
<del><b>Pacific Sunset Maple</b></del> <del><i>Acer truncatum</i> x <i>A. Platanoides</i> "Warrenred"</del>	<del>30'</del> <del>25'</del>	<del>Upright</del>	<del>Dark green turning orange red</del>	
<b>Pyramidal European Hornbeam</b> <i>Carpinus betulas</i> "Fastigiata"	35' 20'	Dense, Upright, Pyramid to Oval	Dark green turning yellow	Retains leaves into winter, small hard nutlets in clusters
<b>Chinese Dogwood</b> <i>Cornus kousa chinensis</i>	30' 30'	Round	Green turning red	White flowers and red pink fruit
<b>Lavelle Hawthorne</b> <i>Crataegus x lavelle</i>	30' 20'	Upright	Dark glossy green turning bronze red	White flowers, red persistent fruit
<b>Flowering Ash</b> <i>Fraxinus ornus</i>	30' 25'	Pyramidal to Round	Medium green turning yellow	Fragrant creamy white flowers

## RECOMMENDED STREET TREES FOR PLANTING IN 4 ½' TO 5 ½' PLANTING STRIPS

TREE SPECIES	HEIGHT SPREAD	STRUCTURE	FOLIAGE	FLOWERS, FRUIT, OTHER SPECIAL INTEREST
<b>Sarasota Ginko</b> <i>Ginko biloba</i> "Sarasota"	30' 30'	Round	Greenish gold turning yellow	
<b>Magnolia Kobus</b> <i>Magnolia kobus</i>	30' 20'	Round	Dark Green	Deciduous with large white flowers early
<b>American Hornbeam</b> <i>Ostrya virginiana</i>	35' 25'	Oval	Medium green turning yellow	Male catkins visible in winter, greenish white nutlets
<b>Columnar Sargent Cherry</b> <i>Prunus sargentii</i> 'Columnaris'	35' 15'	Columnar	Green turning orange red	Deep pink flowers
<b>Capital Pear</b> <i>Pyrus calleryana</i> 'Capital'	35' 12'	Columnar	Medium green turning reddish purple	White flowers in clusters, good for narrow spaces
<b>Chanticleer Pear</b> <i>Pyrus calleryana</i> 'Glens Form'	40' 15'	Pyramidal	Glossy green turning orange red	White flowers in clusters, good for narrow spaces
<b>Skyrocket Oak</b> <i>Quercus robur</i> 'Fastigiata'	45' 15'	Fastigate	Dark green turning yellow brown	Interesting oak for very narrow spaces
<b>Japanese Stewartia</b> <i>Stewartia Pseudocamellia</i>	40' 20'	Pyramidal	Dark green turning dark red	White camellia like flowers, mottled bark
<b>Chacneller Linden</b> <i>Tillia cordata</i> 'Chancole'	45' 20'	Pyramidal, upright	Dark green turning yellow	Yellow fragrant flowers attractive to bees

## RECOMMENDED STREET TREES FOR PLANTING IN 6' TO 8' PARKING STRIPS

TREE SPECIES	HEIGHT SPREAD	STRUCTURE	FOLIAGE	FLOWERS, FRUIT, OTHER SPECIAL INTEREST
<del>Crimson King Norway Maple</del> <del>Acer platanoides 'Crimson King'</del>	<del>40'</del> <del>35'</del>	<del>Round</del>	<del>Deep purple turning reddish orange</del>	
<del>Emerald Queen Norway Maple</del> <del>Acer platanoides 'Emerald Queen'</del>	<del>50'</del> <del>40'</del>	<del>Oval, dense</del>	<del>Dark green to bright yellow</del>	
<del>Superform Maple</del> <del>Acer platanoides 'Superform'</del>	<del>45'</del> <del>40'</del>	<del>Oval</del>	<del>Medium green turning yellow</del>	
<del>Globe Norway Maple</del> <del>Acer platanoides globosum</del>	<del>15'</del> <del>18'</del>	<del>Round</del>	<del>Medium green turning yellow</del>	<del>Appropriate for under power lines</del>
Embers Red Maple <i>Acer rubrum 'Embers'</i>	40' 35'	Open	Green turning bright red	
Red Sunset Maple <i>Acer rubrum 'Franksred'</i>	45' 35'	Broad Oval	Dark green turning red orange	
October Glory Maple <i>Acer rubrum 'October Glory'</i>	40' 35'	Broad Oval	Medium green turning red to purple	
Globe Sugar Maple <i>Acer saccharum</i>	15' 20'	Round	Medium green to yellow and orange	Appropriate for under power lines
European Hornbeam <i>Carpinus betulus</i>	50' 35'	Oval to Round	Dark green to golden yellow	Holds leaves into winter
Hackberry <i>Celtis occidentalis</i>	40' 30'	Oval	Dark green turning yellow	
Katsura Tree <i>Cercidiphyllum japonicum</i>	40' 35'	Oval	Blue green turning yellow scarlet	
Tricolor Beech <i>Fagus sylecatica 'Roseo-Marginata'</i>	40' 30'	Broad Oval	Purple with light pink border	
Autumn Purple Ash <i>Fraxinus americana 'Autumn Purple'</i>	45' 40'	Round	Green turning red and purple	
Skyline Ash <i>Fraxinus americana 'Skycole'</i>	45' 35'	Oval	Medium green turning orange red	

## RECOMMENDED STREET TREES FOR PLANTING IN 6' TO 8' PARKING STRIPS

TREE SPECIES	HEIGHT SPREAD	STRUCTURE	FOLIAGE	FLOWERS, FRUIT, OTHER SPECIAL INTEREST
<b>Marshall Ash</b> <i>Fraxinus pennsylvanica</i> 'Marshall'	50' 40'	Broad Oval	Dark glossy green turning bright yellow	
<b>Urbanite Ash</b> <i>Fraxinus pennsylvanica</i> 'Urbanite'	50' 40'	Broad pyramidal	Lustrous green turning bronze	
<b>Saratoga Ginko</b> <i>Ginko biloba</i> 'Saratoga'	30' 30'	Round	Green gold to yellow	
<b>Shademaster Honeylocust</b> <i>Gleditsia triacanthos</i> 'Shademaster'	45' 35'	Vase	Dark green turning yellow	
<b>Skyline Honeylocust</b> <i>Gleditsia triacanthos</i> 'Skyline'	50' 30'	Broad pyramidal	Medium green turning golden	
<b>Magnolia Kobus</b> <i>Magnolia kobus</i>	40' 30'	Round	Dark green	Evergreen leaves and flowers
<b>Royal Burgandy Cherry</b> <i>Prunus serrulata</i> 'Royal Burgandy'	30' 20'	Vase	Purple red to red and orange	Pink flowers
<b>Scarlet Oak</b> <i>Querus coccinea</i>	50' 40'	Broad Oval	Glossy green turning scarlet	
<b>Skymaster Oak</b> <i>Quercus robur</i> 'Pyramich'	50' 25'	Pyramidal	Dark green turning yellow	
<b>Glenleven Linden</b> <i>Tilia cordata</i> 'Glenleven'	45' 30'	Pyramidal	Medium green turning yellow	
<b>Halka Zelkova</b> <i>Zelkova serrata</i> 'Halka'	45' 30'	Vase	Medium green turning yellow	

## RECOMMENDED STREET TREES FOR PLANTING IN 8 ½' AND LARGER PARKING STRIPS

TREE SPECIES	HEIGHT SPREAD	STRUCTURE	FOLIAGE	FLOWERS, FRUIT, OTHER SPECIAL INTEREST
<b>Schwedler Norway Maple</b> <i>Acer plantanoides 'Schwedleri'</i>	50' 45'	Round	Green turning yellow	
<b>Globe Norway Maple</b> <i>Acer platanoides globosum</i>	15' 18'	Round	Medium green turning yellow	
<b>Sycamore Maple</b> <i>Acer pseudoplatanus</i>	60' 50'	Wide spread	Green turning yellow	
<b>Wineleaf Sycamore Maple</b> <i>Acer pseudoplatanus 'Spaithi'</i>	30' 50'	Pyramidal	Dark green	
<b>Red Maple</b> <i>Acer rubrum</i>	60' 50'	Oval	Medium green turning orange red	
<b>Sugar Maple</b> <i>Acer saccharum</i>	60' 45'	Oval	Green turning bright yellow to orange	
<b>Red Horsechestnut</b> <i>Aesculus x carnea 'Briotii'</i>	60' 45'	Round	Dark green turning yellow	Red flowers
<b>Globe Serviceberry</b> <i>Amelanchierr canadensis oblongifolia</i>	60' 40'	Round	Green turning bright yellow red	White flowers
<b>Catalpa</b> <i>Catalpa speciosa</i>	75' 50'	Round	Green turning yellow	White flowers
<b>Katsura Tree</b> <i>Cercidiphyllum japonicum</i>	40' 35'	Oval	Blue green turning yellow to scarlet	
<b>Red Bud</b> <i>Cercis canadensis</i>	20' 25'	Open spreading	Medium green turning yellow	Pink flowers
<b>Purple Rivers Beech</b> <i>Fagus sylvatica 'Riversi'</i>	60' 40'	Oval	Deep purple turning bronze	
<b>Tricolor Beech</b> <i>Fagus sylvatica 'Roseo-Marginata'</i>	40' 30'	Broad Oval	Purple with light pink border	
<b>Flame Ash</b> <i>Fraxinus oxycarpa 'Flame'</i>	35' 30'	Round	Green turning purple and red	



## RECOMMENDED STREET TREES FOR PLANTING IN 8 ½' AND LARGER PARKING STRIPS

TREE SPECIES	HEIGHT SPREAD	STRUCTURE	FOLIAGE	FLOWERS, FRUIT, OTHER SPECIAL INTEREST
<b>Urbanite Ash</b> <i>Fraxinus pennsylvanica</i> 'Urbanite'	50' 40'	Broad pyramidal	Lustrous green turning bronze	
<b>Summit Ash</b> <i>Fraxinus pennsylvanica lanceolata</i>	45' 25'	Pyramidal	Medium green turning yellow	
<b>Saratogo Ginko</b> <i>Ginko biloba</i> 'Saratoga'	30' 30'	Round	Green gold to yellow	
<b>Halka Honeylocust</b> <i>Gledisia triacanthos</i> 'Christie'	55' 40'	Upright	Green turning yellow	
<b>Kentucky Coffee Tree</b> <i>Gymnocladus dioicus</i>	70' 40'	Open	Green	
<b>Moraine Sweetgum</b> <i>Liquidambar styraciflua</i> 'Moraine'	60' 30'	Oval	Dark green turning red purple	
<b>Sourwood</b> <i>Oxydendrum arboreum</i>	50' 25'	Pyramidal	Green to brilliant scarlet	White flowers
<b>Yoshino Cherry</b> <i>Prunus xyedoensis</i>	30' 30'	Spreading	Green turning yellow	Pink or white flowers
<b>Scarlet Oak</b> <i>Quercus coccinea</i>	50' 40'	Broad oval	Glossy green turning scarlet	
<b>Red Oak</b> <i>Quercus rubra</i>	70' 50'	Round	Green turning red	
<b>Halka Zelkova</b> <i>Zelkova serrata</i> 'Halka'	45' 30'	Vase	Medium green turning yellow	

## RECOMMENDED STREET TREES FOR PLANTING UNDER POWER LINES

TREE SPECIES	HEIGHT SPREAD	STRUCTURE	FOLIAGE	FLOWERS, FRUIT, OTHER SPECIAL INTEREST
<b>Amur Maple</b> <i>Acer ginnala</i>	20' 20'	Round	Medium green turning orange to scarlet red	Bright red, winged fruit
<b>Hedge Maple</b> <i>Acer campestre</i>	30-35' 30'	Round to oval	Dark green turning yellow	Corky bark that is striking in winter
<b>Japanese Maple</b> <i>Acer palmatum</i>	25' 25'	Upright, low branching	Green, yellow or red turning scarlet, orange or yellow	
<b>Paperbark Maple</b> <i>Acer griseum</i>	25' 20'	Narrow to rounded	Dark green above, silvery below turning brilliant red	Cinnamon-brown bark peels away in paper-thin strips
<b>Vine Maple</b> <i>Acer circinatum</i>	25' 10'	Upright, spreading	Medium green turning orange to bright red	Winged fruit resembling bow ties, thrives in shade
<b>Eastern Redbud</b> <i>Cercis canadensis</i>	25-35' 25-30'	Round	Rich green, heart shaped turning yellow	Small rosy pink flowers with 4-6" dried pods
<b>Flowering Dogwood</b> <i>Cornus florida</i>	20' 20-25'	Upright	Bright green, lighter underside turning glowing	Small clusters before leaves appear in May
<b>Japanese Dogwood</b> <i>Cornus kousa</i>	15-25' 25'	Vine shaped	Lustrous medium green turning yellow to scarlet	Small clusters with raspberry like fruit, blooms later than most
<b>Washington Hawthorn</b> <i>Crataegus phanenopyrum</i>	30' 25'	Broad, rounded	Glossy deep green turning orange, scarlet or purple	White cluster flowers, bright glossy red fruit
<b>Lavelle Hawthorn</b> <i>Crataegus x lacvallel</i>	20-30' 20'	Upright, open	Glossy green turning bronze to copper red	White cluster flowers, showy orange-red fruit
<b>Globe-headed European Ash</b> <i>Fraxinus excelsior globosum</i>	20' 12-15'	Rounded	Dark green, dense	
<b>Flowering Ash</b> <i>Fraxinus ornus</i>	25-30' 20-30'	Pyramidal to rounded	Luxuriant, medium green turning lavender and yellow	Fragrant white fluffy flowers with seed clusters
<b>Golden Desert Ash</b> <i>Fraxinus oxycarpa aureopolia</i>	20' 18'	Rounded	Open green turning gold (July on)	Small lacy look leaf
<b>Goldenrain Tree</b> <i>Koelreuteria paniculata</i>	20-35' 10-20'	Open	Bladder shaped capsule	Small yellow cluster flower, buff to brown pods

## RECOMMENDED STREET TREES FOR PLANTING UNDER POWER LINES

TREE SPECIES	HEIGHT SPREAD	STRUCTURE	FOLIAGE	FLOWERS, FRUIT, OTHER SPECIAL INTEREST
<b>Golden Chain Tree</b> <i>Laburnum x waterii</i>	12-15' 15'	Upright, oval to round	Dark, glossy green	Yellow, pea-like chain flowers, small pea pods, seeds are poisonous
<b>Flowering Crabapple</b> <i>Malus</i>	25' 20-25'	Upright, rounded or weeping	Red or green often turning yellow	White, pink or red flowers; red, yellow or green fruit; Recommended varieties: Adirondack, Prairie Fire, Profusion, Red Jewel, Sargent, Springshow, Strawberry
<b>Flowering Cherry</b> <i>Prunus</i>	20-25' 20-25'	Vase to rounded	Bronze; green in summer turning yellows and red	Fragrant pink or white flowers; Recommended varieties: Akebono, Autumnalis, Mt. Fuji, Shirofugen, Tai Haku, Whitcomb's, Yoshino
<b>Flower Pear 'Cleveland Select'</b> <i>Pyrus calleryana</i>	30-35' 20'	Horizontal	Glossy, dark green turning wine red to scarlet	White cluster flowers, early bloomer
<b>Japanese Snowbell</b> <i>Styrax japonica</i>	20-30' 25'	Rounded, horizontal	Dark green turning yellow to red	Faintly fragrant white, bell-shaped flowers
<b>Japanese Tree Lilac</b> <i>Syringa reliculata</i>	30' 20-25'	Rounded to oval	Dark green	Large, pyramidal, creamy-white cluster flowers; reddish-brown bark turns gray with age

OREGON CITY STREET TREE LIST (June 2013 DRAFT)

COMMON NAME	SCIENTIFIC NAME	MATURE HEIGHT (ft)	CANOPY SPREAD (ft)	POWER LINE OK?	STRUCTURE	OREGON NATIVE?	FOLIAGE	FLOWERS, FRUIT, OTHER SPECIAL INTEREST
STREET TREES FOR 2.5' TO 3' PLANTING STRIP								
Cornelian Cherry Dogwood	<i>Cornus mas</i>	15	20	Yes	upright rounded to upright spreading growth habit		medium to dark green	
Eddie's White Wonder Dogwood	<i>Cornus nuttallii</i> x <i>Cornus florida</i>	40	15	Yes	Dense horizontal drooping habit.		Good fall color	White flowers
Flowering Dogwood	<i>Cornus florida</i>	20	25	Yes	Upright		Bright green, lighter underside turning glowing	Small clusters before leaves appear in May
Japanese Dogwood	<i>Cornus kousa</i>	25	25	Yes	Vine shaped		Lustrous medium green turning yellow to scarlet	Small clusters with raspberry like fruit, blooms later than most
Starlight Dogwood	<i>Cornus kousa</i> X <i>nuttallii</i>	30	20	Yes	Upright, oval		Deep green, Fall red	Large, creamy white flower, fruit 3/4" , orange
Carolina Silverbell	<i>Halesia carolina</i>	35	15'	Yes	Rounded, often low branched		yellow to yellow green autumn color.	White, bell-shaped flowers in spring offer mild interest;
Bigleaf Snowbell Tree	<i>Styrax obassia</i>	35	25'	Yes	upright and pyramidal-oval when young, rounded with age.		dark green above, pubescent beneath	Flowers white, fragrant
Blireiana Plum	<i>Prunus x blireiana</i>	20	20'	Yes	rounded, dense branching, trunk often has large bumps.		first purple but fade to green	Blooms in very early spring, Flowers pink, fragrant. Fruit purplish red, but rarely formed.
Chinese Pistache	<i>Pistachia chinensis</i>	25	25'	Yes	Oval, Rounded or Umbrella		Green. Red, Gold, Orange or Multicolored in Fall.	Inconspicuous. Flowers in Spring. Fruite Prolific, Red or Mostly Blue Drupe.
Crape Myrtle	<i>Lagerstroemia cultivars</i>	20	20'	Yes	Oval, Rounded, Umbrella or Vase		Dark green, usually with a slight gloss.	Showy, Lavender, Pink, Red, Rose or White. Flowers in Summer.
Amur Maple	<i>Acer ginnala</i>	20	20	Yes	Round		Medium green turning orange to scarlet red	Bright red, winged fruit
Hedge Maple	<i>Acer campestre</i>	35	30	Yes	Round to oval		Dark green turning yellow	Corky bark that is striking in winter
Japanese Maple	<i>Acer palmatum</i>	25	25	Yes	Upright, low branching		Green, yellow or red turning scarlet, orange or yellow	
Paperbark Maple	<i>Acer griseum</i>	25	20	Yes	Narrow to rounded		Dark green above, silvery below turning brilliant red	thin strips
Roughbark Maple	<i>Acer triflorum</i>	25	20'	Yes	Oval		dark green, becoming yellow, orange and/or scarlet in fall;	Flower yellow.
Vine Maple	<i>Acer circinatum</i>	25	10	Yes	Upright, spreading	Native	Medium green turning orange to bright red	Winged fruit resembling bow ties, thrives in shade
Japanese Snowbell	<i>Styrax japonicus</i>	25	25'	Yes	Rounded, horizontal		Medium to dark green, glabrous above.	Flowers perfect, bell-shaped, 2 cm wide, white with yellow stamens,
Japanese Tree Lilac	<i>Syringa reticulata</i>	25	20'	Yes	Pyramidal		Green	White panicles and yellow brown fruit
Eastern Redbud	<i>Cercis canadensis</i>	35	30	Yes	Round		Rich green, heart shaped turning yellow	Small rosy pink flowers with 4-6 dried pods "
Lavelle Hawthorn	<i>Crataegus x lavalleyi</i>	30	20	Yes	Upright, open		Glossy green turning bronze to copper red	White cluster flowers, showy orange-red fruit
Summer Sprite Linden	<i>Tilia cordata</i> 'Halka'	20	15'	Yes	Dense compact crown, sheared appearance		Yellow fall color	JF Schmidt small varietal

COMMON NAME	SCIENTIFIC NAME	MATURE HEIGHT (ft)	CANOPY SPREAD (ft)	POWER LINE OK?	STRUCTURE	OREGON NATIVE?	FOLIAGE	FLOWERS, FRUIT, OTHER SPECIAL INTEREST
STREET TREES FOR PLANTING IN 3' TO 4' PLANTING STRIP								
Trident Maple	<i>Acer buergeranum</i>	25	20	Yes	Oval to Round	Native	Glossy green turning yellow orange red	Exfoliating bark, adaptable to varied conditions
Vine Maple	<i>Acer circinatum</i>	25	10	Yes	Upright Spreading		Medium green turning bright orange and red	Northwest native maple, open delicate form, thrives in shade
Amur Maple	<i>Acer ginnala</i>	20	20	Yes	Upright Round		Green turning yellow to scarlet red	Small fragrant flowers followed by winged fruit
Rocky Mountain Glow Maple	<i>Acer grandidentatum "schmidt"</i>	25	15	Yes	Oval		Dark green turning bright red	Requires well drained soil
Paperbark Maple	<i>Acer griseum</i>	30	20	Yes	Round		Green w/silver under, bright red orange in fall	Interesting cinnamon brown under exfoliating bark
Japanese Maple	<i>Acer palmatum</i>	25	25	Yes	Upright, low branching		Green, yellow or red turning scarlet, orange or yellow	
Roughbark Maple	<i>Acer triflorum</i>	25	20	Yes	Dense and rounded		Dark green, becoming yellow, orange and/or scarlet in fall	
Pyramidal Serviceberry	<i>Amelanchier canadensis pyramidalis</i>	30	20	Yes	Very Upright		Dark green turning brilliant red and orange	White flowers in spring, dark purple fruit attract birds
Allegheny Serviceberry	<i>Amelanchier laevis</i>	25	15	Yes	Upright and Oval		Green turning orange in fall	White flowers in spring, blue purple fruit attract birds
Western serviceberry	<i>Amelanchier alnifolia</i>	25	25	Yes	Vertical, dense			Metro Green Street Tree**
Eddies White Wonder Dogwood	<i>Cornus nutalli X florida</i>	40	15	Yes	Dense horizontal drooping	Native	Good fall color,	White flowers
Starlight Dogwood	<i>Cornus kousa X nuttallii</i>	30	20	Yes	Upright, oval		Deep green, Fall red	Large, creamy white flower, fruit 3/4" , orange
Crimson Cloud Hawthorn	<i>Crataegus laevigata "Crimson Cloud"</i>	25	18		Oval		Glossy green	Flowers are bright red with white center, bright red fruit
Columnar Goldenrain	<i>Koelreuteria paniculata fastigiata</i>	30	6		Narrow Fastigate		Green turning yellow	Yellow flowers in summer, brown persistent fruits, tolerant of poor conditions
Goldenrain Tree	<i>Koelreuteria paniculata</i>	30	20		Round, Open		Green turning yellow	Yellow flowers in summer, brown persistent fruits, tolerant of poor conditions
Newport Plum	<i>Prunus cerasifera</i>	20	20		Oval to Round		Purplish Red	Single pink flowers
Japanese Tree Lilac	<i>Syringa reticulata</i>	25	15	Yes	Pyramidal		Green	White panicles and yellow brown fruit
Ivory Silk Tree Lilac	<i>Syringa reticulata 'Ivory Silk'</i>	25	15	Yes	Pyramidal		Green	White panicles and yellow brown fruit
Skyrocket Oak	<i>Quercus robur "Fastigiata"</i>	45	15		Fastigate		Dark green turning yellow brown	Interesting oak for very narrow spaces
Summer Sprite Linden	<i>Tilia cordata 'Halka'</i>							

COMMON NAME	SCIENTIFIC NAME	MATURE HEIGHT (ft)	CANOPY SPREAD (ft)	POWER LINE OK?	STRUCTURE	OREGON NATIVE?	FOLIAGE	FLOWERS, FRUIT, OTHER SPECIAL INTEREST
RECOMMENDED STREET TREES FOR PLANTING IN 4 ½' TO 5 ½' PLANTING STRIPS								
Queen Elizabeth Hedge Maple	<i>Acer campestre</i> “Queen Elizabeth”	35	30	Yes	Upright, Oval		Dark green turning yellow	
Rocky Mountain Glow Maple	<i>Acer grandidentatum</i> 'Schmidt'	25	15		Oval		dark green, orange/yellow in fall	
Paperbark Maple	<i>Acer griseum</i>	30	20	Yes	Round		Green w/silver under, bright red orange in fall	Interesting cinnamon brown under exfoliating bark
Pyramidal European Hornbeam	<i>Carpinus betulas</i> “Fastigiata”	35	20		Dense, Upright, Pyramid to Oval		Dark green turning yellow	Retains leaves into winter, small hard nutlets in clusters
Frans Fontaine Hornbeam	<i>Carpinus betulas</i> “Frans Fontaine”	35	15		Broadly oval		Dark green turning yellow	
Chinese Dogwood	<i>Cornus kousa chinensis</i>	30	30		Round		Green turning red	White flowers and red pink fruit
Lavelle Hawthorne	<i>Crataegus x lavelle</i>	30	20		Upright		Dark glossy green turning bronze red	White flowers, red persistent fruit
Saratoga Ginkgo	<i>Ginkgo biloba</i> “Saratoga”	30	30	Yes	Round		Greenish gold turning yellow	
Autumn Gold Ginkgo	<i>Ginkgo biloba</i> "Autumn Gold"	45	35		Narrow broadening in age		Medium green turning gold/yellow	Seedless clone
Princeton Sentry Gingko	<i>Ginkgo biloba</i> "Princeton Sentry"	40	15		Narrowly pyramidal		Light green turning bright yellow	
American Hornbeam	<i>Ostrya virginiana</i>	35	25		Oval		Medium green turning yellow	Male catkins visible in winter, greenish white nutlets
Columnar Sargent Cherry	<i>Prunus sargentii</i> ‘Columnaris’	35	15		Columnar		Green turning orange red	Deep pink flowers
Pink Flair Cherry	<i>Prunus sargentii</i> ‘JFSKW58’	25	15		Narrow / Upright		Bright orange, red fall	pink clusters, blooms later (avoids frost), upright symmetry gives winter appeal
Capital Pear	<i>Pyrus calleryana</i> ‘Capital’	35	12		Columnar		Medium green turning reddish purple	White flowers in clusters, good for narrow spaces
Chanticleer Pear	<i>Pyrus calleryana</i> ‘Glens Form’	40	15		Pyramidal		Glossy green turning orange red	White flowers in clusters, good for narrow spaces
Flowering Pear ‘Cleveland Select’	<i>Pyrus calleryana</i> “Cleveland Select”	40	15		Upright, pyramidal		Glossy, dark green turning wine red to scarlet	White cluster flowers, early bloomer
Skyrocket Oak	<i>Quercus robur</i> ‘Fastigiata’	45	15		Fastigiate		Dark green turning yellow brown	Interesting oak for very narrow spaces
Japanese Stewartia	<i>Stewartia pseudocamellia</i>	40	20		Pyramidal		Dark green turning dark red	White camellia like flowers, mottled bark
Chancellor Linden	<i>Tillia cordata</i> ‘Chancale’	45	20		Pyramidal, upright		Dark green turning yellow	Yellow fragrant flowers attractive to bees
"WirelessTM" Zelkova"	<i>Zelkova serrata</i> ‘Schmidtlow’	24	36	Yes	Broadly spreading vase		Medium green turning red	
Mushshino Zelkova	<i>Zelkova serrata</i> "Musashino"	45	20		Very narrow upright vase		Medium green	ideal for narrow street, good canopy clearance

COMMON NAME	SCIENTIFIC NAME	MATURE HEIGHT (ft)	CANOPY SPREAD (ft)	POWER LINE OK?	STRUCTURE	OREGON NATIVE?	FOLIAGE	FLOWERS, FRUIT, OTHER SPECIAL INTEREST
RECOMMENDED STREET TREES FOR PLANTING IN 6' TO 8' PARKING STRIPS								
State StreetTM Maple	<i>Acer miyabei 'Morton'</i>	45	30		Upright, oval		Dark green turning yellow	Native to Japan, endangered
European Hornbeam	<i>Carpinus betulus</i>	50	35		Oval to Round		Dark green to golden yellow	Holds leaves into winter
Hackberry	<i>Celtis occidentalis</i>	40	30		Oval		Dark green turning yellow	**Metro Green Street Tree
Katsura Tree	<i>Cercidiphyllum japonicum</i>	40	35		Oval		Blue green turning yellow scarlet	
Yellowwood	<i>Cladastris lutea</i>	40	35		Round		Yellow to bright green, orange/yellow fall	White fragrant flower clusters
Pacific Dogwood	<i>Cornus nutallii</i>	60	30		Broad upright	Native	Deep green, bright fall color.	
Tricolor Beech	<i>Fagus sylecatica 'Roseo-Marginata'</i>	40	30		Broad Oval		Purple with light pink border	
Saratoga Ginko	<i>Ginko biloba 'Saratoga'</i>	30	30		Round		Green gold to yellow	
Shademaster Honeylocust	<i>Gleditsia triacanthos 'Shademaster'</i>	45	35		Vase		Dark green turning yellow	
Skyline Honeylocust	<i>Gleditsia triacanthos 'Skyline'</i>	50	30		Broad pyramidal		Medium green turning golden	
Halka Honeylocust	<i>Gleditsia triacanthos 'Christie'</i>	55	40		Upright		Green, yellow fall	
Magnolia Kobus	<i>Magnolia kobus</i>	40	30		Round		Dark green	Evergreen leaves and flowers
Royal Burgandy Cherry	<i>Prunus serrulata 'Royal Burgandy'</i>	30	20		Vase		Purple red to red and orange	Pink flowers
Rancho Pear	<i>Pyrus calleryana 'Rancho'</i>	35	30		Narrow upright			White flowers
Trinity Pear	<i>Pyrus calleryana 'Trinity'</i>	30	25		Broadly oval to round		Glossy green, orange/red fall	White flowers
Scarlet Oak	<i>Querus coccinea</i>	50	40		Broad Oval		Glossy green turning scarlet	
Skymaster Oak	<i>Quercus robur 'Pyramich'</i>	50	25		Pyramidal		Dark green turning yellow	
Forest Green Oak	<i>Quercus frainetto 'Schmidt'</i>	50	30		Upright w/ strong central leader		Glossy deep green	
Glenleven Linden	<i>Tilia cordata 'Glenleven'</i>	45	30		Pyramidal		Medium green turning yellow	
Greenspire Linden	<i>Tilia cordata 'Greenspire'</i>	40	30		Pyramidal, symmetrical		Dark green, yellow fall	
Redmond Bigleaf Linden	<i>Tillia americana x euchlora "Redmond"</i>	35	25		Pyramidal		light green, yellow fall	
Rancho Linden	<i>Tillia cordata 'Rancho'</i>	40	30		Vigorous pyramidal		Small leaves	
Frontier Elm	<i>Ulmus 'Frontier'</i>	40	30		Broadly oval		Glossy green, burgundy fall	Disease tolerant
Accolade Elm	<i>Ulmus japonica x wilsonia</i>	70	60		Vase shaped w/ arching limbs		Glossy green, yellow fall	Resistant to elm leaf beetle and dutch elm disease
Triumph Elm	<i>Ulmus 'Morton Glossy'</i>	70	60		Upright oval to vase shaped		Glossy dark green, yellow fall	
Green Vase Zelkova	<i>Zelkova serrata 'Green Vase'</i>	50	40		Vase shaped w/ upright arching limbs		Green, yellow fall	
Halka Zelkova	<i>Zelkova serrata 'Halka'</i>	45	30		Vase		Medium green turning yellow	Cultivar
Village Green Zelkova	<i>Zelkova serrata 'Village Green'</i>	40	38		Vase to round		Deep green / rusty red fall	Not recommended for high wind areas
"WirelessTM" Zelkova"	<i>Zelkova serrata 'Schmidtlow'</i>	24	36		Broadly spreading vase		Medium green turning red	Cultivar
Musashino Zelkova	<i>Zelkova serrata 'Musashino'</i>	45	20		Very narrow upright vase		Medium green	Good for narrower street, clearance beneath canopy

COMMON NAME	SCIENTIFIC NAME	MATURE HEIGHT (ft)	CANOPY SPREAD (ft)	POWER LINE OK?	STRUCTURE	OREGON NATIVE?	FOLIAGE	FLOWERS, FRUIT, OTHER SPECIAL INTEREST
RECOMMENDED STREET TREES FOR PLANTING IN 8 ½' AND LARGER PARKING STRIPS								
<i>Please Note: Species with a ** are from Metro's Illustrated Guide "Trees for Green Streets". They should be planted in an 8' or larger planter strip, or if in a tree well, at least 5' by 5' with removable pavers to make room for the tree as it grows.</i>								
Grand fir	<i>Abies grandis</i>	100	40		Upright, vertical, dense	Native	Needles	Metro Green Street Tree**
Sycamore Maple	<i>Acer pseudoplatanus</i>	60	50		Wide spread		Green turning yellow	
Wineleaf Sycamore Maple	<i>Acer pseudoplatanus 'Spaithii'</i>	30	50		Pyramidal	Native	Dark green	
Red Horsechestnut	<i>Aesculus x carnea 'Briotii'</i>	60	45		Round		Dark green turning yellow	Red flowers
Globe Serviceberry	<i>Amelanchier canadensis oblongifolia</i>	60	40		Round		Green turning bright yellow red	White flowers
Canoe or Paper Birch	<i>Betula papyrifera</i>	50	35		Oval		Dark green, yellow fall	The most permanent of the birches
Katsura Tree	<i>Cercidiphyllum japonicum</i>	40	35		Oval		Blue green turning yellow to scarlet	
Red Bud	<i>Cercis canadensis</i>	20	25		Open spreading		Medium green turning yellow	Pink flowers
Deodar cedar	<i>Cedrus deodara</i>	80	60		Horizontal, dense			Metro Green Street Tree**
Atlas cedar	<i>Cedrus libani ssp. Atlantica</i>	60	60					Metro Green Street Tree**
Purple Rivers Beech	<i>Fagus sylvatica 'Riversi'</i>	60	40		Oval		Deep purple turning bronze	
Tricolor Beech	<i>Fagus sylvatica 'Roseo-Marginata'</i>	40	30		Broad Oval		Purple with light pink border	
Flame Ash	<i>Fraxinus oxycarpa 'Flame'</i>	35	30		Round		Green turning purple and red	
Urbanite Ash	<i>Fraxinus pennsylvanica 'Urbanite'</i>	50	40		Broad pyramidal		Lustrous green turning bronze	
Summit Ash	<i>Fraxinus pennsylvanica lanceolata</i>	45	25		Pyramidal		Medium green turning yellow	
Saratogo Ginko	<i>Ginkgo biloba 'Saratoga'</i>	30	30		Round		Green gold to yellow	
Halka Honeylocust	<i>Gledisia triacanthos 'Christie'</i>	55	40		Upright		Green turning yellow	
Kentucky Coffee Tree	<i>Gymnocladus dioicus</i>	70	40		Open		Green	
Dawn Redwood	<i>Metasequoia glyptostroboides</i>	70	25		Pyramidal to oval		Green, yellow fall	Decidious conifer, looks like a redwood in summer
Black Tupelo	<i>Nyssa sylvatica</i>	40	20	Yes	Pyramidal when young, spreading w/ age		Dark green glossy, copper/red in fall	
Sourwood	<i>Oxydendrum arboreum</i>	50	25		Pyramidal		Green to brilliant scarlet	White flowers
Chinese scholar tree	<i>Sophora japonica</i>	50	40		Oval		Green, yellow in fall	Metro Green Street Tree**,
Yoshino Cherry	<i>Prunus xyedoensis</i>	30	30		Spreading		Green turning yellow	Pink or white flowers
London plane	<i>Platanus x acerifolia</i>	100	65		Spreading		Green turning red in fall	Metro Green Street Tree**,
Scarlet Oak	<i>Quercus coccinea</i>	50	40		Broad oval		Glossy green turning scarlet	
Red Oak	<i>Quercus rubra</i>	70	50		Round	Native	Green turning red	
Western red cedar	<i>Thuja plicata</i>	100	60		Pyramidal		Persistent, green	Metro Green Street Tree**, Does not like direct sun
Halka Zelkova	<i>Zelkova serrata 'Halka'</i>	45	30		Vase		Medium green turning yellow	



COMMON NAME	SCIENTIFIC NAME	MATURE HEIGHT (ft)	CANOPY SPREAD (ft)	POWER LINE OK?	STRUCTURE	OREGON NATIVE?	FOLIAGE	FLOWERS, FRUIT, OTHER SPECIAL INTEREST
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OREGON NATIVE TREE SPECIES

Please Note: In general, native trees are NOT recommended as Street Trees within parking strips due to the large planting area required (at least 10' wide). There are some exceptions, which are listed above.  
Large native trees are appropriate behind the sidewalk in a yard or park area. The city encourages the planting of native plants and trees where appropriate. For further information, please refer to the following resources:  
OSU Extension Service Landscape Plants web: <http://oregonstate.edu/dept/ldplants/native-or.htm#native>  
Oregon City Native Plant List <http://www.orcity.org/sites/default/files/Native%20Plant%20List.pdf>  
Portland Plant List <http://www.portlandonline.com/auditor/index.cfm?&a=322280&c=34460>  
Metro Trees for Green Streets Booklet (For Purchase) <http://tro.gov/index.cfm/go/by.web/id=26337>

OTHER LARGE TREES

Please Note: Many species of large trees are NOT recommended as Street Trees within parking strips due to the large planting area required (at least 10' wide) or because they have certain characteristics that make them unsuitable as street trees (e.g. intolerance of clay soils, dust, or weaker structure or wood). There are some exceptions, which are listed above.  
Large trees may be appropriate behind the sidewalk in a yard or park area. The city encourages the planting of large trees where appropriate. For further information, please refer to the following resources:  
Portland Plant List <http://www.portlandonline.com/auditor/index.cfm?&a=322280&c=34460>  
Metro Trees for Green Streets Booklet (For Purchase) <http://tro.gov/index.cfm/go/by.web/id=26337>



# City of Oregon City

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

## Staff Report

File Number: PC 13-058

**Agenda Date:** 6/24/2013

**Status:** Agenda Ready

**To:** Planning Commission

**Agenda #:** 4a.

**From:** Community Development Director Tony Konkol

**File Type:** Land Use Item

### **SUBJECT:**

A request for a Zone Change and 10-lot Subdivision approval for a property located at 14270 Canyon Ridge Drive.

### **RECOMMENDED ACTION (Motion):**

Staff requests that the Planning Commission recommend approval of TP 13-02 and ZC 13-01 to the City Commission for their consideration at the July 17th, 2013 hearing.

### **BACKGROUND:**

The Applicant is seeking approval for a Zone Change from "R-10" Single-Family Dwelling District to "R-6" Single-Family Dwelling District as well as a 10-lot subdivision for the 1.98-acre property located at 14270 Canyon Ridge Drive, Oregon City, Oregon 97045. The property is located on the edge of the City limit and the Urban Growth Boundary. It is adjacent to Highway 213 and is not located in any overlay districts.

### **BUDGET IMPACT:**

Amount:

FY(s):

Funding Source:



**TYPE IV APPLICATION  
STAFF REPORT AND RECOMMENDATION  
June 17, 2013**

**FILE NO.:** TP 13-02: 10-Lot Subdivision  
ZC 13-01: Zone Change

**OWNER:** Mike Waddell

**APPLICANT:** Welkin Engineering

**REQUEST:** The Applicant is seeking approval for a Zone Change from “R-10” Single-Family Dwelling District to “R-6” Single-Family Dwelling District as well as a 10-lot subdivision.

**LOCATION:** 14270 Canyon Ridge Drive, Oregon City, Oregon 97045  
Clackamas County Map 3-2E-16BB, Tax Lot 300

**REVIEWER:** Kelly Moosbrugger, Planner  
Todd Martinez, Development Services

**RECOMMENDATION:** Staff recommends the Planning Commission recommend approval with conditions of Planning files TP 13-02, ZC 13-01 to the City Commission for their consideration at the July 17, 2013 hearing.

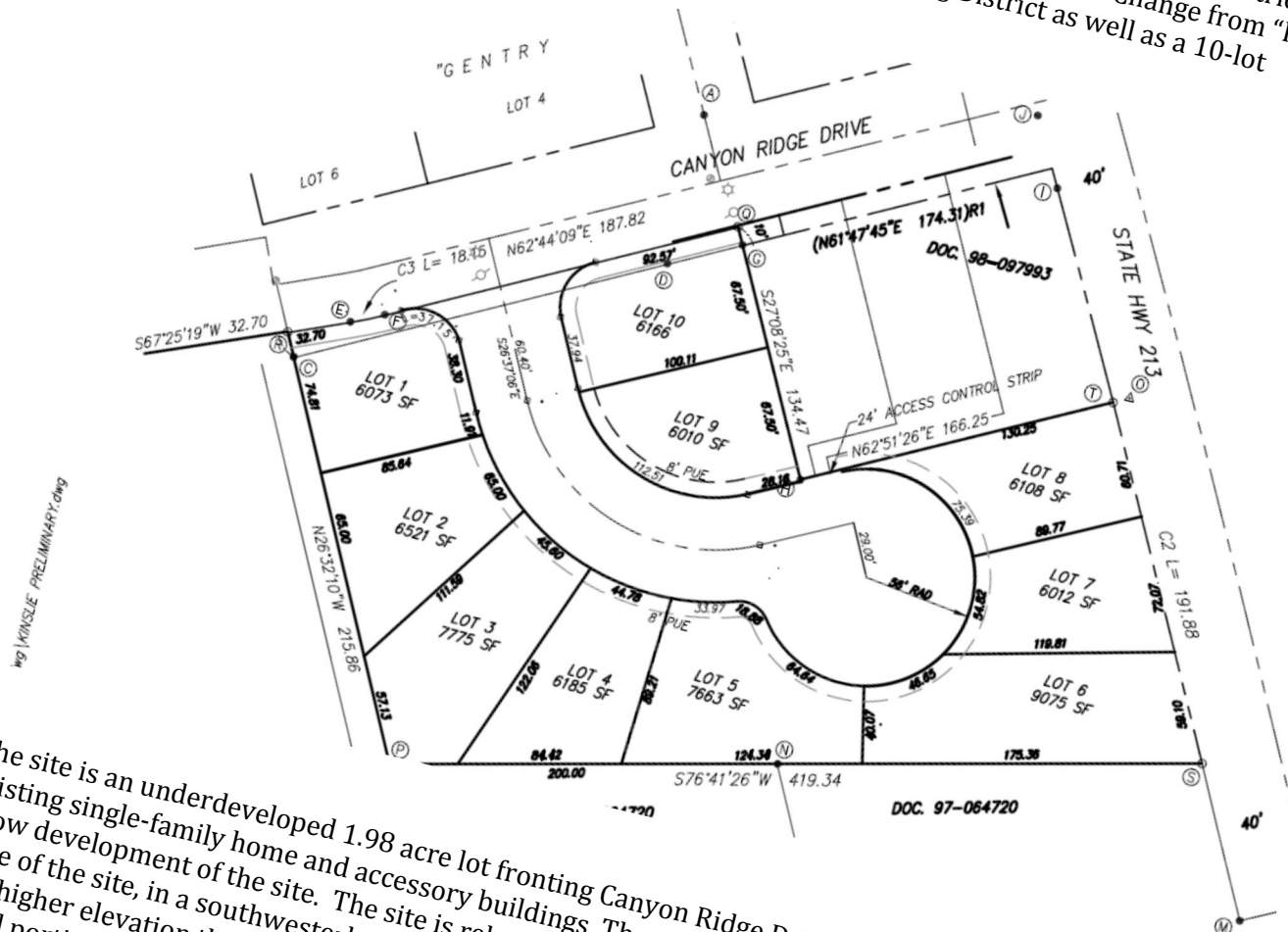
**PROCESS:** Type IV decisions include only quasi-judicial plan amendments and zone changes. These applications involve the greatest amount of discretion and evaluation of subjective approval standards and must be heard by the city commission for final action. The process for these land use decisions is controlled by ORS 197.763. At the evidentiary hearing held before the planning commission, all issues are addressed. If the planning commission denies the application, any party with standing (i.e., anyone who appeared before the planning commission either in person or in writing) may appeal the planning commission denial to the city commission. If the planning commission denies the application and no appeal has been received within ten days of the issuance of the final decision then the action of the planning commission becomes the final decision of the city. If the planning commission votes to approve the application, that decision is forwarded as a recommendation to the city commission for final consideration. In either case, any review by the city commission is on the record and only issues raised before the planning commission may be raised before the city commission. The city commission decision is the city's final decision and is appealable to the land use board of appeals (LUBA) within twenty-one days of when it becomes final.

IF YOU HAVE ANY QUESTIONS ABOUT THIS APPLICATION, PLEASE CONTACT THE PLANNING DIVISION OFFICE AT (503) 722-3789.

## I.

**BACKGROUND AND PROPOSED DEVELOPMENT:**

The property located at 14270 Canyon Ridge Drive, Oregon City, Oregon 97045 and identified as Clackamas County Map 3-2E-16BB, Tax Lot 300 was annexed into Oregon City from Clackamas County in 1994. As with all properties within the "LR" Low Density Residential Comprehensive Plan Designation, the 1.98 acre property was assigned the "R-10" Single-Family Dwelling District zoning designation upon annexation. The Applicant is seeking approval for a Zone Change from "R-10" Single-Family Dwelling District to "R-6" Single-Family Dwelling District as well as a 10-lot subdivision.



The site is an underdeveloped 1.98 acre lot fronting Canyon Ridge Drive that recently contained an existing single-family home and accessory buildings. These structures have recently been removed to allow development of the site. The site is relatively flat, mostly sloping from Hwy. 213 at the eastern edge of the site, in a southwesterly direction with a relative slope of just over 2%. Much of the site is at a higher elevation than Canyon Ridge Dr. and some of the site drains to Canyon Ridge Dr. A very small portion of the site in the grove of trees at the front of the proposed Lot 6 has some localized steeper slopes, well buttressed by large trees and rocks outcroppings.

There are many mature trees on the property, some over 30 inches in diameter with most in the 20 inch range. The site canopy is about 30%.

**Surrounding Uses:**

The southern boundary of the site is the Urban Growth Boundary. Properties to the south are designated Rural Reserve (RUR). The property to the south and west are zoned RRFF5; to the east R-3.5 and R-6, to the northwest R-10.

**City/Public Comments:**

Notice of the public hearings for this proposal was mailed to property owners within 300 feet of the subject site, the neighborhood association and the Citizen Involvement Council. The notice was advertised in the Clackamas Review, Oregon City News and Estacada News and the site was posted with land use notification signs. The notice requested comments and indicated that interested parties could testify at the public hearing or submit written comments prior to or at the hearing. The application was transmitted to the Clackamas River Water District, Oregon Department of Transportation, Clackamas County, Oregon City Police Department, City Engineer, Public Works Operations Manager, Development Services Manager, Oregon City School District, GIS Coordinator, and the City transportation consultant for comment. Comments from John Replinger, a City consultant for Replinger and Associates, have been incorporated into this staff report.

Comments received before the staff report was written include the following:

Betty Johnson, Engineering Associate with Clackamas River Water:

*This property is within the city limits of Oregon City and will be the water provider for this property. 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.*

**II. DECISION-MAKING CRITERIA:**Oregon City Municipal Code Standards and Requirements

## Title 16: Land Division:

Chapter 16.08, Subdivisions-Process and Standards

Chapter 16.12, Minimum Improvements and Design Standards for Land Divisions

## Title 12: Streets, Sidewalks and Public Places:

Chapter 12.04, Street Design Standards

Chapter 12.08, Public and Street Trees

## Title 13: Public Services

Chapter 13.12, Stormwater Management

## Title 17: Zoning:

Chapter 17.08, R-10 Single Family Dwelling District

Chapter 17.12, R-6 Single Family Dwelling District

Chapter 17.41, Tree Protection

Chapter 17.47, Erosion and Sediment Control

Chapter 17.68, Zone Changes and Amendments

### III. COMPLY WITH APPROVAL CRITERIA

#### CHAPTER 17.68.020 ZONE CHANGES AND AMENDMENTS

*A. The proposal shall be consistent with the goals and policies of the comprehensive plan.*

##### **Goal 1: Citizen Involvement**

*Goal 1.2: Ensure that citizens, neighborhood groups and affected property owners are involved in all phases of the comprehensive planning program.*

**Finding: Complies as Proposed.** Chapter 17.50 of the Oregon City Municipal Code includes provisions to ensure that citizens, neighborhood groups, and affected property owners have ample opportunity for participation in zone change applications. The Applicant met with a neighborhood association prior to submitting this application. Once the application was deemed complete, the City noticed the application to properties within 300 feet and the neighborhood association, and Citizens Involvement Council, and posted the application on the City's website. In addition, the Applicant posted signs on the subject site. All interested persons have the opportunity to comment in writing or in person through the public hearing process. By following this process, the requirements of this policy are met.

##### **Goal 2: Land Use**

*Goal 2.1: Ensure that property planned for residential, commercial, office and industrial uses is used efficiently and that land is developed following principles of sustainable development.*

**Finding: Complies as Proposed.** The Applicant requested a zone change from "R-10" Single-Family Dwelling District to the "R-6" Single-Family Dwelling District. The zone change would allow additional dwellings to be constructed and the property to be utilized in an efficient manner, consistent with the adjacent properties. This standard has been met.

*Goal 2.7: Maintain the Oregon City Comprehensive Plan Land-Use Map as the official long-range planning guide for land-use development of the city by type, density and location.*

**Finding: Complies as Proposed.** The Oregon City Comprehensive Plan designates the subject property as within the "LR" Low Density Residential Development designation. The "LR" Low Density Residential Development designation includes the R-10, R-8 and R-6 zoning designations. The Applicant has not proposed to alter the Comprehensive Plan designation of the site. The subject site is located adjacent to R-3.5 and R-6 zoned properties, and thus the density of R-6 development is appropriate.

##### **Goal (5) Natural Resources**

*Policy 5.4.4: Consider natural resources and their contribution to quality of life as a key community value when planning, evaluating and assessing costs of City actions.*

**Finding: Complies as Proposed.** This policy is implemented by the application of the Natural Resources Overlay District (NROD). The subject property is not located within the NROD boundary.

##### **Goal 6: Quality of Air, Water and Land Resources**

*Goal 6.1.1: Promote land-use patterns that reduce the need for distance travel by single-occupancy vehicles and increase opportunities for walking, biking and/or transit to destinations such as places of employment, shopping and education.*

**Finding: Complies as Proposed.** The proposed R-6 development pattern will be consistent with this policy by creation of a more compact land use pattern and reduction in the square footage of public street per dwelling, thereby reducing travel by single-occupancy vehicles and increasing use of alternative modes of transportation. Public sidewalks will be provided on all streets within this project. This standard has been met.

*Policy 6.2.1 Prevent erosion and restrict the discharge of sediments into surface and groundwater by requiring erosion prevention measures and sediment control practices.*

**Finding: Complies as Proposed.** This policy is implemented by development standards that require appropriate handling of storm water runoff. Standard erosion control measures will be implemented during construction. Storm runoff from the proposed development will be collected with a storm sewer system, as shown on the preliminary utility plan submitted with this application. The applicant has proposed to construct erosion control improvements at the existing outfall. Please refer to the findings within this report.

### **Goal 10: Housing**

*Goal 10.1.3: Designate residential land for a balanced variety of densities and types of housing, such as single-family attached and detached, and a range of multi-family densities and types, including mixed-use development.*

**Finding: Complies as Proposed.** The proposed zone change will maintain the basic land use for this site as Low Density Residential, consistent with the Oregon City Comprehensive Plan. The increased density allowed by the R-6 zoning, as compared with the existing R-10 district will provide for a greater number of single-family homes on this site, thereby increasing the availability of more choices in the marketplace. This standard has been met.

### **Goal 11: Public Facilities**

*Goal 11.1: Serve the health, safety, education, welfare and recreational needs of all Oregon City residents through the planning and provision of adequate public facilities.*

**Finding: Complies as Proposed.** All public facilities necessary to serve this project are available at adequate levels to meet the proposed R-6 zoning. Sanitary sewer is available from an existing 8-inch line that is installed in Canyon Ridge Drive which will be extended into the property. Water service is available from an 8-inch City line in Canyon Ridge Drive that will be extended into the property. Storm water service is provided by a 12-inch pipe on Canyon Ridge Drive that will be extended into the property. Oregon City Public Schools provide education services and has adequate levels of service available. Police and fire protection are provided by the City of Oregon City. The site is located approximately a half mile southwest of the future Glen Oak park site to meet recreational needs and is less than a mile from the athletic fields at Oregon City High School. Please refer to the findings within this report under Chapter 16.08.030 paragraph B.

*Policy 11.1.4: Support development of underdeveloped or vacant buildable land within the city where public facilities and services are available or can be provided and where land use compatibility can be found relative to the environment, zoning and comprehensive plan goals.*

**Finding: Complies as Proposed.** All public facilities necessary to serve this project are available at adequate levels to meet the proposed R-6 zoning. The proposed zone change will maintain the basic land use for this site as Low Density Residential, consistent with the Oregon City Comprehensive Plan. Please refer to the findings within this report.

### **Goal 12: Transportation**

*Goal 12.6: Develop and maintain a transportation system that has enough capacity to meet users' needs.*

**Finding: Complies as Proposed.** A Traffic Assessment Letter (TAL) was prepared for this project, dated February 15, 2013, under the direction of Brent Ahrend of Group MacKenzie (Exhibit 2). The TAL was reviewed by John Replinger of Replinger and Associates, a City transportation consultant, who concluded: "I find that the TAL meets city requirements and provides an adequate basis upon which impacts can be assessed. The subdivision will result in minimal additional traffic. There are no transportation-related issues

associated with this subdivision requiring mitigation.” (Exhibit 3).

- B. That public facilities and services (water, sewer, storm drainage, transportation, schools, police and fire protection) are presently capable of supporting the uses allowed in the zone, or can be made available prior to issuing a certificate of occupancy. Service shall be sufficient to support the range of uses and development allowed by the zone.*

**Finding: Complies as Proposed.** The public facilities and services have been addressed in the discussion of compliance with Goal 11, above and within this report. All the services are available and adequate to meet the needs of this property when developed to levels allowed by the R-6 zoning district.

- C. The land uses authorized by the proposal are consistent with the existing or planned function, capacity and level of service of the transportation system serving the proposed zoning district.*

**Finding: Complies as Proposed.** The proposed development would maintain the Comprehensive Plan designation of Low Density Residential. The proposed Zone Change would retain the use of the site as for single-family dwellings. A Traffic Assessment Letter (TAL) was prepared for this project, dated February 15, 2013, under the direction of Brent Ahrend of Group MacKenzie (Exhibit 2). The TAL was reviewed by John Replinger of Replinger and Associates, a City transportation consultant, who concluded: “I find that the TAL meets city requirements and provides an adequate basis upon which impacts can be assessed. The subdivision will result in minimal additional traffic. There are no transportation-related issues associated with this subdivision requiring mitigation.” (Exhibit 3).

- D. Statewide planning goals shall be addressed if the comprehensive plan does not contain specific policies or provisions which control the amendment.*

**Finding: Not Applicable.** The comprehensive plan contains specific policies and provisions which control the zone change.

#### **CHAPTER 17.12 “R-6” SINGLE-FAMILY DWELLING DISTRICT**

##### *17.12.040. A. Minimum lot area, six thousand square feet;*

**Finding: Complies as Proposed.** Chapter 16.12.050 of the Oregon City Municipal Code allows lots that are up to 20% less than the required minimum lot area of the applicable zoning designation provided the subdivision, on average, meets the minimum site area requirement of the underlying zone. In the R-6 zone, the 20% standard would allow lots as small as 4,800 square feet. All proposed lots exceed 6,000 square feet. The average lot size for the entire subdivision is 6,759 square feet.

<b>Lot</b>	<b>Size (Sq. Ft.)</b>
1	6,073
2	6,521
3	7,775
4	6,185
5	7,663
6	9,075
7	6,012
8	6,108
9	6,010
10	6,166



17.12.040. B. Minimum lot width, fifty feet;

**Finding: Complies as proposed.** As demonstrated below, the proposed lot widths exceed the minimum lot width of 50 feet. This standard has been met.

Lot	Lot Width Ft.
1	70
2	68
3	60
4	60
5	110
6	55
7	60
8	60
9	70
10	55

17.12.040. C. Minimum lot depth, seventy feet;

**Finding: Complies as Proposed.** As demonstrated below, the proposed lot depths exceed the minimum lot depth of 50 feet. This standard has been met.

Lot	Lot Depth Ft.
1	85
2	93
3	120
4	100
5	75
6	130
7	95
8	95
9	85
10	100

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

**Finding: Not Applicable.** The Applicant did not propose to construct a structure with the proposed development. Building heights will be reviewed upon submission of a building permit.

17.12.040.E

1. Front yard: ten feet minimum depth.
2. Front porch, five feet minimum setback,
3. Attached and detached garage, twenty feet minimum setback from the public right-of-way where access is taken, except for alleys. Detached garages on an alley shall be setback a minimum of five feet in residential areas.
4. Interior side yard, nine feet minimum setback for at least one side yard; five feet minimum setback for the other side yard,
5. Corner side yard, fifteen feet minimum setback,
6. Rear yard, twenty-foot minimum setback
7. Rear porch, fifteen-foot minimum setback.

**Finding: Complies as Proposed.** The site recently contained an existing single-family home and a large shop building which were removed to allow development of the site. The Applicant has submitted a building permit for one single family home on the property, located near the southern property line. The home is permitted on its own as is on the site, and would become part of the subdivision as Lot 5 upon City approval of the zone change and subdivision request. The site plans submitted with the application for a single family home showed that the home is in compliance with the dimensional standards of the current zoning of the site, “R-10,” and showed that the home will comply with the proposed zoning (R-6). It additionally meets the requirements of the “R-8” zone. Setbacks for all other structures will be reviewed upon submission of a building permit.

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

**Finding: Complies as Proposed.** The site recently contained an existing single-family home and a large shop building which were removed to allow development of the site. The Applicant has submitted a building permit for one single family home on the property, located near the southern property line. The home is permitted on its own as is on the site, and would become part of the subdivision as Lot 5 upon City approval of the zone change and subdivision request. The garage setback for the home is at least 20 feet, in compliance with this standard. The site plans submitted with the application for a single family home showed that the home is in compliance with the dimensional standards of the current zoning of the site, “R-10,” and showed that the home will comply with the proposed zoning (R-6). It additionally meets the requirements of the “R-8” zone. Setbacks for all other structures will be reviewed upon submission of a building permit.

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

**Finding: Complies as Proposed.** The site recently contained an existing single-family home and a large shop building which were removed to allow development of the site. The Applicant has submitted a building permit for one single family home on the property, located near the southern property line. The home is permitted on its own as is on the site, and would become part of the subdivision as Lot 5 upon City approval of the zone change and subdivision request. The site plans submitted with the application for a single family home showed that the home is in compliance with the dimensional standards of the current zoning of the site, “R-10,” and showed that the home will comply with the proposed zoning (R-6). It additionally meets the requirements of the “R-8” zone.

The lot coverage of the home is as follows:

R-10 (existing site): 3.3%

R-10 (subdivision): 29%

R-8 (subdivision): 36%

R-6 (subdivision): 38%

Setbacks for all other structures will be reviewed upon submission of a building permit.

## **CHAPTER 16.08 – SUBDIVISIONS PROCESS AND STANDARDS**

### **16.08.010**

*All subdivisions shall be in compliance with the policies and design standards established by this chapter and with applicable standards in the City’s Public Facilities Master Plan and the City Design Standards and Specifications. The evidence contained in this record indicates that the proposed subdivision is in compliance with standards and design specifications listed in this document, subject to the conditions of approval.*

**Finding: Complies with Conditions.** As demonstrated within this staff report the proposed project was reviewed by the appropriate agencies and will comply with the criterion in the Oregon City Municipal Code with the conditions of approval. **The Applicant can meet this standard through all Conditions of Approval.**

**16.08.015** *Preapplication conference required.*

**Finding: Complies as Proposed.** The Applicant held a pre-application conference on January 9, 2013.

**16.08.020** - *Preliminary subdivision plat application.*

*Within six months of the preapplication conference, an Applicant may apply for preliminary subdivision plat approval. The applicant's submittal must provide a complete description of existing conditions, the proposed subdivision and an explanation of how the application meets all applicable approval standards. The following sections describe the specific submittal requirements for a preliminary subdivision plat, which include plan drawings, a narrative statement and certain tabular information. Once the application is deemed to be complete, the community development director shall provide notice of the application and an invitation to comment for a minimum of fourteen days to surrounding property owners in accordance with Section 17.50.090(A). At the conclusion of the comment period, the community development director will evaluate the application, taking into consideration all relevant, timely filed comments, and render a written decision in accordance with Chapter 17.50. The community development director's decision may be appealed to the city commission with notification to the planning commission.*

**Finding: Complies as Proposed.** This application was submitted on March 26, 2013, within 6 months of the pre-application conference held on January 9, 2013. The application was reviewed and determined to be incomplete on April 26 2013, and was deemed complete on May 7, 2013, after additional materials were submitted.

**16.08.025** - *Preliminary subdivision plat—Required plans.*

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

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

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

*B. Traffic/Transportation Plan. The applicant's traffic/transportation information shall include two elements: (1) A detailed site circulation plan showing proposed vehicular, bicycle, transit and pedestrian access points and connections to the existing system, circulation patterns and connectivity to existing rights-of-way or adjacent tracts, parking and loading areas and any other transportation facilities in relation to the features illustrated on the site plan; and (2) a traffic impact study prepared by a qualified professional transportation*

engineer, licensed in the state of Oregon, that assesses the traffic impacts of the proposed development on the existing transportation system and analyzes the adequacy of the proposed internal transportation network to handle the anticipated traffic and the adequacy of the existing system to accommodate the traffic from the proposed development. The City Engineer may waive any of the foregoing requirements if determined that the requirement is unnecessary in the particular case.

**Finding: Complies as Proposed.** The development application included a preliminary site plan as well as a Transportation Analysis Letter, prepared by Brent Ahrend of Group Mackenzie (Exhibit 2). This standard is met.

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

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

**Finding: Complies as Proposed.** The development application included preliminary site and drainage plans as well as the proposed lots, street, and trees proposed to be removed. The site does not contain wetlands or other natural or cultural features.

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

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

If, after forty-five days notice from the applicant, the Oregon State Historic Preservation Office or the applicable tribal cultural resource representative fails to provide comment, the city will not require the letter or email as part of the completeness review. For the purpose of this section, ground disturbance is defined as the movement

*of native soils. The community development director may waive any of the foregoing requirements if the community development director determines that the requirement is unnecessary in the particular case and that the intent of this chapter has been met.*

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

**16.08.030 – Preliminary Subdivision Plat – Narrative Statement**

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

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

**Finding: Complies as Proposed.** A detailed description of the proposed subdivision including the above listed information, as applicable, was submitted with this development application.

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

**1. Water**

**Finding: Complies with Conditions.** There is an existing 8-inch Oregon City (City) water main in Canyon Ridge Drive. The Applicant proposed the water line be installed in the proposed street connecting to the existing pipe with an 8-inch pipe.

All new water services shall be constructed with individual copper water laterals a minimum of 1-inch diameter in size connecting the water main to the water meter.

Staff concurs that sufficient water mains are installed. Prior to final plat, the Applicant shall submit the proposed development to Clackamas County Fire District No. 1 for review. In the event that fire hydrants are required by Clackamas County Fire District No. 1, staff finds there is adequate area available on the subject property for such installation. The Applicant has proposed a water system that appears to meet City code requirements with a few modifications. The Applicant is responsible for this project's compliance with Engineering Policy 00-01. The policy pertains to any land use decision requiring the Applicant to provide any public improvements. The Applicant shall sign a Non-Remonstrance Agreement for the purpose of making sanitary sewer, storm sewer, water or street improvements in the future that benefit the property and assessing the cost to benefited properties pursuant to the City's capital improvement regulations in effect at the time of such improvement. **Staff has determined that it is possible, likely and reasonable that the Applicant can meet this standard through Conditions of Approval 1, 2, 3, and 4.**

**2. Sanitary Sewer**

**Finding: Complies with Condition.** There is an existing 8-inch gravity sanitary sewer main in Canyon Ridge Drive. A new 8-inch public sanitary sewer main will be installed in the proposed street. The Applicant has proposed to provide sanitary sewer laterals to all of the lots in the proposed development.

The proposed sanitary sewer system will meet City code requirements with a few modifications. All new sanitary sewer laterals shall be constructed with individual laterals connecting to the sanitary sewer main.

The Applicant is responsible for this project's compliance with Engineering Policy 00-01. The policy pertains to any land use decision requiring the Applicant to provide any public improvements. The Applicant shall sign a Non-Remonstrance Agreement for the purpose of making sanitary sewer, storm sewer, water or street improvements in the future that benefit the Property and assessing the cost to benefited properties pursuant to the City's capital improvement regulations in effect at the time of such improvement. **Staff has determined that it is possible, likely and reasonable that the Applicant can meet this standard through Conditions of Approval 1, 2, and 5.**

### *3. Storm Sewer and Storm Water Drainage*

**Finding: Complies with Condition.** There are existing storm water facilities in Canyon Ridge Drive which consist of 12-inch pipe and an underground detention pipe. The existing detention pipe is located such that it cannot be utilized by the proposed subdivision due to elevation. A new 12-inch public storm sewer main will be installed in the proposed street and connected to the existing system just downstream of the existing detention tank.

Storm water detention and treatment is required. However, due to the small amount of storm water flow from the proposed development the applicant has proposed to perform erosion control improvements and flow control at the existing outfall that serves the property. This includes repair to the rip-rap, repair of the existing erosion issues, and construction of a flow dispersal basin at the location of the outfall. The flow dispersal basin would spread out the flow which would reduce the flow velocity and decrease the erosion potential. Overland flow will be utilized for treatment.

As the additional storm flow from the proposed development is small (0.13 cfs), which is approximately 1.7% of the storm flow in the system, Staff finds the proposed storm improvements acceptable with a few modifications. It is recommended that on-site infiltrators be constructed for the run-off from the homes. This will further reduce the storm flow.

The Applicant is responsible for this project's compliance with Engineering Policy 00-01. The policy pertains to any land use decision requiring the Applicant to provide any public improvements. The Applicant shall sign a Non-Remonstrance Agreement for the purpose of making sanitary sewer, storm sewer, water or street improvements in the future that benefit the Property and assessing the cost to benefited properties pursuant to the City's capital improvement regulations in effect at the time of such improvement. **Staff has determined that it is possible, likely and reasonable that the Applicant can meet this standard through Conditions of Approval 1, 2, 6, 7 and 8.**

### *4. Parks and Recreation*

**Finding: Complies as Proposed.** The site is located within a half mile of the future Glen Oak park site. According to the Oregon City Parks and Recreation Department, this site is planned for improvements within the next five years, if not sooner. Park System Development Charges will be paid at the time building permits are issued for each lot in the subdivision.

### *5. Traffic and Transportation*

**Finding: Complies as Proposed.** A Traffic Assessment Letter (TAL) was prepared for this project, dated February 15, 2013, under the direction of Brent Ahrend of Group MacKenzie (Exhibit 2). John Replinger, the City's Traffic Consultant Engineer found the analysis meets the essential City requirements and does not require off-site mitigation measures to address transportation impacts (Exhibit 3). He concluded: "I find that the TAL meets city requirements and provides an adequate basis upon which impacts can be assessed. The

subdivision will result in minimal additional traffic. There are no transportation-related issues associated with this subdivision requiring mitigation.” (Exhibit 3). Highway 213 is an ODOT facility. This application, including its traffic analysis letter, was submitted to ODOT. In an email on May 20, 2013 Sandra Koike of ODOT acknowledged receiving the submittal. No further comments were received.

#### 6. Schools

**Finding: Complies as Proposed.** The Oregon City School District provides education services for the children of future residents. School funding is provided through a variety of sources including property taxes and surcharges that will be assessed with future building permits for the homes.

#### 7. Fire and Police Services

**Finding: Complies with Condition.** Clackamas County Fire District No. 1 will provide fire services to the subject site. There are no noted concerns about fire services and property taxes will be paid by future property owners to fund fire protection services thereby ensuring funding for protection services. In order to assure adequate protection new fire hydrants shall be located and installed as required per Clackamas County Fire District No. 1. Staff concurs that sufficient water mains are installed. In the event that fire hydrants are required by Clackamas County Fire District No. 1 requirements, staff finds there is adequate area available on the subject property for such installation.

The City of Oregon City Police Department will provide police services to the subject site. Property taxes will be paid by future property owners to fund police protection services, thereby ensuring funding for police services. **Staff has determined that it is possible, likely and reasonable that the Applicant can meet this standard through Condition of Approval 4.**

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

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

*C. Approval Criteria and Justification for Variances. The applicant shall explain how the proposed subdivision is consistent with the standards set forth in Chapter 16.12, 12.04 and any other applicable approval standards identified in the municipal code. For each instance where the applicant proposes a variance from some applicable dimensional or other numeric requirement, the applicant shall address the approval criteria from Chapter 17.60.*

**Finding: Not Applicable.** This application does not include any requests for variances.

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

**Finding: Complies as Proposed.** The Applicant included draft CC&R's in the application submittal. There are no conflicts with City codes within the CC&Rs.

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

**Finding: Complies as Proposed.** The Applicant proposed to construct the subdivision in a single phase. This standard has been met.

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

**Finding: Complies as Proposed.** The proposed subdivision includes 10 lots for the future construction of single-family attached homes in the R-6 zone. The gross site area is 89,919.56 square feet (2.064 acres). The net developable area is 67,762 sf. The maximum density allowed on the site is 11 lots (67,762/6000 = 11.29). The proposed ten-lot subdivision achieves 91% of the maximum density.

**16.08.035 - Notice and invitation to comment.**

*Upon the city's determination that an application for a preliminary subdivision plat is complete, pursuant to Section 17.50, the city shall provide notice of the application in accordance with requirements of Section 17.50 applicable to Type II decisions.*

**Finding: Complies as Proposed.** The application was deemed complete and notice was transmitted for comment in accordance with Section 17.50. This standard is met.

**16.08.040 - Preliminary subdivision plat—Approval standards and decision.**

*The minimum approval standards that must be met by all preliminary subdivision plats are set forth in Chapter 16.12, and in the dimensional and use requirements set forth in the chapter of this code that corresponds to the underlying zone. The community development director shall evaluate the application to determine that the proposal does, or can through the imposition of conditions of approval, meet these approval standards. The community development director's decision shall be issued in accordance with the requirements of Section 17.50.*

**Finding: Complies as Proposed.** This staff report contains findings and conditions of approval to assure that the applicable approval criteria are met. These findings are supported by substantial evidence which includes preliminary plans, a Transportation Analysis Letter, and other written documentation.

**16.08.045 - Building site—Frontage width requirement.**

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

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

**16.08.050 - Flag lots in subdivisions.**

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

**Finding: Not Applicable.** No flag lots are proposed.

**CHAPTER 16.12 – MINIMUM IMPROVEMENTS AND DESIGN STANDARDS FOR LAND DIVISIONS**

**Chapter 16.12.015 - Street Design-Generally**

*Street design standards for all new development and land divisions shall comply with Chapter 12.04—Street Design Standards.*

**Finding:** Please refer to the analysis in Chapter 12.04 of this report.

**16.12.020 – Blocks - Generally**

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

**Finding: Complies as Proposed.** The proposed subdivision provides for a new cul de sac, which is permitted due to the shape of the site and the surrounding development patterns. The proposed street



pattern provides for adequate building site size, as demonstrated by the site plan submitted with this application.

#### **16.12.025 Blocks-Length**

*Block lengths for local streets and collectors shall not exceed five hundred feet between through streets, as measured between nearside right-of-way lines.*

**Finding: Complies as Proposed.** The proposal does not create any blocks in excess of 500 feet.

#### **16.12.030 Blocks-Width**

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

**Finding: Complies as proposed.** The proposed development creates only one tier of lots adjacent to HWY 213. This is consistent with surrounding patterns and is allowable due to the desire to limit access along 213. There are not multiple streets proposed in the development that create less than two tiers of lots. The development consists of one cul-de-sac.

#### **16.12.035 Blocks-Pedestrian and Bicycle Access**

- A. *To facilitate the most practicable and direct pedestrian and bicycle connections to adjoining or nearby neighborhood activity centers, public rights-of-way, and pedestrian/bicycle accessways which minimize out-of-direction travel, subdivisions shall include pedestrian/bicycle access-ways between discontinuous street right-of-way where the following applies:*
  - 1. *Where a new street is not practicable;*
  - 2. *Through excessively long blocks at intervals not exceeding five hundred feet of frontage as measured between nearside right-of-way lines; or*
  - 3. *Where the lack of street continuity creates inconvenient or out of direction travel patterns for local pedestrian or bicycle trips.*
- B. *Pedestrian/bicycle accessways shall be provided:*
  - 1. *To provide direct access to nearby neighborhood activity centers, transit streets and other transit facilities;*
  - 2. *Where practicable, to provide direct access to other adjacent developments and to adjacent undeveloped property likely to be subdivided or otherwise developed in the future;*
  - 3. *To provide direct connections from cul-de-sacs and internal private drives to the nearest available street or neighborhood activity center;*
  - 4. *To provide connections from cul-de-sacs or local streets to arterial or collector streets.*
- C. *An exception may be made where the Community Development Director determines that construction of a separate accessway is not feasible due to physical or jurisdictional constraints. Such evidence may include but is not limited to:*
  - 1. *That other federal, state or local requirements prevent construction of an accessway;*
  - 2. *That the nature of abutting existing development makes construction of an accessway impracticable;*
  - 3. *That the accessway would cross an area affected by an overlay district in a manner incompatible with the purposes of the overlay district;*
  - 4. *That the accessway would cross topography consisting predominantly of slopes over twenty-five percent;*
  - 5. *That the accessway would terminate at the urban growth boundary and extension to another public right-of-way is not part of an adopted plan.*
- D. *Pedestrian/bicycle accessways shall comply with the development standards set out in Section 12.24 of this code, with the ownership, liability and maintenance standards in Section 12.24 of this code, and with such other design standards as the city may adopt*

**Finding: Complies as Proposed.** The proposal includes a fully contiguous street system that minimizes out-of-direction travel by pedestrians and bicyclist with installation of sidewalks and a street system. Residents will only be required to walk 600 feet to get onto HWY 213. Separate pedestrian and bicycle access ways are neither proposed nor required because new sidewalks and a street system will be installed.

#### **16.12.040--Building Sites**

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

**Finding: Complies as Proposed.** The buildings sites proposed are appropriate in size, width, shape, and orientation for low-density residential development, exceeding the minimum lot size, lot depth and lot width and similar to other development within the "R-6" Single-Family Dwelling District. The Applicant is not requesting a variance to any dimensional standard.

#### **16.12.045 Building Sites--Minimum Density**

*All subdivision layouts shall achieve at least 80% of the maximum density of the base zone for the net developable area as defined in Section 17.04.*

**Finding: Complies as Proposed.** The proposed subdivision includes 10 lots for the future construction of single-family attached homes in the R-6 zone. The gross site area is 89,919.56 square feet (2.064 acres). The net developable area is 67,762 sf. The maximum density allowed on the site is 11 lots ( $67,762/6000 = 11.29$ ). The proposed ten-lot subdivision achieves 91% of the maximum density.

#### **16.12.050 Calculations of Lot Area.**

*A subdivision in the R-10, R-8, R-6, R-3.5 and R-2 Dwelling District may include lots that are up to 20% less than the required minimum lot area of the applicable zoning designation provided the entire subdivision on average meets the minimum site area requirement of the underlying zone.*

**Finding: Complies as Proposed.** The proposed subdivision includes 10 single-family residential units in the R-6 zone, which requires a minimum lot size average of 6,000 square feet. This standard allows lots within 20 percent of the 6,000 square foot minimum lot size (4,800 square feet). The applicant has proposed a subdivision with lots ranging from 6010 square feet to 9,075 square feet. The average lot size is approximately 6,759 square feet.

#### **16.12.055 Building Sites -Through Lots**

*Through lots and parcels shall be avoided except where they are essential to provide separation of residential development from major arterials or to overcome specific disadvantages of topography.*

**Finding: Complies as Proposed.** The Applicant proposed three through lots that abut HWY 213. The proposed design provides for the separation of residential development from a major arterial.

#### **16.12.060 Building site--Lot and parcel side lines.**

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

**Finding: Complies as Proposed.** As far as practicable, the proposed lot lines and parcels run at right angles to the street upon which they face. Lots 6 and 9 have lines that are not at right angles with the curved street.

#### **16.12.065 Building site--Grading.**

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

**Finding: Complies with Condition.** The Applicant provided a preliminary grading plan demonstrating compliance with the City's Public Works requirements for grading standards if a few modifications are provided. The Applicant shall submit an erosion control plan and obtain an erosion control permit and field installation for review by the Public Works Department prior to start of construction.

The Applicant is responsible for this project's compliance with Engineering Policy 00-01. The policy pertains to any land use decision requiring the Applicant to provide any public improvements.

The Applicant shall provide an Erosion Prevention and Sedimentation Control Plan to the City for approval. The Applicant shall provide a Preliminary Residential Lot Grading Plan to the City for review prior to the approval of construction plans. A final site Residential Lot Grading Plan shall be required as part of the final construction plans per the City's Residential Lot Grading Criteria and the International Building Code. If significant grading is required for the lots due to its location or the nature of the site, rough grading shall be required of the developer prior to the acceptance of the public improvements. There shall not be more than a maximum grade differential of two (2) feet at all subdivision boundaries. Grading shall in no way create any water traps, or other ponding situations. The plan shall show the existing and proposed swales. **Staff has determined that it is possible, likely and reasonable that the Applicant can meet this standard through Conditions of Approval 1 and 9.**

**16.12.070 Building site--Setbacks and building location.**

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

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

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

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

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

- 1. No driveway access may be allowed since the driveway(s) would cause a significant traffic safety hazard; or*
- 2. Allowing a single driveway access per lot will not cause a significant traffic safety hazard.*

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

**Finding: Complies as Proposed.** All lots proposed front a local street. The applicant has proposed to combine the driveways of lots 1-2, 3-4, 6-7, and 9-10, with a 24-foot wide driveway approach, which will reduce the conflicts between cars entering and exiting the driveway and pedestrians walking on the sidewalk. Requiring a shared driveway for lots 5 and 8 was not practicable.

**16.12.075 Building site--Division of lots.**

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

**Finding: Not Applicable.** No lots have been proposed which are capable of redivision in accordance with this chapter.

**16.12.080 Protection of trees.**

*Protection of trees shall comply with the provisions of Chapter 17.41--Tree Protection.*

**Finding:** Please refer to the analysis in chapter 17.41 of this report.

**16.12.085 Easements.**

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

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

**Finding: Complies with Conditions.** The Applicant proposed public utility easements (PUE's) along all street frontages. **Staff has determined that it is possible, likely and reasonable that the Applicant can meet this standard through Condition of Approval 11.**

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

**Finding: Complies with Conditions.** There are proposed improvements to the storm drainage outfall, that is located on private property. The applicant will likely need a temporary construction easement to perform the work, and may require additional permanent easement from neighboring property owners for the improvements proposed. The applicant shall obtain the easements and provide copies to the City prior to approval of the design plans.

**Staff has determined that it is possible, likely and reasonable that the Applicant can meet this standard through Condition of Approval 11.**

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

**Finding: Not Applicable.** There are no watercourses traversing or bounding the site.

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

**Finding: Not Applicable.** There are no access easements proposed or required with this development.

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

**Finding: Not Applicable.** There are no identified significant natural features that require resource protection pursuant to this section.

**16.12.090 Minimum improvements--Procedures.**

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

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

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

*C. Erosion control or resource protection facilities or measures are required to be installed in accordance with the requirements of Chapter 17.49 and the Public Works Erosion and Sediment Control Standards.*

*Underground utilities, waterlines, sanitary sewers and storm drains installed in streets shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed beyond the public utility easement behind to the lot lines.*

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

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

**Finding: Complies with Condition.** The Applicant indicated that construction plans for all required improvements will be presented to the city for review and approval prior to the commencement of any construction activities on the site. Inspection will be provided for as required by this standards and city policy. Erosion control measures will be provided and are depicted in conceptual form on the attached preliminary grading plans. The Applicant is responsible for this project's compliance with Engineering Policy 00-01. The policy pertains to any land use decision requiring the Applicant to provide any public improvements. The Applicant shall sign a Non-Remonstrance Agreement for the purpose of making sanitary sewer, storm sewer, water or street improvements in the future that benefit the Property and assessing the cost to benefited properties pursuant to the City's capital improvement regulations in effect at the time of such improvement. **Staff has determined that it is possible, likely and reasonable that the Applicant can meet this standard through Conditions of Approval 1 and 2.**

**16.12.095 Same--Public facilities and services.**

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

**A. Transportation System.** Applicants and all subsequent lot owners shall be responsible for improving the city's planned level of service on all public streets, including alleys within the land division and those portions of public streets adjacent to but only partially within the land division. All applicants shall execute a binding agreement to not remonstrate against the formation of a local improvement district for street improvements that benefit the applicant's property. Applicants are responsible for designing and providing adequate vehicular, bicycle and pedestrian access to their developments and for accommodating future access to

*neighboring undeveloped properties that are suitably zoned for future development. Storm drainage facilities shall be installed and connected to off-site natural or man-made drainageways. Upon completion of the street improvement survey, the applicant shall reestablish and protect monuments of the type required by ORS 92.060 in monument boxes with covers at every public street intersection and all points of curvature and points of tangency of their center line, and at such other points as directed by the city engineer.*

**Finding: Complies as Proposed.** A Traffic Assessment Letter (TAL) was prepared for this project, dated February 15, 2013, under the direction of Brent Ahrend of Group MacKenzie (Exhibit 2). John Replinger, the City's Traffic Consultant Engineer found the analysis meets the essential City requirements and does not require off-site mitigation measures to address transportation impacts (Exhibit 3). He concluded: "I find that the TAL meets city requirements and provides an adequate basis upon which impacts can be assessed. The subdivision will result in minimal additional traffic. There are no transportation-related issues associated with this subdivision requiring mitigation." (Exhibit 3). Highway 213 is an ODOT facility. This application, including its traffic analysis letter, was submitted to ODOT. In an email on May 20, 2013 Sandra Koike of ODOT acknowledged receiving the submittal. No further comments were received.

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

**Finding:** See section 16.08.030.B.3 of this report for a description of the storm drainage system.

**C. Sanitary Sewer System.** *The applicant shall design and install a sanitary sewer system to serve all lots or parcels within a land division in accordance with the city's sanitary sewer design standards, and shall connect those lots or parcels to the city's sanitary sewer system, except where connection is required to the county sanitary sewer system as approved by the county. All applicants shall execute a binding agreement to not remonstrate against the formation of a local improvement district for sanitary sewer improvements that benefit the applicant's property. Applicants are responsible for extending the city's sanitary sewer system to the development site and through the applicant's property to allow for the future connection of neighboring undeveloped properties that are suitably zoned for future development. The applicant shall obtain all required permits and approvals from all affected jurisdictions prior to final approval and prior to commencement of construction. Design shall be approved by the city engineer before construction begins.*

**Finding:** See section 16.08.030.B.2 of this report for a description of the sanitary sewer system.

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

**Finding:** See section 16.08.030.B.1 of this report for a description of the water system.

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

**Finding: Complies with Conditions.** Currently there are sidewalks on the north side of Canyon Ridge Drive, the street that abuts the proposed development. There are also existing sidewalks on Highway 213 along the proposed development frontage. The Applicant has proposed to install 5- foot wide sidewalks on the south side of Canyon Ridge Drive, and 5-foot wide sidewalks on the new streets within the proposed development. These sidewalks should be constructed to City standards. **Staff has determined that it is possible, likely and reasonable that the Applicant can meet this standard through Conditions of Approval 1, 10, 12 and 13.**

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

**Finding: Not Applicable.** There are no identified bicycle routes.

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

**Finding: Complies with Condition.** The Applicant indicated it will comply with this section. **The Applicant can meet this standard through Condition of Approval 16.**

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

**Finding: Complies with Condition.** As required in this criterion, the Applicant shall install street lights along the frontage of the project. A street lighting plan shall be provided as part of the design plans to be reviewed by the City. PGE owns, installs and maintains all new street lights within the City. The applicant shall coordinate directly with PGE for the design of street lights. The Applicant is responsible for this project's compliance with Engineering Policy 00-01. The policy pertains to any land use decision requiring the Applicant to provide any public improvements. **Staff has determined that it is possible, likely and reasonable that the Applicant can meet this standard through Conditions of Approval 1, 12, 13, and 17.**

*I. Street Trees.*

**Finding:** Please refer to Chapter 12.08, Street Trees.

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

**Finding: Complies as Proposed.** The Applicant's plans indicated compliance with this section.

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

**Finding: Complies as Proposed.** The Applicant's application materials indicated compliance with this section.

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

**Finding: Complies as Proposed.** The Applicant indicated it will comply with this section.

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

**Finding: Complies with Condition.** The Applicant provided a preliminary rough grading plan that indicates the Applicant will be able to meet the City's Public Works erosion control standards. The Applicant shall provide an Erosion Prevention and Sedimentation Control Plan suitable to the Public Works Department to meet the Public Works requirements for erosion control. The Applicant shall provide a Preliminary Residential Lot Grading Plan to the City for review prior to the approval of construction plans. A final site Residential Lot Grading Plan shall be required as part of the final construction plans per the City's Residential Lot Grading Criteria and the International Building Code. If significant grading is required for the lots due to its location or the nature of the site, rough grading shall be required of the developer prior to the acceptance of the public improvements. There shall not be more than a maximum grade differential of two (2) feet at all subdivision boundaries. Grading shall in no way create any water traps, or other ponding situations. The plan shall show the existing and proposed swales. **Staff has determined that it is possible, likely and reasonable that the Applicant can meet this standard through Condition of Approval 9.**

#### **16.12.100 Same--Road standards and requirements.**

**A.** *The creation of a public street and the resultant separate land parcels shall be in conformance with requirements for subdivisions or partitions and the applicable street design standards of Chapter 12.04.*

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

#### **16.12.105 Same--Timing requirements.**

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

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

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



city, must be reviewed and approved by the city attorney. The amount of the guarantee shall be based upon approved final engineering plans, equal to at least one hundred ten percent of the estimated cost of construction, and shall be supported by a verified engineering estimate and approved by the city engineer.

**Finding: Complies as Proposed.** The Applicant indicated compliance with this section and will submit the required performance guarantees or will perform the improvements required for this application. This standard is met.

**16.12.110 - Minimum improvements—Financial guarantee.**

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

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

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

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

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

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

**Finding: Complies as Proposed.** The Applicant indicated compliance with this section and will submit the required performance guarantees or will perform the improvements required for this application. This standard is met.

## CHAPTER 12.04 – STREETS, SIDEWALKS AND PUBLIC PLACES

### 12.04.175 - Street design—Generally.

The location, width and grade of street shall be considered in relation to: existing and planned streets, topographical conditions, public convenience and safety for all modes of travel, existing and identified future transit routes and pedestrian/bicycle accessways, and the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain. To the extent possible, proposed streets shall connect to all existing or approved stub streets that abut the development site. Where location is not shown in the development plan, the arrangement of streets shall either:

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

B. Where necessary to give access to or permit a satisfactory future development of adjoining land, streets shall be extended to the boundary of the development and the resulting dead-end street (stub) may be approved with a temporary turnaround as approved by the city engineer. Access control in accordance with section 12.04.200 shall be required to preserve the objectives of street extensions.

**Finding: Complies as Proposed.** The location, widths, and grades of the proposed street network provide for a convenient street system, the safety of all modes of travel, including pedestrian and bicycle to, from, and through the subject site. The street layout does not provide for extension of the street system as it is at the urban growth boundary.

### 12.04.180 Street design--Minimum right-of-way.

All development shall provide adequate right-of-way and pavement width. Adequate right-of-way and pavement width shall be provided by:

A. Complying with the Street Design Standards contained in the table provided in chapter 12.04. The Street Design Standards are based on the classification of streets that occurred in the Oregon City Transportation System Plan (TSP), in particular, the following TSP figures provide the appropriate classification for each street in Oregon City: Figure 5-1: Functional Classification System and New Roadway Connections; Figure 5-3: Pedestrian System Plan; Figure 5.6: Bicycle System Plan; and Figure 5.7: Public Transit System Plan. These TSP figures from the Oregon City Transportation System Plan are incorporated herein by reference in order to determine the classification of particular streets.

Table 12.04.020 STREET DESIGN STANDARDS		
Type of Street	Maximum Right-of-way Width	Pavement Width
Major arterial	124 feet	98 feet
Minor arterial	114 feet	88 feet
Collector street	86 feet	62 feet
Neighborhood Collector street	81 feet	59 feet
Local street	54 feet	32 feet
Alley	20 feet	16 feet

*B. The applicant may submit an alternative street design plan that varies from the Street Design Standards identified above. An alternative street design plan may be approved by the City Engineer if it is found the alternative allows for adequate and safe traffic, pedestrian and bicycle flows and transportation alternatives and protects and provides adequate multi-modal transportation services for the development as well as the surrounding community.*

**Finding: Complies with Conditions.** The Applicant has proposed a street system that will meet City requirements with a few modifications. The existing street, Canyon Ridge Drive is a local street which has a 60-foot right-of-way (ROW). A 53-foot ROW is required; thus there is sufficient ROW. The proposed local street within the development is 54 feet wide, and the cul-de-sac ROW is shown as 56 foot radius. The city standards are 53 feet in width and a 56 foot radius. The ROW on Highway 213 is 80 feet, and is sufficient as it is. Highway 213 is an ODOT facility. This application, including its traffic analysis letter, was submitted to ODOT. In an email on May 20, 2013 Sandra Koike, Assistant Planner at ODOT acknowledged receiving the submittal. No further comments were received. **Staff has determined that it is possible, likely and reasonable that the Applicant can meet this standard through Conditions of Approval 1, 2, 10, 12 and 13.**

**12.04.185** *Street design--Access control.*

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

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

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

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

**Finding: Not Applicable.** There is no street that dead ends at the boundary of the development, and no half street dedication. The proposed development will extend an existing dead end street.

**12.04.190** *Street design--Alignment.*

*The centerline of streets shall be:*

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

*B. Offset from the centerline by no more than ten feet, provided appropriate mitigation, in the judgment of the city engineer, is provided to ensure that the offset intersection will not pose a safety hazard.*

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

**12.04.195** *Street design—Minimum Street Intersection Spacing.*

*A. All new development and redevelopment shall meet the following public street intersection spacing standards:*

	<i>Distance in Feet between Streets of Various Classifications</i>
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	<i>Between Arterial &amp; Arterial</i>	<i>Between Arterial &amp; Collector</i>	<i>Between Arterial &amp; Nbhd Collector</i>	<i>Between Arterial &amp; Local Street</i>	<i>Between Collector Street &amp; Collector Street</i>	<i>Between Collector Street &amp; Nbhd Collector</i>	<i>Between Collector &amp; Local Street</i>	<i>Between Nbhd Collector &amp; Local Street</i>	<i>Between two adjacent Local Streets</i>
<i>Measured along an Arterial Street</i>	1320	800	600	300	600	300	150	150	150
<i>Measured along a Collector Street</i>	800	800	600	300	600	300	150	150	150
<i>Measured along a Nbhd Collector Street</i>	800	600	300	300	300	150	150	150	150
<i>Measured along a Local Street</i>	600	600	300	300	300	150	150	150	150

*Note: With regard to public intersection spacing standards, the same distances apply to both major arterial and minor arterial streets. In this table, the term "arterial" applies to both major arterial and minor arterial streets.*

*Table 12.04.040—Public Street Intersection Spacing Standards*  
or

*B. A lesser distance between intersections may be allowed, provided appropriate mitigation, in the judgment of the city engineer, is provided to ensure that the reduction in intersection spacing will not pose a safety hazard.*

**Finding: Complies with Conditions.** The proposed street intersection on Canyon Ridge Drive is more than 150-feet from the intersection to the west, but is only approximately 65-feet from the local intersection to the east. The proposed street intersection on Canyon Ridge Drive is approximately 243-feet from the arterial intersection (Highway 213) to the east. While the intersections do not meet spacing requirements, the proposed layout appears to be the most reasonable layout to serve the property. Regardless of where the new intersection is located, the spacing standards will not be met. Staff agrees that the proposed intersection spacing will provide for a safe transportation system in this particular case. It is recommended that the proposed layout be accepted. **The Applicant can meet this standard through Conditions of Approval 1, 2, 12 and 13.**

**12.04.200 Street Design--Constrained Local Streets and/or Rights-of-Way.**

*Any accessway with a pavement width of less than thirty-two feet shall require the approval of the City Engineer, Community Development Director and Fire Chief and shall meet minimum life safety requirements, which may include fire suppression devices as determined by the fire marshal to assure an adequate level of fire and life safety. The standard width for constrained streets is twenty feet of paving with no on-street parking and twenty-eight feet with on-street parking on one side only. Constrained local streets shall maintain a twenty-foot wide unobstructed accessway. Constrained local streets and/or right-of-way shall comply with necessary slope easements, sidewalk easements and altered curve radius, as approved by the City Engineer and Community Development Director.*

*Table 12.04.045*

<p><i>STREET DESIGN STANDARDS FOR LOCAL CONSTRAINED STREETS</i></p>
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	<i>Minimum</i>	<i>Required</i>
<i>Type of Street</i>	<i>Right-of-Way</i>	<i>Pavement Width</i>
<i>Constrained local street</i>	<i>30 to 40 feet</i>	<i>20 to less than 32 feet</i>

**Finding: Complies as Proposed.** There are no proposed constrained streets or right-of-ways.

**12.04.205 Intersection Level of Service Standards.**

*When approving land use actions, the City of Oregon City requires all relevant intersections to be maintained at the minimum acceptable Level Of Service (LOS) upon full build-out of the proposed land use action.*

**Finding: Complies as Proposed.** A Traffic Assessment Letter (TAL) was prepared for this project, dated February 15, 2013, under the direction of Brent Ahrend of Group MacKenzie (Exhibit 2). John Replinger, the City's Traffic Consultant Engineer found the analysis meets the essential City requirements and does not require off-site mitigation measures to address transportation impacts (Exhibit 3). He concluded: "I find that the TAL meets city requirements and provides an adequate basis upon which impacts can be assessed. The subdivision will result in minimal additional traffic. There are no transportation-related issues associated with this subdivision requiring mitigation." (Exhibit 3).

**12.04.210 Street Design--Intersection Angles**

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

**Finding: Complies as Proposed.** All proposed street intersections in the subdivision have intersection angles of approximately 90-degrees and meet the 50-foot tangent requirement for local streets. This standard is met.

**12.04.215 Street design--Off-Site Street Improvements.**

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

**Finding: Complies with Conditions.** The existing ROW of Canyon Ridge Drive is 60-feet. Canyon Ridge Drive has 28-feet of pavement with curb on both sides, and a 15-foot planter strip and 5-foot sidewalk on the north side. The south side of Canyon Ridge Drive has no sidewalk or planter strip. The standard for a local street is 53-feet of ROW, 32-feet of pavement, curb, 5 foot sidewalk and 5 foot planter strip.

Although Canyon Ridge Drive has only 28 feet of pavement, the pavement is not centered in the ROW; it is further south than the true centerline. Thus, the usual 16-feet of pavement required on the south side had already been installed. The adjacent property is fully developed, so there is very little opportunity for the street to be widened on the North side. Staff recommends that the pavement width on Canyon Ridge Drive be accepted as it exists. An unimproved 11 foot ROW is located on the south side of the pavement, which is

sufficient width for a planter strip and sidewalk. The applicant has proposed the installation of a 5-foot planter strip and 5-foot sidewalk on the applicant's side of Canyon Ridge Drive. Staff agrees with the proposed improvements on Canyon Ridge Drive.

**Staff has determined that it is possible, likely and reasonable that the Applicant can meet this standard through Conditions of Approval 1, 2, and 10.**

#### **12.04.220 Street Design--Half Street**

*Half streets, while generally not acceptable, may be approved where essential to the development, when in conformance with all other applicable requirements, and where it will not create a safety hazard. When approving half streets, the decision maker must first determine that it will be practical to require the dedication of the other half of the street when the adjoining property is divided or developed. Where the decision maker approves a half street, the applicant must construct an additional ten feet of pavement width so as to make the half street safe and usable until such time as the other half is constructed. Whenever a half street is adjacent to property capable of being divided or developed, the other half of the street shall be provided and improved when that adjacent property divides or develops. Access Control as described in 12.04.200 may be required to preserve the objectives of half streets.*

**Finding: Not Applicable.** The Applicant has not proposed to construct a half street.

#### **12.04.225 Street Design—Cul-de-sacs and Dead-End Streets**

*The City discourages the use of cul-de-sacs and permanent dead-end streets except where construction of a through street is found by the decision maker to be impracticable due to topography or some significant physical constraint such as unstable soils, wetland, natural or historic resource areas, dedicated open space, existing development patterns, or arterial access restrictions. When permitted, cul-de-sacs and permanent dead-end streets shall have a maximum length of three hundred fifty feet, as measured from the right-of-way line of the nearest intersecting street to the back of the cul-de-sac curb face, and include pedestrian/bicycle accessways as provided in Section 17.90.220 of this code and Chapter 12.24. This section is not intended to preclude the use of curvilinear eyebright-of-way widening of a street where needed to provide adequate lot coverage.*

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

**Finding: Complies as Proposed.** The Applicant has proposed to construct a new cul-de-sac that is approximately 340-feet long. Construction of a through street is not reasonable in this location due to the location of the Urban Growth Boundary and HWY 213. The applicant has proposed a cul-de-sac instead of a new intersection with HWY 213. Staff concurs that it is preferable and safer to limit access points to the highway. It is recommended that the cul-de-sac be accepted. **Staff has determined that it is possible, likely and reasonable that the Applicant can meet this standard through Conditions of Approval 1, 2, 12 and 13.**

#### **12.04.230 Street Design - Street Names**

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

**Finding: Complies with Condition.** The Applicant has proposed the name Kinslie Court, which does not meet this standard. Prior to final plat, the applicant shall coordinate with the City to select an appropriate name for the new street. **The Applicant can meet this standard through Condition of Approval 16.**

#### **12.04.235 Street Design - Grades and Curves**

*Grades and center line radii shall conform to the standards in the city's street design standards and specifications. (Prior code §9-4-1)*

**Finding: Complies as Proposed.** The Applicant indicated that the proposed street will be designed to conform to City standards. The Applicant has satisfied this standard as proposed.

#### **12.04.240 Street Design—Development Abutting Arterial or Collector Street**

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

**Finding: Complies as Proposed.** The proposed development abuts an arterial street (Highway 213). There is an existing planter strip with trees and sidewalk on Highway 213. The applicant has not proposed access from HWY 213 or a wall along the frontage. Staff recommends against requiring screen planting or a wall. The applicant's plans show additional trees along the Highway 213 frontage, which is acceptable to the City but is not required.

#### **12.04.245 Street Design--Pedestrian and Bicycle Safety.**

*Where deemed necessary to ensure public safety, reduce traffic hazards and promote the welfare of pedestrians, bicyclists and residents of the subject area, the decision maker may require that local streets be so designed as to discourage their use by nonlocal automobile traffic. All crosswalks shall include a large vegetative or sidewalk area which extends into the street pavement as far as practicable to provide safer pedestrian crossing opportunities. These curb extensions can increase the visibility of pedestrians and provide a shorter crosswalk distance as well as encourage motorists to drive slower. The decision maker may approve an alternative design that achieves the same standard for constrained sites or where deemed unnecessary by the City Engineer.*

**Finding: Complies as Proposed.** The Applicant has not proposed additional protective measures at the intersection of Canyon Ridge Drive and the cul-de-sac. However, as the cul-de-sac is a dead end street local traffic is not expected to impact with pedestrian and bicycle safety.

#### **12.04.255 Street Design--Alleys**

*Public alleys shall be provided in the following districts R-5, R-3.5, R-2, MUC-1, MUC-2 and NC zones unless other permanent provisions for private access to off-street parking and loading facilities are approved by the decision maker. The corners of alley intersections shall have a radius of not less than ten feet. (Prior code §9-4-3)*

*Alleys shall be provided in commercial and industrial districts, unless other permanent provisions for access to off-street parking and loading facilities are approved by the decision-maker.*

**Finding: Not Applicable.** No alleys are proposed or required.

#### **12.04.260 Street Design--Transit**

*Streets shall be designed and laid out in a manner that promotes pedestrian and bicycle circulation. The Applicant shall coordinate with Tri-Met where the application impacts transit streets as identified on Figure 5.7: Public Transit System Plan of the Oregon City Transportation System Plan. Pedestrian/bicycle access ways shall be provided as necessary in conformance with the requirements in Section 17.90.220 of this Code and Chapter 12.24 to minimize the travel distance to transit streets and stops and neighborhood activity centers. The decision maker may require provisions, including easements, for transit facilities along transit streets where a need for bus stops, bus pullouts or other transit facilities within or adjacent to the development has been identified.*

**Finding: Not Applicable.** The subject site does not abut a transit street.

#### **12.04.265 Street Design–Planter Strips**

*All development shall include vegetative planter strips that are five feet in width or larger and located adjacent to the curb. This requirement may be waived or modified if the decision maker finds it is not practicable.*

**Finding: Complies with Conditions.** The Applicant proposed to construct a 5-foot planter strip along Canyon Ridge Drive and the new local street.

**The Applicant can meet this standard through Conditions of Approval 10, 12 and 13.**

#### **12.04.270 Standard Construction Specifications.**

*The workmanship and materials for any work performed under permits issued per this chapter shall be in accordance with the edition of the "Standard Specifications for Public Works Construction," as prepared by the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the city, in effect at the time of application. The exception to this requirement is where this chapter and the Public Works Street Design Drawings provide other design details, in which case the requirements of this chapter and the Public Works Street Design Drawings shall be complied with. In the case of work within ODOT or Clackamas County rights-of-way, work shall be in conformance with their respective construction standards.*

**Finding: Complies as Proposed.** The Applicant indicated compliance with this section. All rights-of-way will be within the City's jurisdiction.

### **CHAPTER 12.08 - PUBLIC AND STREET TREES**

#### **12.08.015 Street tree planting and maintenance requirements.**

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

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

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

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



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

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

**Finding: Complies with Condition.** The property fronts HWY 213, Canyon Ridge Drive, and the new cul-de-sac. There are already street trees on HWY 213; no additional street trees are required. The Applicant proposed to construct a 5-foot planter strip including curb width along Canyon Ridge Drive and the new cul-de-sac frontage. The Applicant submitted a tree mitigation and connectivity plan that includes 24 total street trees spaced evenly throughout the frontage of the site. The total street frontage in the plans is 923 feet, requiring 26 total trees ( $923/35 = 26.37$ ). The plan did not identify the location of street lights, fire hydrants, or power lines or the size of the proposed street trees. Prior to final plat the Applicant shall submit a final Street Tree Plan for the frontage of the property that includes the number, location, size, and species of the trees. **The Applicant can meet this standard through Conditions of Approval 14.**

**12.08.020** *Street tree species selection.*

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

**Finding: Complies with Condition.** The Applicant indicated that the street trees would be planted in accordance with Chapter 12.08 but did not indicate the species. Prior to final plat the Applicant shall submit a final Street Tree Plan for the frontage of the properties that includes the number, location, size, and species of the trees. **Staff has determined that it is possible, likely and reasonable that the Applicant can meet this standard through Condition of Approval 14.**

**12.08.035** *- Public tree removal.*

*Existing street trees shall be retained and protected during construction unless removal is specified as part of a land use approval or in conjunction with a public facilities construction project, as approved by the community development director. A diseased or hazardous street tree, as determined by a registered arborist and verified by the City, may be removed if replaced. A non-diseased, non-hazardous street tree that is removed shall be replaced in accordance with the Table 12.08.035. All new street trees will have a minimum two-inch caliper trunk measured six inches above the root crown. The community development director may approve off-site installation of replacement trees where necessary due to planting constraints. The community development director may additionally allow a fee in-lieu of planting the tree(s) to be placed into a city fund dedicated to planting trees in Oregon City in accordance with Oregon City Municipal Code 12.08.*

**Finding: Not Applicable.** There are no existing street trees proposed to be removed with this development.

**Chapter 17.41 TREE PROTECTION STANDARDS**

**17.41.010-040** *Tree Protection.*

*New development shall be designed in a manner that preserves trees to the maximum extent practicable. As a requirement of any Type II land use application, the siting of structures, roadways and utility easements shall provide for the protection of tree resources to the maximum extent practicable. This applies to all subdivision, partition and site plan and design review applications.*

**Finding: Applicable.** The Applicant has proposed a subdivision. Compliance with this section is required.

**17.41.050** *Same--Compliance options.*

*Applicants for review shall comply with these requirements through one 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; or

B. Option 2 -- Dedicated Tract. Protection of trees or groves by placement in a tract within a new subdivision or partition plat pursuant to Section 17.41.080, or

C. Option 3 -- Restrictive Covenant. Protection of trees or groves by recordation of a permanent restrictive covenant pursuant to Section 17.41.090.

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, dying 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.

Farm or forest resources. An applicant for development may claim that the regulated grove or trees was a designated farm or forest use, tree farm, Christmas tree plantation, or other approved timber use prior to development application. "Forest practices" and "forestlands" as used in this subsection shall have the meaning set out in ORS 30.930. "Farming practice" as used in this subsection shall have the meaning set out in ORS 30.930. "Farm use" as used in this subsection shall have the meaning set out in ORS 215.203. In this case, the applicant may propose an alternative mitigation plan to be approved by the community development director.

**Finding: Complies as Proposed.** The subject site contains a total of 34 trees that are subject to the provisions of this section. Half of these trees are proposed to remain while the other half, 17 trees, are proposed to be removed. The applicant proposed mitigation per Option 1.

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

Regulated trees that are removed outside of the construction area, if removed shall be replanted with the number of trees specified in Column 1 of Table 17.41.060-1. Regulated 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**

Size of tree removed (DBH)	Column 1 Number of trees to be planted. (If removed Outside of construction area)	Column 2 Number of trees to be planted. (If removed Within the construction area)
6 to 12"	3	1
13 to 18"	5	2
19 to 24"	8	3
25 to 30"	10	4
31 and over"	15	5

**Finding: Complies with Condition.** The subject site contains a total of 34 trees that are subject to the provisions of this section. Half of these trees are proposed to remain while the other half, 17 trees, are proposed to be removed.

DBH"	Species	In / Out Construction Area	# Mitigation Trees Required
20	Ash	In	3
20	Ash	Out	8
21	Maple	In	3

13	Maple	In	2
15	Maple	In	2
39	Ash	In	5
16	Maple	Out	5
14	Maple	In	2
33	Ash	In	5
14	Maple	In	2
13	Maple	In	2
49	Ash	In	5
14	Fir	In	2
18	Fir	In	2
28	Fir	In	4
16	Maple	In	2
13	Maple	In	2
		<b>Total</b>	56

The applicant proposed only 47 trees for planting on site under Option 1; while 56 are required. Prior to final plat, the Applicant shall submit a revised tree mitigation plan in accordance with OCMC 17.41.

**Staff has determined that it is possible, likely and reasonable that the Applicant can meet this standard through Condition of Approval 15.**

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

*Development applications which opt for removal or trees with subsequent replanting pursuant to Section 17.41.050A. and shall be required to mitigate for tree cutting by complying with the following priority for replanting standards C.1.--4. below:*

*First Priority. Replanting on the development site. First priority for replacement tree locations shall be planting on-site.*

**Finding: Complies with Condition.** The applicant indicated 47 trees to be planted on site to meet mitigation requirements. Prior to final plat, the Applicant shall submit a revised tree mitigation plan for all 56 trees in accordance with OCMC 17.41. **Staff has determined that it is possible, likely and reasonable that the Applicant can meet this standard through Condition of Approval 15.**

**17.41.075 –125** *Tree Mitigation Options*

*These code sections provide a variety of compliance options for land use applications, including preservation and mitigation of trees, the use of flexible lots sizes and setbacks, on-site density transfer, preservation tracts, and fee-in-lieu of planting.*

**Finding: Not Applicable.** The Applicant did not seek compliance based on these options.

**17.41.130.** *Regulated Tree Protection Procedures During Construction.*

*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 OCMC 17.41.130(B). No trees designated for removal shall be removed without prior written approval from the Community Development Director.*

**Finding: Complies as Proposed.** The Applicant indicated that the required procedures and arborist recommendations will be followed throughout the period of construction activities on the site. Changes in soils hydrology and site drainage within tree protection areas will be avoided.

### **Stormwater Conveyance, Quantity and Quality in Chapter 13.12**

**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.

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: Complies with Condition.** The applicant has proposed to install a storm water collection system within the street ROW, which shall connect to an existing City owned storm water collection system. The City owned system discharges to a County storm water collection system. The applicant performed a capacity evaluation of the existing system and found that there is sufficient capacity in both the City and County collection system to convey the run-off from the proposed development. **Staff has determined that it is possible, likely and reasonable that the Applicant can meet this standard through Conditions of Approval 1, 2, 6, 7 and 8.**

**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;*

**Finding: Not applicable.** The development is not in a Natural Resource Overlay District.

2. *Activities that create more than two thousand square feet of impervious surface, cumulated over any given seven year period; or*

**Finding: Complies with Condition.** The proposed development will create more than 2,000 square feet of new impervious area, so storm water quantity control is required. See section 16.08.030 B3 of this report for a description of the storm drainage system and quantity control.

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;*

**Finding: Not Applicable.** The proposed work is not redevelopment.

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.** Exemption not required.

**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.*

**Finding:** The applicant has proposed to construct more than four homes, so storm water quality control is required. See section 16.08.030.B.3 of this report for a description of the storm drainage system and quality control.

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.*

**Finding: Not Applicable.** The proposed work does not include these elements.

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.** No new waste discharges or increased stormwater flow will flow into the Clackamas River with this development.

#### **IV. CONCLUSION AND DECISION:**

In conclusion, the proposed zone change and 10-lot subdivision located at 14270 Canyon Ridge Drive and identified as Clackamas County Map 3-2E-16BB, Tax Lot 300, can meet the approval standards outlined in this Staff Report, subject to the Applicant's proposal and attached Conditions of Approval contained in this report. Therefore, the Community Development Director recommends approval of the application with Conditions.

#### **V. EXHIBITS**

The following exhibits are attached to this staff report.

1. Vicinity Map
2. Applicant's Submittal
3. Comments from John Replinger of Replinger and Associates
4. Public Comments received to date
5. Engineering Policy EP 00-01

**PROPOSED CONDITIONS OF APPROVAL**  
**TP 13-02 and ZC 13-01**

1. The Applicant is responsible for this project's compliance with Engineering Policy 00-01. The policy pertains to any land use decision requiring the Applicant to provide any public improvements. This includes attending a pre-design meeting with the City. *(DS)*
2. Prior to final plat approval, the Applicant shall sign a Non-Remonstrance Agreement for the purpose of making sanitary sewer, storm sewer, water and/or street improvements in the future that benefit the Property and assessing the cost to benefited properties pursuant to the City's capital improvement regulations in effect at the time of such improvement. *(DS)*
3. All new water services shall be constructed with individual copper water laterals a minimum of 1-inch diameter in size connecting the water main to the water meter. *(DS)*
4. Prior to final plat, the Applicant shall submit the proposed development plans to Clackamas County Fire District No. 1 for review and install any required fire hydrants. *(F)*
5. All new sanitary sewer laterals shall be constructed with individual laterals connecting to the sanitary sewer main. *(DS)*
6. Public storm sewer improvements shall be designed and constructed to collect and convey on-site and off-site storm drainage in a manner suitable to the Public Works Department. *(DS)*
7. The storm system improvements shall include on-site infiltrators for each lot, a standard collection system in the street right-of-way, erosion control and repair improvements at the outfall including rip-rap, and construction of a flow dispersal basin at the outfall. *(DS)*
8. A final storm water report shall be completed as part of the design, and it shall include an evaluation of the estimated impact to the steep slopes of any additional storm water flow. The evaluation of the impact to the steep slopes shall be conducted by a geotechnical engineer. *(DS)*
9. Prior to final plat approval, the Applicant shall provide an Erosion Prevention and Sedimentation Control Plan suitable to the Public Works Department to meet the Public Works requirements for erosion control. The Applicant shall provide a Preliminary Residential Lot Grading Plan to the City for review prior to the approval of construction plans. A final site Residential Lot Grading Plan shall be required as part of the final construction plans per the City's Residential Lot Grading Criteria and the International Building Code. If significant grading is required for the lots due to its location or the nature of the site, rough grading shall be required of the developer prior to the acceptance of the public improvements. There shall not be more than a maximum grade differential of two (2) feet at all subdivision boundaries. Grading shall in no way create any water traps, or other ponding situations. The plan shall show the existing and proposed swales. *(DS)*
10. The applicant shall construct a 5-foot planter strip and 5-foot sidewalk behind the curb on the south side of Canyon Ridge Drive along the frontage of the development. *(P)*
11. Ten-foot public utility easements along all street frontages and all easements required for the final engineering plans shall be dedicated to the public on the final plat. All existing and proposed utilities and easements shall be indicated on the construction plans. Any off-site utility easements required for this

project, such as for work on the storm outfall, shall be obtained and submitted to the City prior to approval of the construction plans. *(DS)*

12. The Applicant shall construct improvements on the proposed new street that includes dedication of 53-feet of right-of-way, and improvements that include, but are not to limited to, base rock, paved street width of 32 feet, curb and gutter, 5-foot landscape strip including curb width, 5-foot concrete sidewalk (curb, landscape strip and sidewalk on both sides of the street), curb return radii, centerline monumentation in monument boxes, traffic control devices, street trees, and street lights. *(DS)*
13. The Applicant shall construct the cul-de-sac with a 56-foot radius right-of-way, and improvements that includes, but are not to limited to, base rock, paved street radius of 45 feet, curb and gutter, 5-foot landscape strip including curb width, 5-foot concrete sidewalk (curb, landscape strip and sidewalk on both sides of the street), curb return radii, centerline monuments in boxes, traffic control devices, street trees, and street lights. *(DS)*
14. Prior to final plat the Applicant shall submit a final Street Tree Plan for the frontage of the properties that includes the number, location, size, and species of the trees. The Applicant shall plant twenty-six street trees. *(P)*
15. Prior to final plat approval the Applicant shall submit a tree mitigation plan in accordance with OCMC 17.41 and plant 56 mitigation trees, in addition to the 26 required street trees.. *(P)*
16. Prior to final plat, the applicant shall coordinate with the City to select an appropriate name for the new street. *(P)*
17. Prior to final of building permits, the applicant must submit street lighting plan and documentation from a lighting professional that confirms that the lighting meets the City's requirements under OCMC 16.12.090. *(DS)*

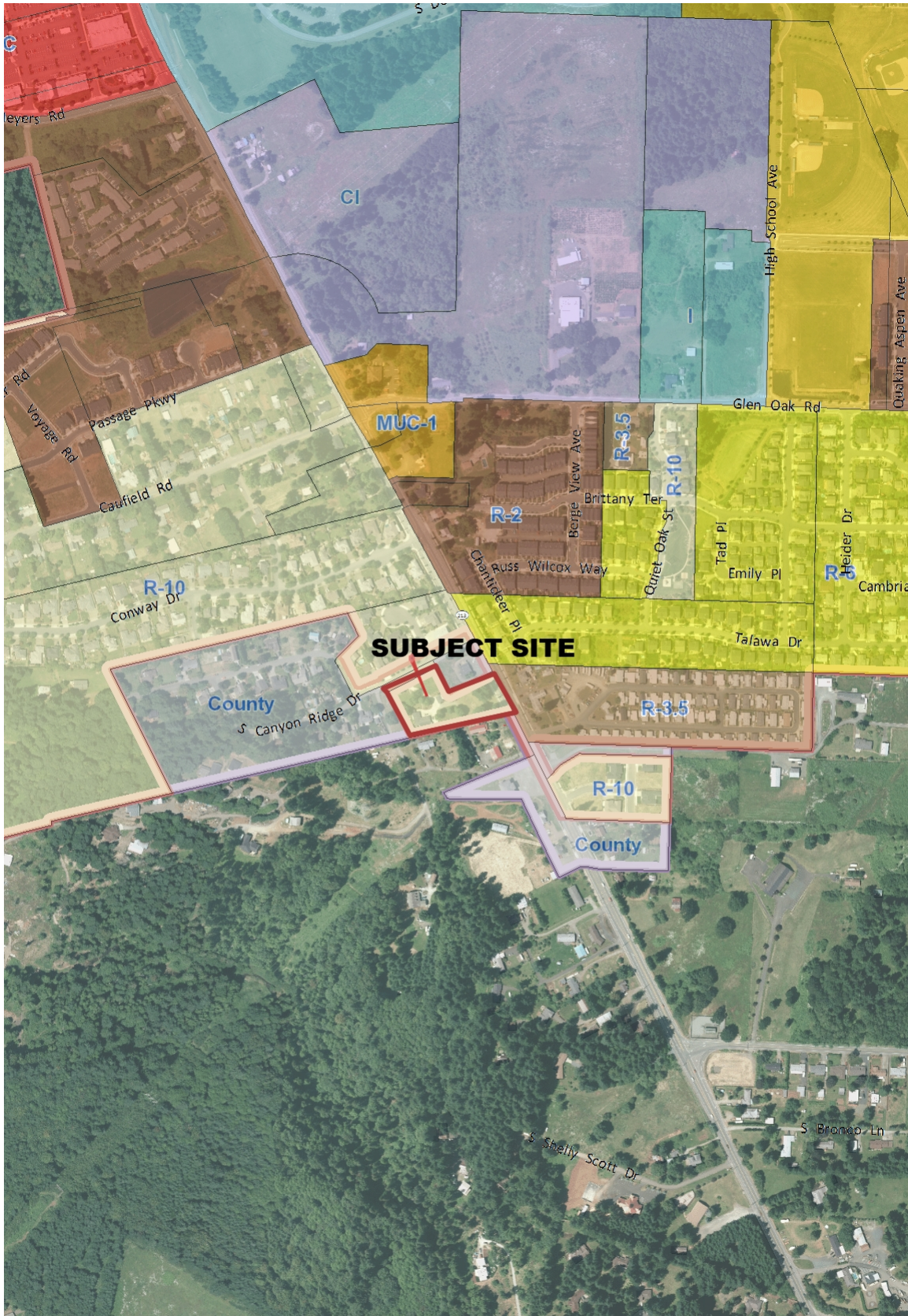
*(P)* = Verify that condition of approval has been met with the Planning Division.

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

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



# TP 13-2 and ZC 13-1



## Legend

### Zoning

- R-10 - Single Family Dwelling
- R-8 - Single Family Dwelling
- R-6 - Single Family Dwelling
- RC-4 - McLoughlin Conditions
- RD4-MDP - Manufactured Dw
- R-3.5 - Medium Density Resic
- R-2 - Multi-Family Dwelling
- C - General Commercial
- MUC-2 - Mixed Use Corridor
- MUC-1 - Mixed Use Corridor
- LO - Limited Office
- NC - Neighborhood Commerc
- HC - Historic Commercial
- MUD - Mixed Use Downtown
- MUE - Mixed Use Employer
- GI - General Industrial
- CI - Campus Industrial
- I - Institutional
- FU-10 - County Zoning
- County

City Limits

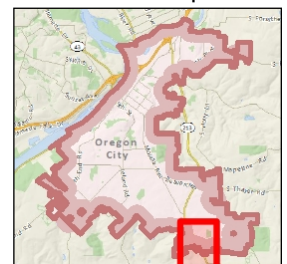
UGB

Aerial Photos - 2012

## Notes

The applicant request approval for a Zone change from R-10 to R-6 and a 10-lot subdivision.

## 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.



0 647 Feet

1: 7,764

14270 Canyon Ridge Drive

Map created 4/29/2013

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







2013 APR 25 AM 9:15

# LAND USE APPLICATION FORM

RECEIVED  
CITY OF OREGON CITY

### 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): 2C13-01 / TP 13-02

Proposed Land Use or Activity: Rezoning and subdivision for a 1.95 acre parcel, from R-10 to R-6 and for the development approval for a 10 lot single family subdivision.

Project Name: Kinslie Heights Number of Lots Proposed (If Applicable): 10

Physical Address of Site: 14270 Canyon Ridge Dr., Oregon City, Oregon 97045

Clackamas County Map and Tax Lot Number(s): T3S, R2E, NW 1/4 SEC. 16 WM, TL 0300

### Applicant(s):

Applicant(s) Signature: [Signature]

Applicant(s) Name Printed: Mike Waddell Date: April 22, 2013

Mailing Address: 18900 Elder Rd., Oregon City, Oregon 97045

Phone: 503.481.7931 Fax: \_\_\_\_\_ Email: mike@theuppypuppyor.com

### Property Owner(s):

Property Owner(s) Signature: [Signature]

Property Owner(s) Name Printed: Mike Waddell Date: April 22, 2013

Mailing Address: 18900 Elder Rd., Oregon City, Oregon 97045

Phone: 503.481.7931 Fax: \_\_\_\_\_ Email: mike@theuppypuppyor.com

### Representative(s):

Representative(s) Signature: [Signature]

Representative (s) Name Printed: Ed Christensen (Welkin Engineering) Date: April 22, 2013

Mailing Address: 25260 SW Parkway Ave., Suite G, Wilsonville, OR 97070

Phone: 503.380.5324 Fax: 503.783.0932 Email: ekc@WelkinPC.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.*



**KINSLE HEIGHTS SUBDIVISION APPLICATION NARRATIVE  
FOR A COMPREHENSIVE PLAN AMENDMENT, REZONE AND  
SUBDIVISION  
IN OREGON CITY, OREGON**

14270 CANYON RIDGE DR.

**Submittal Date:**

March 26, 2012

May 2, 2013

**Applicant/Owner/Developer:**

MIKE WADDELL

14270 Canyon Ridge Dr.

Oregon City, OR 97045

**Planner/Surveyor/Engineer Contact:**

Welkin Engineering, P.C.

Attn: Ed Christensen, P.E. - [ekc@welkinpc.com](mailto:ekc@welkinpc.com)

25260 SW Parkway Ave., Suite G

Wilsonville, OR 97070

Phone: (503) 783-0930

Fax: (503) 7873-0932

Welkin Engineering, P.C. 25260 SW Parkway Ave., Suite G  
Wilsonville, OR 97070  
[ekc@welkinpc.com](mailto:ekc@welkinpc.com) [www.welkinpc.com](http://www.welkinpc.com)

ph: (503) 783-0930



**KINSLIE HEIGHTS SUBDIVISION APPLICATION NARRATIVE  
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ph: (503) 783-0930

**Lot of Record:** Township 3 South, Range 2 East, NW 1/4 Section 16 - Tax Lot 0300 (1.98 gross acres), Oregon City, Clackamas County, Oregon.

**Location:** 14270 Canyon Ridge Dr. Oregon City, OR 97045

**Zoning:** Current zoning – R-10

Proposed Zoning: R-6

**Comprehensive Plan Designation:** Single Family Residential

**APPLICANTS REQUEST:** The Applicant requests approval of a comprehensive plan and zone change from R-10 to R-6 and a related subdivision creating 10 lots on the 1.98 acre site.

#### **BACKGROUND AND SITE NARRATIVE:**

The subject site is an underdeveloped 1.98 acre lot fronting Canyon Ridge Dr. with a house and multiple out buildings and structures. The site development would access Canyon Ridge Dr. by the construction of a cul-de-sac. The southern boundary of the site is the Urban Growth Boundary. Properties to the south are designated Rural Reserve (RUR). The proposed lots are relatively flat, sloping mostly away from Hwy. 213 the eastern edge of the site, in a south westerly direction. The site is well landscaped and maintained.

The current zoning for the site is R-10. The applicant is requesting a rezone to R-6. The property to the south and west are zoned RRFF5; to the east R-3.5 and R-6, to the northwest R-10. A rezone to R-6 would not be out of character with the neighborhood.

#### **SITE CHARACTERISTICS:**

As stated earlier, the site is well landscaped and maintained. The majority of the site is landscaped with lawn with a gravel bike track around the edge of the property. The existing house and all the structures on the site will be removed for the development. There are many mature trees on the property and all have been limbed up, creating a nice park like feel. A couple of the fir trees are over 30 inches in diameter and most are in the 20 inch range. The site canopy is about 30%.

The site is relatively flat, mostly sloping from Hwy. 213 the eastern edge of the site, in a south westerly direction with a relative slope of just over 2%. Much of the site is at a higher elevation than Canyon Ridge Dr. and some of the site drains to Canyon Ridge Dr. A very small portion of the site in the grove of trees at the

front of the proposed Lot 6 has some localized steeper slopes, well buttressed by large trees and rocks outcroppings. It is not believed that the limited area of steep slope will pose any significant problems and there is no sign of sliding. It will be graded to lessen the slope.

#### **EXISTING RIGHT-OF-WAY AND PUBLIC EXISTING IMPROVEMENTS, AND DEDICATIONS:**

Canyon Ridge Dr. is a mostly fully improved  $\pm 60$  foot right-of-way, which only requires the sidewalk and street landscaping to be completed. The pavement section varies from 24' past the site into the Canyon Ridge subdivision, to 28' curb to curb fronting the site. There is no sidewalk on the south side of Canyon Ridge Dr fronting the site. Clackamas County has indicated that no improvements other than those just stated will be required for Canyon Ridge Dr. The site also backs to Highway 213, which is fully improved with curb, planter strip with trees, a 5 foot sidewalk, and ODOT has stated it will not require any dedications or improvements.

The site has sanitary sewer, storm sewer, and domestic water fronting the subdivision, all of which are adequate to service this proposed subdivision. The sewer and stormwater systems are at adequate depths to easily service the site. As envisioned, Creek Ridge Ct. would have a positive grade all the way to the end of the cul-de-sac, i.e. flowing downhill from the end of the cul-de-sac to Canyon Ridge Rd. Neither a storm detention system nor a water quality facility is proposed for the new subdivision. These facilities will be discussed further in the next section. No right-of-way dedications are required for this subdivision on Canyon Ridge Road or Highway 213.

#### **PROPOSED PUBLIC IMPROVEMENTS AND SITE GRADING:**

All improvements for this subdivision will be public improvements. The lots will be served with a 12" stormwater, 8" water main, and 8" sanitary sewer system. Each lot will be provided 4" sanitary and stormwater laterals, and 1" water service laterals. Water system improvements will be provided as required by the water department. It is anticipated that a fire hydrant will be required at the entrance of the cul-de-sac, and it will adequately service the entire subdivision.

Lots 2 – 5 will be Type B graded lots. They currently slope to the south and will continue to do so, but rain drains will be provided to connect to the houses and driveways. Fill will be used to bring the grades on these lots up some, but some portion if not all of landscaped portion of the lots will still drain to the south, including the footing drains. All other lots will be Type A graded, with back to front drainage.

## **PROPOSED STORM AND WATER QUALITY IMPROVEMENTS:**

The Canyon Ridge subdivision which was built in the late 80's was designed with private septic systems and a public storm drainage system. No records of the constructed improvements were found in the Clackamas County archives. The storm drainage system was surveyed to its outfall by the project survey team. The storm drain line size and grade was identified. The constructed pipe from the 80's was a concrete material. The pipes appeared to be in adequate condition, though we found  $\pm 150$  lb boulders in the last manhole before the outfall. Clackamas County was notified of the problem.

A hydraulic analysis was performed by the project engineer using the Santa Barbara Unit Hydrograph method and Manning's Pipe Flow calculations, which shows that the storm drainage system can adequately accommodate all of the runoff from the proposed Kinslie Heights subdivision in a 25-year storm event, without detention. In fact, the flow increase resulting from the development of Kinslie Height is 0.13 cfs (7.89 cfs vs. 7.76 cfs), a 1.7% increase in runoff. This small an increase in a 25-year's storm runoff, does not warrant a detention system. As mitigation, the applicant proposes to repair the outfall rip rap and erosion which is occurring immediately below the existing outfall pipe, and downhill for approximately 150 feet and build a channel sufficient to accommodate the 25-year storm event until dispersed.

## **ZONING:**

1. **Zoning/Permitted Use:** The property is zoned Low Density Residential and zoned R-10 single family. A request is being made for a rezone to R-6
2. **Surrounding Uses/Zoning:** The property to the south and west are zoned RRFF5 and are not in the Urban Growth Boundary; to the east R-3.5 and R-6, to the northwest R-10, but has not annexed into the City. A rezone to R-6 would not be out of character with the neighborhood.
3. **Density Calculations:** The proposed subdivision includes 4 lots for the future construction of single-family attached homes in the R-2 zone. The gross site area and the net developable area is approximately 8,257 square feet (0.19 acres). The average lot size proposed in the project is 2,064 square feet and the maximum density allowed on the site is 4.13 lots.

## **DECISION-MAKING CRITERIA:**

## **Municipal Code Standards and Requirements**

**Title 16, Subdivisions:** Chapter 16.08, Subdivisions-Process and Standards Chapter 16.12, Minimum Improvements and Design Standards for Land Division

**Title 17, Zoning:** Chapter 17.20, R-6 Single Family Residential District Chapter 17.50, Administration and Procedures Chapter 17.68, Zone Changes and Amendments

The criteria for a zone change are set forth as follows:

A. The proposal shall be consistent with the goals and policies of the comprehensive plan.

**Response:** The proposed project is consistent with the goals and policies of the comprehensive plan.

B. That public facilities and services (water, sewer, storm drainage, transportation, schools, police and fire protection) are presently capable of supporting the uses allowed by the zone, or can be made available prior to issuing a certificate of occupancy. Service shall be sufficient to support the range of uses and development allowed by the zone.

**Response:** The proposed project is supported by existing public facilities and services (water, sewer, storm drainage, transportation, schools, police and fire protection) are presently capable of supporting the uses allowed by the zone, or can be made available prior to issuing a certificate of occupancy. Service shall be sufficient to support the range of uses and development allowed by the zone.

C. The land uses authorized by the proposal are consistent with the existing or planned function, capacity and level of service of the transportation system serving the proposed zoning district.

**Response:** The proposed project's land uses are consistent with the existing or planned function, capacity and level of service of the transportation system serving the proposed zoning district.

D. Statewide planning goals shall be addressed if the comprehensive plan does not contain specific policies or provisions which control the amendment.

**Response:** The proposed project's land uses are consistent with the Statewide planning goals.



## OREGON CITY MUNICIPAL CODE

### ***Chapter 16.08.010 - Purpose and General Provisions***

*All subdivisions shall be in compliance with the policies and design standards established by this chapter and with applicable standards in the City's Public Facilities Master Plan and the City Design Standards and Specifications. The evidence contained in this record indicates that the proposed subdivision is in compliance with standards and design specifications listed in this document, subject to the conditions of approval.*

**Response:** The proposed project was reviewed by the appropriate agencies and the Responses necessary to be in compliance with Chapter 16.08.010 have been included.

### ***Chapter 16.08.015 – Pre-application Conference***

**Response:** The pre-application conference, identified as PA 12-31, was held on January 9, 2013.

### ***Chapter 16.08.025 Preliminary subdivision plat--Required plans.***

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

- A. *Site Plan.*
- B. *Traffic/Transportation Plan.*
- C. *Natural Features Plan and Topography, Preliminary Grading and Drainage Plan.*
- D. *Erosion and Sediment Control Permit.*

**Response:** The Applicant provided detailed plans of the proposed development (Exhibits 1 – 7). This standard has been met.

### ***Chapter 16.08.030 – Preliminary Subdivision Plat – Narrative Statement***

*The Applicant shall explain in detail how and when each of the following public services or facilities is, or will be, adequate to serve the proposed development by the time construction begins:*

- A. *Subdivision Description.*



**Response:** The Applicant provided a detailed description of the proposed development (Exhibits 1 – 8).

*B. Timely Provision of Public Services and Facilities.*

*Water*

**Response:** There is an existing 8-inch water line in Canyon Ridge Drive. The proposed project will include individual 1" water service laterals for all of the proposed lots. Adequate fire hydrants have been located and installed per Clackamas County Fire District No. 1's requirements.

*Sanitary Sewer*

**Response:** There is an existing 8-inch City gravity sanitary sewer main that flows in Canyon Ridge across the frontage and then heads north along the east side of the site. The applicant has proposed to provide individual service laterals to access and provide sanitary sewer service to the proposed lots. The applicant shall design the new public sanitary sewer system with service connections to each lot.

*Storm Sewer and Storm Water Drainage*

**Response:** The site is located in the Stone Creek Basin. The site generally slopes to the southwestern boundary. The applicant has proposed to install individual service laterals that will drain into the existing stormwater system developed by the Canton Ridge and Gentry Estates subdivisions. On-site, the stormwater facilities will be designed to convey the existing stormwater and will supply each lot with a 4" drainage lateral.

The applicant is not proposing any stormwater detention, because the increase is so minor. The applicant is not proposing typical water quality as required by the Oregon City Municipal Code, but will otherwise mitigate the impacts. The flow increase in the Canyon Ridge basin resulting from the development of Kinslie Height is 0.13 cfs (7.89 cfs vs. 7.76 cfs), a 1.7% increase in runoff. The applicant is instead proposing to mitigate their impact by repairing the erosion below the Canyon Ridge outfall. Built in the late '80's, the outfall is in disrepair and is resulting in extensive erosion. The applicant is proposing to provide an armored rock channel to a point where the flows can be dispersed and velocities reduced below erosive levels. Stormwater will then be filtered through the existing leaf litter and forest duff, thus providing excellent water quality.

*Parks and Recreation*

**Response:** Wesley Lynn and Hillendale parks are located west and north of the subject site and the future Glen Oak Park will be 0.5 miles to the northeast. The residents of the subdivision will directly benefit from the proposed pedestrian access which connects to

Hwy. 213, which has public transportation access at Clackamas Community College, which will provide additional public transportation options as well as recreational options. In addition, Parks System Development Charges will be paid at the time building permits are issued for each lot in the proposed subdivision. This standard is met.

#### *Traffic and Transportation*

**Response:** The city's transportation engineer, John Replinger of Replinger & Associates, LLC, discussed the requirements for a Traffic Analysis and agreed with the attached letter format by Group Mackenzie. The City wanted the Traffic Analysis to determine if the intersection spacing, which is less than the City standard would be an issue for both Hwy. 213 and Candice Ct. Group Mackenzie determined that the impact from the additional trips would not be an issue or conflict with Candice Ct. turning movements either. From a transportation standpoint, additional conditions of approval are not necessary. This standard is met.

#### *Schools*

**Response:** The Oregon City school district is responsible for providing adequate facilities and has not indicated that there is inadequate capacity to serve this development. This standard is met.

#### *Fire and Police Services*

**Response:** This property is currently in the City and is closer in than newer developments around the City. Fire hydrants will be provided in accordance with Clackamas County Fire District #1 requirements. The applicant has proposed to provide a fire hydrant at the entrance of the cul-de-sac to meet the Fire District requirements. Oregon City will provide Police service to the subdivision. There are no adopted standards to measure the adequacy of Police service to accommodate the development. Property taxes will be paid by the property owners which contribute to the provision of police services in the City. This standard is met.

#### *C. Approval Criteria and Justification for Variances.*

**Response:** The Applicant is not requesting any variances.

#### *D. Geologic Hazards.*

**Response:** The site is not located in a hazard area.

#### *E. Water Resources.*

**Response:** The site does not have any Water Resources.

*F. Drafts of the proposed CC&R's.*

**Response:** The Applicant is submitting preliminary CC&R's for the project. This standard is met as proposed.

*G. Phasing.*

**Response:** The Applicant is not proposing to phase develop of the site.

*H. Density.*

**Response:** The proposed subdivision includes 10 lots for the future construction of single-family attached homes in the R-6 zone. The gross site area and the net developable area is 89,919.56 square feet (2.064 acres). The average lot size proposed in the project is 6,759 square feet and the maximum density allowed on the site is 11 lots. This standard is met.

#### ***Chapter 12.04.175 - Street Design-Generally***

*The location, width and grade of the street shall be considered in relation to existing and planned streets, topographical conditions, public convenience and safety for all modes of travel, existing and identified future transit routes, pedestrian/bicycle access-ways, and the proposed use of the land to be served by the streets.*

**Response:** The cul-de-sac as proposed is designed to meet City Street Standards. This standard is met.

#### ***Chapter 12.04.180 Street Design-Minimum right-of-way***

*This standard addresses minimum right-of-way width for public streets and discusses a variety of minimum street design standards brought forward from the Oregon City Transportation Master Plan. OCMC 16.12.030 allows specific right-of-way and pavement widths to be determined by the decision-maker based upon the City Engineer's recommendation.*

**Response:** All of the cul-de-sac for the subdivision will be constructed to comply with the standards of the Oregon City Municipal Code. This standard is met.

#### ***Chapter 12.04.185 Street Design-Access Control***

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

**Response:** Access control shall be provided at the end of the cul-de-sac to preclude the adjoining lot to the north from access prior to approval of the city. This standard is met.

**Chapter 12.04.190 Street Design–Alignment**

*Streets other than local or constrained streets shall be aligned with existing streets by continuation of the centerlines.*

**Response:** This standard is not applicable.

**Chapter 12.04.195 Minimum Street Intersection Spacing Standards**

*All new development and redevelopment shall meet the following Minimum Street Intersection Spacing Standards.*

**Response:** All relevant intersections were studied, which do not meet the spacing standards or required additional assessment. Hwy 213/Candice Ct. and Canyon Ridge Dr. were analyzed for LOS and spacing standards. Canyon Ridge Dr at Canyon Ridge Circle was not analyzed because it exceeds City spacing standards, with an intersection spacing of more than 250 feet. A letter indicating the spacing as indicated on preliminary plans is not a safety hazard has been submitted. This standard is met.

**Chapter 12.04.200 Street Design–Constrained Local Streets and/or Right-of-Way**

*Any accessway with a pavement width of less than thirty-two feet shall require the approval of the city engineer, planning manager and fire chief and shall meet minimum life safety requirements, which may include fire suppression devices as determined by the fire chief to assure an adequate level of fire and life safety. The standard width for constrained streets is twenty feet of paving with no on-street parking and twenty-eight feet with on-street parking on one side only. Constrained local streets shall maintain a twenty-foot wide unobstructed accessway. Constrained local streets and/or right-of-way shall comply with necessary slope easements, sidewalk easements and altered curve radius, as approved by the city engineer and planning manager.*

**Response:** There are no constrained streets. This standard is not applicable.

***Chapter 12.04.210 Intersection Level of Service Standards.***

*When approving land use actions, the City of Oregon City requires all relevant intersections to be maintained at the minimum acceptable Level Of Service (LOS) upon full build-out of the proposed land use action.*

**Response:** All relevant intersections were studied. Hwy 213/Candice Ct. and Canyon Ridge Dr. were analyzed for LOS and spacing standards. Canyon Ridge Dr at Canyon Ridge Circle was not analyzed because it exceeds City spacing standards. A letter indicating the intersection LOS is acceptable. This standard is met.

***Chapter 12.04.210 Street Design-Intersection Angles***

**Response:** The proposed cul-de-sac will intersect Canyon Ridge at a 90 degree angle. This standard is not applicable.

***Chapter 12.04.215 Street Design-Off-site Street Improvements***

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

**Response:** Canyon Ridge is a fully improved county road. Improvements will be limited to landscaping and sidewalk. This standard can be met.

***Chapter 12.04.220 Street Design-Half Street***

*Half streets may be approved where essential to the reasonable development of the land division, when it is in conformance with all other applicable requirements, and where it will not be a safety hazard.*

**Response:** No half streets are proposed. This standard is not applicable.

***Chapter 12.04.225 Street Design-Cul-de-sac***

*The City discourages the use of cul-de-sacs and permanent dead-end streets except where construction of a through street is found by the decision-maker to be impracticable due to topography or some significant physical constraint.*

**Response:** The site is constrained and a cul-de-sac is required. This standard is met.

***Chapter 12.04.230 Street Design-Street Names***

**Response:** The proposed street name does not conflict with any other city street names. This standard is met.

***Chapter 12.04.235 Street Design–Grades and Curves***

**Response:** The proposed street grades are within the city standards. This standard is met.

***Chapter 12.04.245 Street Design–Pedestrian and Bicycle Safety***

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

**Response:** The proposed cul-de-sac is short and safe. This standard is met.

***Chapter 12.04.255 Street Design–Alleys***

**Response:** No alleys are proposed. This standard is not applicable.

***Chapter 12.04.260 Street Design–Transit***

*Streets shall be designed and laid out in a manner that promotes pedestrian and bicycle circulation. The applicant shall coordinate with Tri-Met where the application impacts transit streets as identified on Figure 5.7:*

**Response:** The proposed development does not impact a transit street. This standard does not apply.

***Chapter 12.04.265 Street Design–Planter Strips***

*A. All development shall include vegetative planter strips that are five feet in width or larger and located adjacent to the curb. This requirement may be waived or modified if the community development director finds it is not practicable. Development proposed along a collector, minor arterial, or major arterial street may use tree wells located near the curb within a seven-foot wide sidewalk in lieu of a planter strip, in which case each tree shall have a protected area of at least six feet in diameter to ensure proper root growth.*

*B. Trees shall be selected and planted in accordance with Chapter 12.08, Street Trees. Individual abutting lot owners shall be legally responsible for maintaining in a healthy and attractive condition all trees and vegetation in the planter strip. If a homeowners' association is created as part of the development, the association may assume the maintenance obligation through a legally binding mechanism, e.g., deed restrictions,*

*maintenance agreement, etc., which shall be reviewed and approved by the city attorney. Failure to properly maintain trees and vegetation in a planter strip shall be a violation of this code and enforceable as a civil infraction.*

**Response:** The proposed subdivision incorporates the planter strips along the proposed street right-of-ways. There is 905 lf of street frontage, which will require 26 Street Trees to be planted. Trees will be planted in accordance with the Chapter 12.08 standards. Protection and maintenance will be incorporated into the CC&Rs. This standard will be met.

***Chapter 16.12.015 - Street design—Generally.***

Street design standards for all new development and land divisions shall comply with Chapter 12.04—Street Design Standards

**Response:** The new street is proposed in compliance with Chapter 12.04. This standard is met.

***Chapter 16.12.020 Blocks—Generally***

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

**Response:** The new streets as proposed, takes this criteria into account. This standard is met.

***Chapter 16.12.025 Blocks—Length***

*Block lengths for local streets and collectors shall not exceed six hundred feet between through streets, as measured between nearside right-of-way lines.*

**Response:** The new streets as proposed, takes this criteria into account. This standard is met.

***Chapter 16.12.030 Blocks—Width***

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

**Response:** The new street as proposed, takes this criteria into account. This standard is met.



#### **Chapter 16.12.035 Blocks-Pedestrian and Bicycle Access**

*A. To facilitate the most practicable and direct pedestrian and bicycle connections to adjoining or nearby neighborhood activity centers, public rights-of-way, and pedestrian/bicycle accessways which minimize out-of-direction travel, subdivisions shall include pedestrian/bicycle accessways between discontinuous street right-of-way where the following applies:*

- 1. Where a new street is not practicable;*
- 2. Through excessively long blocks at intervals not exceeding five hundred feet of frontage; or*
- 3. Where the lack of street continuity creates inconvenient or out of direction travel patterns for local pedestrian or bicycle trips.*

*B. Pedestrian/bicycle accessways shall be provided:*

- 1. To provide direct access to nearby neighborhood activity centers, transit streets and other transit facilities;*
- 2. Where practicable, to provide direct access to other adjacent developments and to adjacent undeveloped property likely to be subdivided or otherwise developed in the future;*
- 3. To provide direct connections from cul-de-sacs and internal private drives to the nearest available street or neighborhood activity center;*
- 4. To provide connections from cul-de-sacs or local streets to arterial or connector streets.*

**Response:** The proposed subdivision is not providing a separate pedestrian access, which will connect the site to Hwy. 213, because it is so close. Residents will only be required to walk 600 feet to get onto Hwy. 213. This standard is met.

#### **Chapter 16.12.040 Building Sites**

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

**Response:** The Applicant has proposed a subdivision with lots in a manner compatible with the requirements for low-density residential development. The Applicant has not requested any variances from the dimensional standards of the zone. The Applicant has satisfied this standard as proposed.



#### ***Chapter 16.12.045 Building Sites – Minimum Density***

*All subdivision layouts shall achieve at least 80% of the maximum density of the base zone for the net developable area as defined in Section 17.04.*

**Response:** The proposed subdivision includes 10 lots for the future construction of single-family homes in the R-6 zone. The gross site area and the net developable area is approximately 89,920 square feet (2.04 acres). The average lot size proposed in the project is 6,759 square feet. The minimum density allowed on the site is 9 lots and the maximum density allowed on the site is 11 lots. This standard is met.

#### ***Chapter 16.12.050 Calculations of Lot Area.***

*A subdivision in the R-10, R-8, R-6, R-3.5 and R-2 Dwelling District may include lots that are up to 10% less than the required minimum lot area of the applicable zoning designation provided the entire subdivision on average meets the minimum site area requirement of the underlying zone.*

**Response:** The proposed subdivision includes 10 single-family residential units in the R-6 zone, which requires a minimum lot size average of 6,000 square feet. The applicant has proposed a subdivision with lots ranging from 6010 square feet to 9,075 square feet. The minimum lot size is 5,400 square feet and the average of all the lot sizes must exceed 6,000 square feet in the R-6 district. The average lot size is approximately 6,759 square feet in the R-6 district. This standard is met as proposed.

#### ***Chapter 16.12.055 Building Sites -Through Lots***

**Response:** No through-lots are proposed. This standard does not apply.

#### ***Chapter 16.12.060 Building Sites—Lots and Parcel Side Lines***

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

#### ***Chapter 16.12.065 Building Sites—Grading***

*Grading of building sites shall conform to the state of Oregon Structural Specialty Code, Chapter 29, Appendix Chapter 70 of the Uniform Building Code, any approved grading plan and any approved residential lot grading plan in accordance with the requirements of Chapter 15.48 and the Public Works Stormwater and Grading Design Standards, and the erosion control requirements of Chapter 17.47.*

**Response:** The Applicant has provided a preliminary rough grading and erosion control plan. The proposed grading appears to match adjacent property grades at the site boundaries. The Applicant has proposed grading that appears to meet City requirements.

The applicant shall obtain an erosion prevention and sedimentation control permit for each lot approval at the time of building permit submittal.

#### ***Chapter 16.12.070 Building Sites—Setback and Building Location***

*This standard ensures that lots are configured in a way that development can be oriented toward streets to provide a safe and better environment for pedestrians and bicyclists. Lots located on a neighborhood collector, collector or minor arterial street shall locate the front yard setback on and orient the front of the primary structure to face the neighborhood collector, collector or minor arterial street. An alternative to the lot orientation, which incorporates landscaping and fencing into the lot and street design, may be approved if it is found to accomplish the objective of this standard by the Community Development Director.*

*Garage setbacks in residential areas shall be a minimum of twenty feet from the public right-of-way where access is taken, except for alleys. Garages on an alley shall be set back a minimum of five feet in residential areas. Any special building setback lines established in a subdivision or partition shall be shown on the preliminary and final plats or guaranteed through deed restrictions or easements. (Ord. 98-1007 §1(part), 1998)*

**Response:** The applicant has proposed to combine the driveways of lots 1-2, 3-4, 6-7, and 9-10, with a 24-foot wide driveway approach, which will reduce the conflicts between cars entering and exiting the driveway and pedestrians walking on the sidewalk. Requiring a shared driveway for lots 5 and 8 was not practicable. This standard is met as proposed.

#### ***Chapter 16.12.075 Building Sites—Division of Lots***

*Where a tract of land is to be divided into lots or parcels capable of redivision in accordance with this chapter, the decision-maker shall require an arrangement of lots, parcels and streets that facilitates future redivision.*

**Response:** No tracts of land are large enough to be divided and provide a buildable lot. This standard is met as proposed.

#### ***Chapter 16.12.085 Easements***

*This standard governs the location improvement and layout of easements. These include utilities, unusual facilities, watercourses, access, and resource protection.*

**Response:** The easements will be dedicated to the public on the final plat as required. The 10-foot PUE and all public off- and on-site easements required for the final engineering plans shall be dedicated to the public on the final plat or by separate

document. All existing and proposed utilities and easements shall be indicated on the construction plans. Any off-site utility easements required for this project shall be obtained and submitted to the City prior to approval of the construction plans. This standard can be met.

#### ***Chapter 16.12.090 Minimum Improvements—Procedures***

*In addition to other requirements, improvements installed by the Applicant either as a requirement of these or other regulations, or at the Applicant's option, shall conform to the requirements of this title and be designed to City specifications and standards as set out in the City's Facility Master Plan and Public Works Stormwater and Grading Design Standards.*

**Response:** The Applicant has indicated that construction plans for all required improvements will be presented to the City for review and approval prior to the commencement of any construction activities on the site. Inspection will be provided for as required by this standard and City policy. The Applicant will provide inspection of the construction procedures as required by the City. Erosion control measures will be provided and are depicted in conceptual form on the attached preliminary grading plans. As-built plans will be provided as required.

#### ***Chapter 16.12.95 Minimum Improvements—Public Facilities and Services***

*The following minimum improvements shall be required of all Applicants for a land division under Title 16, unless the decision-maker determines that any such improvement is not proportional to the impact imposed on the City's public systems and facilities.*

**Response:** This standard addresses minimum improvements that are required for public transportation systems, stormwater drainage, and sanitary sewer systems. Minimum improvements are required for all land divisions (partitions and subdivisions) under Title 16. The City Engineering Division reviewed the need for the minimum improvements required for this project under Title 16 above.

#### ***16.12.100 Minimum Improvements—Road Standards and Requirements***

**Response:** This section addresses requirements for public streets that do not meet adopted standards. The applicant has proposed streets that will meet the city standards. This section does not apply.

#### ***16.12.105 Minimum Improvements—Timing Requirements***

**Response:** The Applicant has indicated that prior to applying for final plat approval construction of all public improvements required as part of the preliminary plat approval will be completed per the approved plans or a guarantee for the construction of those improvements will be provided.

### ***17.68.020 Zone Changes and Amendments – Criteria***

The criteria for a zone change are set forth as follows:

- A. *The proposal shall be consistent with the goals and policies of the comprehensive plan.*

#### **Goal 1: Citizen Involvement**

*Goal 1.2: Ensure that citizens, neighborhood groups and affected property owners are involved in all phases of the comprehensive planning program.*

**Response:** The applicant has lived in the area and has explained to his neighbors= that he is going to develop his property. As part of the land use process, the city has advertised the proposal and hearing dates in the newspaper, posted the site and mailed requests for comments to surrounding property owners. This standard is met.

#### **Goal 2: Land Use**

*Goal 2.1: Ensure that property planned for residential, commercial, office and industrial uses is used efficiently and that land is developed following principles of sustainable development.*

**Response:** The applicant has requested a comprehensive plan amendment and zone change for a property that is zoned R-10 rezoning it to R-6. The proposed amendment and zone change would allow the property, which is well serviced by available infrastructure, to be utilized in a more efficient and consistent manner with the adjacent properties. This standard is met.

*Goal 2.7: Maintain the Oregon City Comprehensive Plan Land-Use Map as the official long-range planning guide for land-use development of the city by type, density and location.*

**Response:** The minor amendment and zone change, requested for approximately this property is within the Comprehensive Plan Framework, would provide consist and compatible land uses with the adjacent properties. This standard is met.

#### **Goal 6: Quality of Air, Water and Land Resources**

*Goal 6.1.1: Promote land-use patterns that reduce the need for distance travel by single-occupancy vehicles and increase opportunities for walking, biking and/or transit to destinations such as places of employment, shopping and education.*

**Response:** The property is an infill project within at the edge of the UGB and within the Oregon City limits. Streets and sidewalks have been constructed and will provide walking and biking options for the proposed use. The property is located approximately 200 linear feet from Highway 213, just 0.6 miles from Clackamas Community College, which includes recreational, educational and mass transit options, and shopping and eating options. From the subdivision's entrance to all these services, the residents are afforded either sidewalks or protected pathways the entire distance. This standard is met.

**Goal 10: Housing**

*Goal 10.1.3: Designate residential land for a balanced variety of densities and types of housing, such as single-family attached and detached, and a range of multi-family densities and types, including mixed-use development.*

**Response:** The proposed amendment and zone change to allow the construction of 10 detached dwelling units provides additional opportunities for an attached housing design on smaller lots and provides a more affordable option based on the lots smaller size. This standard is met.

**Goal 11: Public Facilities**

*Goal 11.1: Serve the health, safety, education, welfare and recreational needs of all Oregon City residents through the planning and provision of adequate public facilities.*

*Policy 11.1.4: Support development of underdeveloped or vacant buildable land within the city where public facilities and services are available or can be provided and where land use compatibility can be found relative to the environment, zoning and comprehensive plan goals.*

**Response:** The applicant has indicated that the requested comprehensive plan amendment and zone change to R-6 single family for the project site which is currently designated Low Density Residential and zoned R-10 single-family. The zone change from the R-10 to R-6 allows 2 additional dwelling units to be constructed on the site. The property has access to required infrastructure, including all necessary public facilities and services, such as water, sanitary sewer, stormwater drainage, and transportation systems. All the new infrastructure will be constructed to City standards.

Staff has reviewed the applicant's proposal and finds that the public facilities and services are presently capable of supporting the requested comprehensive

plan amendment and zone change and the proposed R-6 subdivision. This standard is met as proposed.

**Goal 12: Transportation**

*Goal 12.6: Develop and maintain a transportation system that has enough capacity to meet users' needs.*

**Response:** Per the preapplication conference, the intersections on Canyon Ridge at Hwy. 213 and Candice Ct. were analyzed for intersection spacing issues with Kinslie Ct. Canyon Ridge Circle and Canyon Ridge Dr. were not analyzed because they exceeded the spacing standard for intersections with the proposed Kinslie Ct.

The submitted Traffic Letter indicated that the August 2006 TIA demonstrated that the study area intersections will operate at a level of service C or better during the AM and PM peak hours upon full build out of the site. The proposed amendment, zone change and addition of 2-lots will have a minimal impact on the transportation system. The Responses of the August 2006 TIA, combined with the project narrative and site plan address the city requirements for a transportation impact analysis, demonstrates that the requested comprehensive plan amendment and zone change are consistent with the planned function, capacity and level of service of the transportation system, and that there is no reason to place additional conditions of approval on the development. This standard is met.

- B. That public facilities and services (water, sewer, storm drainage, transportation, schools, police and fire protection) are presently capable of supporting the uses allowed in the zone, or can be made available prior to issuing a certificate of occupancy. Service shall be sufficient to support the range of uses and development allowed by the zone.*

**Response:** The applicant has indicated that the requested comprehensive plan amendment to R-6 single family is still within the Low Density Residential designation. The zone change from the R-10 to R-6 allows 2 dwelling units to be constructed on the site and because of the configuration of the property, the R-6 designation lays out on the site better. The property has unrestricted access to required infrastructure, including all necessary public facilities and services, such as water, sanitary sewer, stormwater drainage and transportation systems.

Staff has reviewed the applicant's proposal and finds that the public facilities and services are presently capable of supporting the requested comprehensive



plan amendment and zone change and the proposed R-6 subdivision. This standard is met as proposed.

- C. The land uses authorized by the proposal are consistent with the existing or planned function, capacity and level of service of the transportation system serving the proposed zoning district.*

**Response:** The applicant has submitted a Traffic Impact Analysis (TIA), by Group Mackenzie, with this application. The study demonstrates that all intersections studied are currently operating within acceptable limits and are forecast to continue operating at acceptable levels of service after considering the rezone. The City's Traffic Engineer will review the TIA and should concurred with the Responses of the report. The request complies with the Transportation System Plan.

The August 2006 TIA demonstrated that the study area intersections will operate at a level of service C or better during the AM and PM peak hours upon full build out of the site. The addition of 2-lots will have a minimal impact on the transportation system. The project narrative and site plan address the city requirements for a transportation impact analysis, demonstrates that the requested comprehensive plan amendment and zone change are consistent with the planned function, capacity and level of service of the transportation system, and that there is no reason to place additional conditions of approval on the development. This standard is met.

- D. Statewide planning goals shall be addressed if the comprehensive plan does not contain specific policies or provisions which control the amendment.*

**Response:** The Oregon City Comprehensive Plan was acknowledged by the Land Conservation and Development Commission in June 2004. The Comprehensive Plan implements the statewide planning goals at the local level. The acknowledged Comprehensive Plan includes specific goals and policies that apply to the requested Comprehensive Plan Amendment and Zone Change. Therefore, it is not necessary to address the statewide planning goals. This section is not applicable.

#### 12.08.010 - Purpose.

The purpose of this chapter is to:

- A. Develop tree-lined streets to protect the living quality and beautify the city;

Response: The proposed project is supportive of this policy.

B. Establish physical separation between pedestrians and vehicular traffic;

Response: The proposed project is supportive of this policy.

C. Create opportunities for solar shading;

Response: The proposed project is supportive of this policy.

D. Improve air quality; and

Response: The proposed project is supportive of this policy.

E. Increase the community tree canopy and resource.

Response: The proposed project is supportive of this policy.

(Ord. No. 08-1014, 7-1-2009)

#### 12.08.015 - Street tree planting and maintenance requirements.

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

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

Response: The trees are spaced per this standard.

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

1. Fifteen feet from streetlights;



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

Response: The trees are spaced per this standard.

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

Response:

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

Response: The trees will be pruned per this standard.

(Ord. No. 08-1014, 7-1-2009)

#### 12.08.020 - Street tree species selection.

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

Response: Understood, but there are no overhead obstructions.

(Ord. No. 08-1014, 7-1-2009)

#### 12.08.025 - General tree maintenance.

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

Response: The trees will be pruned per this standard.

(Ord. No. 08-1014, 7-1-2009)

#### 12.08.030 - Public property tree maintenance.

The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs in all public rights-of-way and public grounds, as may be necessary to ensure public safety or to preserve and enhance the symmetry or other desirable characteristics of such public areas. The natural resources committee may recommend to the community development director the removal of any tree or part thereof which is in an unsafe condition, or which by reason of its nature is injurious to above or below-ground public utilities or other public improvements.

Response: It is understood the city shall have the right to plant, prune, maintain and remove trees, plants and shrubs in all public rights-of-way and public grounds.

(Ord. No. 08-1014, 7-1-2009)

12.08.035 - Public tree removal.

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

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

Table 12.08.035

Replacement Schedule for Trees Determined to be Dead, Diseased or Hazardous by a Certified Arborist		Replacement Schedule for Trees Not Determined to be Dead, Diseased or Hazardous by a Certified Arborist	
Diameter of tree to be Removed	Number of Replacement Trees to be Planted	Diameter of tree to be Removed	Number of Replacement Trees to be Planted

(Inches of diameter at 4-ft height)		(Inches of diameter at 4-ft height)	
Any Diameter	1 Tree	Less than 6"	1 Tree
4	8	6" to 12"	2 Trees
11	33	13" to 18"	3 Trees
2	8	19" to 24"	4 Trees
		25" to 30"	5 Trees
		31" and over	8 Trees

(Ord. No. 08-1014, 7-1-2009)

#### 12.08.040 - Heritage Trees and Groves.

A. Purpose. Certain trees, because of their age, species, natural resource value, ecological or historical association, are of special importance to the city. These trees may live on private or public property.

1. The purpose of this chapter is to recognize, foster appreciation and provide for voluntary protection of Heritage Trees.
2. In particular, the following trees are shall be considered significant, and therefore eligible for heritage tree nomination in Oregon City, if they meet the minimum size requirements of the table below:

Tree Eligibility based on Size

Species	Common Name	Size (d.b.h)
Quercus garryana	Oregon white oak	8"
Pseudotsuga menziesii	Douglas-fir	18"
Thuja plicata	Western red cedar	12"
Pinus ponderosa	Ponderosa pine	12"
Taxus brevifolia	Western yew	6"
Other deciduous and horticultural tree species		20"
Other evergreen and conifer trees		18"

Response: There are no heritage trees on-site.

#### B. Recommendation.

1. Any citizen may recommend tree(s) to be designated as a Heritage Tree or Grove. If the proposed Heritage Tree or Grove is located on property other than city property or public right-of-way under city jurisdiction, the recommendation shall be submitted by the property owner or accompanied by the property owner's written consent. If the proposed Heritage Tree or Grove is located on city property or public right-of-way under city jurisdiction, the recommendation shall be submitted to the community development director; if the recommendation is consented to by the city, the community development director shall submit the recommendation to the city commission.

Response: There are no heritage trees on-site.

2. Recommendation shall be made on such form as required by the community development director. The recommendation form shall include a narrative explaining why the tree qualifies for Heritage Tree or Grove

status pursuant to the definition in subsection 1. and the written consent of the property owner as described in subsection 1., of this section.

Response: There are no heritage trees on-site.

#### C. Review Process.

1. The city commission shall review all Heritage Trees and Grove recommendations at a public meeting. Notice of the meeting shall be provided to the recommending applicant, the property owner (unless the recommended tree or grove is located on public right-of-way under city jurisdiction, in which event notice shall be given to the community development director), the chair of any recognized neighborhood association in which the tree or grove is located, and the parks and recreation advisory committee (PRAC), if applicable.

Response: There are no heritage trees or groves on-site.

2. Staff shall prepare a report for the city commission analyzing whether the tree or grove complies with the requirements for designation.

Response: There are no heritage trees or groves on-site.

3. After considering the staff report and any testimony by interested persons, the city commission shall vote on the recommendation.

Response: There are no heritage trees or groves on-site.

4. Following approval by the city commission:

a. If the tree or grove is located on private property, the designation shall be complete upon the property owner's execution of a covenant running with the land suitable for recordation by the city. The covenant shall describe the subject property, generally describe the location of the heritage tree or grove, and covenant that the tree or grove is protected as a "Heritage Tree" or "Heritage Grove" by the City of Oregon City and is therefore subject to special protection as provided in this Title.

b. If the tree or grove is located on public right-of-way, the designation shall be complete upon the Staff's listing of the tree or grove on the city Heritage Tree and Grove records.

c. If the tree or grove is located on the public right-of-way, the city shall condition any future property owner-requested vacation of the public right-of-way upon the execution of a covenant in

accordance with subsection a., above, which shall be recorded by the city upon the vacation of the right-of-way.

Response: There are no heritage trees or groves on-site.

D. Criteria.

1. The city commission may designate a tree or grove as a Heritage Tree or Heritage Grove if the commission determines that the following criteria are met:

- a. The tree or grove is of landmark importance to the City of Oregon City due to age, size, species, horticultural quality or historic importance; or
- b. It is listed as a State Heritage Tree, as designated by the state division of forest resources; or
- c. It is a rare species, or provides a habitat for rare species of plants, animals or birds; and
- d. The tree is not irreparably damaged, diseased, hazardous or unsafe, or the applicant is willing to have the tree treated by an arborist and the treatment will alleviate the damage, disease or hazard;

Response: There are no heritage trees or groves on-site.

E. Protection of Heritage Trees and Groves.

1. No Heritage Tree or Grove may be removed, topped, or otherwise altered unless permitted by this section.

Response: There are no heritage trees or groves on-site.

2. An application to remove a Heritage Tree or Grove shall demonstrate that the burden imposed on the property owner, or, if the tree is located within the public right-of-way under city jurisdiction, then the burden imposed on the city by the continued presence of the tree outweighs the public benefit provided by the tree. For the purposes of making this determination, the following tree impacts shall not be considered unreasonable burdens on the property owner, or if appropriate, the city:

- a. View obstruction;

- b. Routine pruning, leaf raking and other maintenance activities;  
and
- c. Infrastructure impacts or tree hazards that can be controlled or  
avoided by appropriate pruning or maintenance.

Response: There are no heritage trees or groves on-site.

- 3. Unless the tree is permitted to be removed due to poor health or hazard pursuant to Section 12.08.042, the applicant shall be required to mitigate for the loss of the tree pursuant to Table 12.08.042.

Response: There are no heritage trees or groves on-site.

- 4. Any person who removes a Heritage Tree or Grove in violation of this chapter shall be subject to the penalties provided in this chapter.

#### F. Recognition of Heritage Trees and Groves.

- 1. A Heritage Tree plaque may be designed and furnished by the city to the property owner, or if the tree is in the public right-of-way, to the appropriate city official, of a designated Heritage Tree or Grove. The city may charge a fee to cover the costs of the providing the plaque. The plaque shall be posted at a location at or near the tree or grove and, if feasible, visible from a public right-of-way.

Response: There are no heritage trees or groves on-site.

- 2. The community development director shall maintain a list and map of designated Heritage Trees and Groves.

#### G. Removal of Heritage Tree or Grove Designation.

Response: There are no heritage trees or groves on-site.

- 1. A Heritage Tree or Grove may be removed from designation if it dies or is removed pursuant to this chapter. If removed from private property, the city shall record a document extinguishing the covenant.

(Ord. No. 08-1014, 7-1-2009)

#### 12.08.045 - Gifts and funding.

The City of Oregon City may accept gifts, which are specifically designated for the purpose of planting or maintaining trees within the city. the community development director may allow a fee in-lieu of planting the tree(s) to

be placed into a city fund dedicated to planting trees in Oregon City. The community development director may determine the type, caliper and species of the trees purchased with the fund. The cost of each tree may be adjusted annually based upon current market prices for materials and labor as calculated by the community development director. A separate fund shall be established and maintained for revenues and expenditures created by activities specified in this chapter. The natural resources committee shall have authority on behalf of the city to seek grants and alternative funding for tree projects. Funds from such grant awards shall be administered by the city pursuant to this section.

Response: There are no heritage trees or groves on-site.

(Ord. No. 08-1014, 7-1-2009)

#### 12.08.050 - Violation—Penalty.

The violation of any provision of this chapter shall be constitute a civil infraction, subject to code enforcement procedures of Chapter 1.16 and/or Chapter 1.20.

Response: N/A

(Ord. No. 08-1014, 7-1-2009)

### Chapter 17.12 - R-6 SINGLE-FAMILY DWELLING DISTRICT <sup>[6]</sup>

#### 17.12.010 - Designated.

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

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

#### 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.

Response: Currently, the site has a modular home with a 2 car garage on it, a tool shed, a standalone 2 car garage and a tree house, all of which is to be removed.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

#### 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.

Response: No conditional uses are proposed.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

#### 17.12.040 - Dimensional standards.

Dimensional standards in the R-6 district are:

A. Minimum lot areas, six thousand square feet;

Response: The proposed subdivision minimum lot size is 6,010 sf.

B. Minimum lot width, fifty feet;

Response: The proposed subdivision minimum lot width is on Lot 4, which measures 53.54 feet.

C. Minimum lot depth, seventy feet;

Response: The proposed subdivision minimum lot width is on Lot 5, which measures 74.94 feet.

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

Response: The proposed building height will not exceed, two and one-half stories, nor 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.

Response: The proposed subdivision building envelopes comply with these guidelines as shown on the plans.

F. Garage standards: See Chapter 17.20—Residential Design and Landscaping Standards.

Response: The proposed houses will follow the “Eyes on the Street” guidelines.

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.

Response: The footprint of all structures two hundred square feet or greater shall not cover more than forty percent of the lot area.

#### 13.12.010 - Purpose.

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

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

Response: The proposed subdivision will mitigate for the impact upon any downstream.

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

Response: The proposed subdivision does not exceed the capacity of downstream stormwater facilities per our analysis.

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

Response: The proposed subdivision will mitigate for the impact upon any downstream per our proposal.

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

Response: The proposed subdivision will mitigate for the impact upon any downstream private property per our proposal.

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

Response: The proposed subdivision will mitigate for the impact of our stormwater and enhance the water quality of the current outfall per our proposal.

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

Response: The proposed subdivision will provide stormwater conveyance facilities of adequate design to manage all volumes of water generated in the contributing drainage area, for both the existing condition and the anticipated future condition per our plan.

G. Have all stormwater facilities:

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

Response: The proposed subdivision will comply with these guidelines for the proposed stormwater improvement strengths and lifecycles.

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

Response: The proposed subdivision will establish maintenance easements with the owners of privately owned/maintained stormwater facilities to ensure an appropriate level of maintenance and to help minimize public safety hazards.

I. Have all new stormwater facilities comply with applicable National Pollutant Discharge Elimination System (NPDES) requirements;

Response: The proposed subdivision will comply with applicable National Pollutant Discharge Elimination System guidelines.

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

Response: The proposed subdivision will minimize the deterioration of existing watercourses, culverts, bridges, dams and other structures and comply with these guidelines.

K. Minimize increases in nonpoint source pollution; and

Response: The proposed subdivision will minimize increases in nonpoint source pollution, by repairing and enhancing the downstream outfall.

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

Response: The proposed subdivision will comply with these guidelines and allow for periodic inspections of both private and public stormwater quantity control and quality control facilities to verify that they are functioning in substantial conformance with the approved design intent.

M. Allow Issuance of engineering permits for stormwater work in the right-of-way or public easements either as a separate Public Works permit or as part of overall issued public infrastructure construction plans. The various fees for these permits are approved and modified from time to time by the city commission. Failure to meet the conditions of the issued permit shall constitute a violation of the Municipal Code. (Ord. 99-1029 §2 (part), 1999)

Response: The proposed subdivision will comply with these guidelines and obtain engineering permits for stormwater work in the right-of-way or

public easements either as a separate Public Works permit or as part of overall issued public infrastructure construction plans. It is understood that the various fees for these permits are approved and modified from time to time by the city commission. Failure to meet the conditions of the issued permit shall constitute a violation of the Municipal Code.

(Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

13.12.020 - Adoption of standards.

The city commission may establish and modify from time to time by resolution Public Works Stormwater and Grading Design Standards to implement the requirements of this chapter.

Response: Understood that the city commission may establish and modify from time to time by resolution Public Works Stormwater and Grading Design Standards to implement the requirements of this chapter.

(Ord. 99-1029 §2 (part), 1999)

13.12.030 - Superseding Oregon City Drainage Master Plan Appendix A.

The policies and standards of this chapter are intended to be consistent with the applicable sections of the Oregon City Drainage Master Plan dated January 1988, and applicable basin master plans, for land drainage and flood control within the Oregon City urban growth area, as adopted by the city. Appendix A of the Oregon City Drainage Master Plan dated January 1988 is superseded by the Public Works Stormwater and Grading Design Standards adopted by resolution and as amended from time to time.

Response: Understood that the policies and standards of this chapter are intended to be consistent with the applicable sections of the Oregon City Drainage Master Plan dated January 1988, and applicable basin master plans, for land drainage and flood control within the Oregon City urban growth area, as adopted by the city. Appendix A of the Oregon City Drainage Master Plan dated January 1988 is superseded by the Public Works Stormwater and Grading Design Standards adopted by resolution and as amended from time to time.

(Ord. 99-1029 §2 (part), 1999)

13.12.040 - Definitions.

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

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

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

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

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

"City" means the city of Oregon City.

"City engineer" means the city engineering manager, their duly authorized representative(s), or the city's duly authorized representative(s) as designated by the city manager.

"Clearing" means surface removal of vegetation.

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

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

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

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

"Conveyance" means a channel or conduit to move water from one point to another point.

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

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

"DEQ" means the Oregon Department of Environmental Quality.

"Development" means any land use decision or manmade change defined as buildings or other structures, mining, dredging, paving, filling or excavation. Development does not include the following: (1) stream enhancement or restoration projects approved by the city; (2) farming practices as defined in ORS 30.930 and farm use as defined in ORS 215.203, except that buildings associated with farm practices and farm uses are subject to the requirements of this chapter; and (3) construction on lots in subdivisions meeting the criteria of ORS 92.040(2)(1995).

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

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

"DSL" means the Oregon Division of State Lands.

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

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

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

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

"Enhancement" means the process of improving upon the natural functions and/or values of an area or feature that has been degraded by human



activity. Enhancement activities may or may not return the site to a predisturbance condition, but create/recreate processes and features that occur naturally.

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

"Excavation" means the mechanical removal of earth material.

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

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

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

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

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

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

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

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

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

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

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

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

"Mitigation" means the reduction of adverse effects of a proposed project by considering, in the following order: (1) avoiding the impact all together by not taking a certain action or parts of an action; (2) minimizing impacts by limiting the degree or magnitude of the action and its implementation; (3) rectifying the impact by repairing, rehabilitating or restoring the affected environment; (4) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action by monitoring and taking appropriate measures; and (5) compensating for the impact by replacing or providing comparable substitute water quality resource areas.

"NPDES" means the National Pollutant Discharge Elimination System. A national permit system that covers discharges to waters of the United States and is enforced under the Federal Water Pollution Control Act, commonly known as the Clean Water Act.

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

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

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

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

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

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

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

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

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

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

"Private stormwater facility" means a stormwater facility located on private property serving more than one structure and maintained by private property owners.

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

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

"Public stormwater facility" means any stormwater facility in the public right-of-way or easement operated and maintained by the city, county or state.

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

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

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

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

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

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

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

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

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

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

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

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

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

"Street, public" means a street or road dedicated or deeded for public use. For the purposes of this chapter, public street may include "alley," "lane," "court," "avenue," "boulevard," "cul-de-sac" and similar designations, and any county roads and state highways.

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

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

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

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

"Waste discharges" mean any discharge that requires an NPDES permit, Water Pollution Control Facility (WPCF) permit or 401 Certification. The following are excluded from this definition:

1. Individual on-site sewage disposal systems subject to issuance of a construction-installation permit;
2. Domestic sewage facilities that discharge less than five thousand gallons per day under WPCF permit;
3. Biosolids land applied within agronomic loading rates pursuant to OAR Chapter 340, Division 50; and
4. Reclaimed domestic wastewater land applied at agronomic rates pursuant to OAR Chapter 340, Division 55

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

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

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

Response: These definitions are understood.

(Ord. 99-1029 §2 (part), 1999)

#### 13.12.050 - Applicability and exemptions.

This chapter establishes performance standards for stormwater conveyance, quantity and quality.

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

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

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

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

Response: This development will create public conveyance systems, so this section will apply.

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;

Response: N/A.

2. Activities that create more than two thousand square feet of impervious surface, cumulated over any given seven year period;  
or

Response: This development will create more than 2,000 sf of impervious surface, so this section will apply.

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;

Response: N/A.

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

Response: N/A.

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.

Response: This section is applicable to the development as there are more than 4 houses going to be built and will be adhered to.

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.

Response: N/A

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).

Response: N/A

(Ord. 99-1029 §2 (part), 1999)

13.12.060 - Abrogation and greater restrictions.

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

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

Response: This section is understood and the health, safety and welfare of the public will be considered within this development.

(Ord. 99-1029 §2 (part), 1999)

13.12.070 - Severability.

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

Response: This section is understood and this ordinance will be complied with.

(Ord. 99-1029 §2 (part), 1999)

13.12.080 - Submittal requirements.

A. Timing and Scope of Required Submittal.

1. Applications subject to the stormwater conveyance requirements of this chapter shall include an engineered drainage plan and design flow calculation report submitted prior to, or contemporaneous with, submittal of an application for a building, land use or other city issued permit.

Response: This section is understood that the stormwater conveyance requirements of this chapter shall include an engineered drainage plan and design flow calculation report submitted prior to, or contemporaneous with, submittal of an application for a building, land use or other city issued permit and will be complied with.

2. Applications subject to the stormwater quantity and/or Category A quality requirements of this chapter shall include an engineered drainage plan and an engineered drainage report submitted prior to, or contemporaneous with, submittal of an application for a building, land use or other city issued permit.

Response: This section is understood that applications subject to the stormwater quantity and/or Category A quality requirements of this chapter shall include an engineered drainage plan and an engineered drainage report submitted prior to, or contemporaneous with, submittal of an application for a building, land use or other city issued permit will be mandated. A preliminary Drainage Report has been submitted with this application.

3. Applications subject to Category B water quality special management practices shall demonstrate compliance with the additional management practices for commercial, industrial and multi-unit dwelling land uses of the Public Works Stormwater and Grading Design Standards as part of the site plan and design review process.

Response: N/A.

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

Response: N/A

B. Required engineered drainage plans, drainage reports, and design flow calculation reports, which contain methods and proposed facilities to manage stormwater conveyance, quantity and/or quality, shall be prepared in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards.

Response: This section is understood that required engineered drainage plans, drainage reports, and design flow calculation reports, which contain

methods and proposed facilities to manage stormwater conveyance, quantity and/or quality, will be prepared in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards and will be complied with.

The project applicant is requesting that the typical requirement for Stormwater Quality be waived in favor of repairs to the existing outfall. In order to mitigate for the requirement for water quality is to treat 2/3rds of the 2-yr, 24-hr post-development flow, the applicant will create a dispersal basin, to spread the flow from the existing outfall result in reduced erosion downstream for the existing storm outfall. The resulting flow rates would be reduced and as witnessed in the field, will result in the stormwater being filtered through the forest duff, before reaching Beaver Creek. According to the Oregon City requirements, the 2 year, 24 hour storm results in 2.0 inches of rainfall, therefore two-thirds of the water quality storm is 1.33 inches. Currently, the 6 month storm of 2 cfs (Figure 4) from the entire Canyon Ridge subdivision is untreated. Our proposed mitigation will provide a much higher level of treatment for the entire Canyon Ridge basin.

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

Response: N/A.

(Ord. 99-1029 §2 (part), 1999)

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.

Response: This section is understood and will be complied with and proposes to mitigate downstream erosion and water quality issues pursuant to the above provisions. A detailed hydraulic analysis for each segment of the existing storm drainage piping system was performed. The analysis showed that the entire existing storm drainage function more than adequately. The 25 year storm flow increase resulting from the development of Kinslie Heights is 0.13 cfs (Figure 2 - 7.89 cfs minus Figure 1 - 7.76 cfs), a 1.7% increase in runoff. This small an increase in a 25-year's storm runoff, does not warrant a detention system which the City would have to maintain. As mitigation, the applicant proposes to repair the outfall rip rap and erosion which is occurring immediately below the existing outfall pipe, and downhill for approximately 150 feet below the existing outfall and build a channel sufficient to accommodate the 25-year storm event until dispersed.

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.

Response: This section is understood and both the NPDES and take care to minimize any increase in nonpoint source pollution. The project is proposing to mitigate its impact by repairing the downstream outfall built in the 1980's which is in disrepair.

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.

Response: This section is understood and the proposed development will adequately control runoff from all public and private streets and roof, footing, and area drains and ensures future extension of the current drainage system. All stormwater discharges from this subdivision will be managed.

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

Response: The proposed development where stormwater, directly or indirectly, discharges to open channels or streams will be mitigated. The post development 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. However, a small exception for this requirement is being sought because of the mitigation to downstream channels. It is proposed that in order to mitigate for a small 1.7% increase in runoff, the developer repair the damaged outfall as proposed in the Storm Drainage Report.

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

Response: Specific operation and maintenance measures will be proposed that ensure that the proposed stormwater quantity control facilities will be properly operated and maintained and will be complied with.

(Ord. 99-1029 §2 (part), 1999)

13.12.100 - Alternative materials, alternative design and methods of construction.

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

Response: This section is understood and should alternate design or method of construction be required, this section will be complied with. An alternative method for treating and detaining runoff is suggested herein.

The 25 year storm flow increase resulting from the development of Kinslie Heights is 0.13 cfs (Figure 2 - 7.89 cfs minus Figure 1 - 7.76 cfs), a 1.7% increase in runoff. This small an increase in a 25-year's storm runoff, does not warrant a detention system which the City would have to maintain. As mitigation, the applicant proposes to repair the outfall rip rap and erosion which is occurring immediately below the existing outfall pipe, and downhill for approximately 150 feet below the existing outfall and build a channel sufficient to accommodate the 25-year storm event until dispersed.

The project applicant is requesting that the typical requirement for Stormwater Quality be waived in favor of repairs to the existing outfall. In order to mitigate for the requirement for water quality is to treat 2/3rds of the 2-yr, 24-hr post-development flow, the applicant will create a dispersal basin, to spread the flow from the existing outfall result in reduced erosion downstream for the existing storm outfall. The resulting flow rates would be reduced and as witnessed in the field, will result in the stormwater being filtered through the forest duff, before reaching Beaver Creek.

(Ord. 99-1029 §2 (part), 1999)

#### 13.12.110 - Transfer of engineering responsibility.

Project drainage plans shall always have an engineer of record performing the function of project engineer. If the project engineer is changed during the



course of the work, the city shall be notified in writing and the work shall be stopped until the replacement engineer has agreed to accept the responsibilities of the project engineer. The new project engineer shall provide written notice of accepting project responsibility to the city within seventy-two hours of accepting the position as project engineer.

Response: This section is understood and if the project engineer is changed during the course of the work, the city shall be notified in writing and the work shall be stopped until the replacement engineer has agreed to accept the responsibilities of the project engineer. The new project engineer will provide written notice of accepting project responsibility to the city within seventy-two hours of accepting the position as project engineer will be complied with.

(Ord. 99-1029 §2 (part), 1999)

#### 13.12.120 - Standard Construction Specifications.

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

Response: This section is understood and the workmanship and materials will be in accordance with the edition of the "Standard Specifications for Public Works Construction," as prepared by the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the city, in effect at the time of application. The exception to this requirement is where this chapter and the Public Works Stormwater and Grading Design Standards provide other design details, in which case the requirements of this chapter and the Public Works Stormwater and Grading Design Standards and will be complied with.

(Ord. 99-1029 §2 (part), 1999)

#### 13.12.130 - Administrative provisions.

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



A. Engineer's cost estimate (also may be known as engineer's opinion of probable construction cost);

Response: This section is understood and Engineer's cost estimate will be provided.

B. Plan check and inspection fees (as set by city resolution);

Response: This section is understood and plan check and inspection fees will be paid.

C. Certificate of liability insurance for city funded public projects contracted by the city (not less than one million dollars single incident and two million dollars aggregate);

Response: N/A.

D. Preconstruction meeting (if required by some other provision of this code);

Response: This section is understood and a preconstruction meeting will be held.

E. Performance Assurance(s). Applicant must submit a letter of commitment, cash deposit or other form of assurance in form and substance satisfactory to the city engineer and city attorney, to cover the engineer's cost estimate for the construction of the stormwater facility. This is required to assure that the following are accomplished to the satisfaction of the city engineer:

1. Work shown on the development plans is accomplished,
2. Appropriate as-built/record drawings and electronic files are delivered to the city. (As-built drawings, or record drawings, will be on four-mil Mylar.) Electronic files shall be submitted per city engineer format requirements,
3. Compliance with the criteria in this chapter and the Public Works Stormwater and Grading Design Standards, as well as with other city standards, ordinances, resolutions or rules,
4. Permanent stabilization and/or restoration of the impact from the development,
5. Fulfillment of all conditions of approval,

6. Payment of all outstanding fees,

7. Submittal of any required maintenance guarantee(s);

Response: This section is understood and all the requirements of 1-7 will be complied with prior to final acceptance by the city.

F. Developer/engineer agreement for public works improvements;

Response: This section is understood and a Developer/engineer agreement for public works improvements will be completed.

G. Land division compliance agreement (if applicable);

Response: This section is understood and a land division compliance agreement will be complied with.

H. Project engineer's certificate of completion;

Response: This section is understood and a Project engineer's certificate of completion will be provided.

I. Operation and maintenance easement, if required by subsection A of this section (for an example see Appendix 2-3 of the Public Works Stormwater and Grading Design Standards);

Response: This section is understood and if an operation and maintenance easement, if required, it will be provided.

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

Response: This section is understood and will be complied with.

(Ord. 99-1029 § 2 (part), 1999)

#### 13.12.140 - Maintenance of public stormwater facilities.

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

Response: This section is understood and should access for maintenance of the stormwater facilities will be provided to the city through the granting of a stormwater easement or other means acceptable to the city will be provided.

B. Responsibility for maintenance of stormwater management facilities including all landscaping, irrigation systems, and other stormwater facilities with sumps shall remain with the property owner/developer for two years (known as the warranty period). To ensure the facility landscaping is actively and properly maintained during this critical plant establishment time period, the owner/developer shall pay the city to maintain these facilities during this two-year warranty period; the owner/developer shall still be responsible for reimbursing the city for replacement trees, shrubs, and grass mixes during this two-year period. The owner/developer shall provide the city a separate two-year landscaping maintenance bond for one hundred ten percent of the landscaping cost. Transfer of maintenance of all other stormwater facilities shall occur when the city accepts the stormwater facility.

Response: This section is understood and will maintain the facilities and provide a separate two-year landscaping maintenance bond for one hundred ten percent of the landscaping cost.

C. The city will perform an inspection of the development's entire tributary, publicly maintained, stormwater system approximately forty-five days before the two-year warranty period expires. The stormwater system must be found to be in a clean, functional condition by the city engineer before acceptance of maintenance responsibility by the city.

Response: This section is understood that the city will perform an inspection of the development's entire tributary, publicly maintained, stormwater system approximately forty-five days before the two-year warranty period expires. The stormwater system must be found to be in a clean, functional condition by the city engineer before acceptance of maintenance responsibility by the city and will be complied with.

(Ord. 07-1011, 2007; Ord. 99-1029 § 2(part), 1999)

#### 13.12.150 - Penalties and enforcement.

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

Response: This section is understood that the city is authorized to make inspections and take such actions as required to enforce the provisions of this chapter. The city has the authority to enter onto land for the purpose of inspecting site development activities or resulting improvements. City staff will make an effort to contact the property owner before entering onto that property.

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

Response: This section is understood that if a site has any unpermitted or illegal facilities placed, constructed or installed on the site, then City has corrective measures that will be complied with.

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

Response: This section is understood that the property owner or applicant, will be subject to the code enforcement procedures of Chapters 1.16, 1.20 and 1.24.

(Ord. 99-1029 § 2 (part), 1999)

#### 13.12.160 - Hazardous conditions.

A. Determination and Notification. If the city engineer determines that any excavation, embankment, erosion/sedimentation control or drainage facility is a safety hazard; endangers property; or adversely affects the safety, use or stability of a public way, water quality resource areas (pursuant to Section 17.49) or drainage course, the owner(s) of the subject property and/or the person or agent in control of the property shall be required to repair or eliminate the hazard in

conformance with the requirements of this chapter and the Public Works Stormwater and Grading Design Standards. At the time that the city engineer makes the determination that a hazardous condition exists, the property owner and/or person or agent in control of the property will be notified in writing that the hazard exists.

Response: This section is understood that the city engineer makes the determination that a hazardous condition exists, the property owner and/or person or agent in control of the property will be notified in writing that the hazard exists, the owner(s) of the subject property and/or the person or agent in control of the property will be required to repair or eliminate the hazard and will be complied with.

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

Response: This section is understood that the city engineer may order the specific work to be undertaken or will order that an engineering design be submitted for review and approval by the city engineer, and will specify the time periods within which the hazardous conditions be repaired or eliminated. In the event that the owner and/or the person or agent in control of the property fails to comply with this order, that person will be subject to the code enforcement procedures of Chapters 1.16, 1.20, and 1.24 and will be complied with.

(Ord. 99-1029 §2 (part), 1999)

#### 13.12.170 - Permits from other jurisdictions.

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

Response: N/A, this site is less than 2 acres in size.

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

Response: N/A there are no DSL permits required.

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

Response: N/A there are no ODFW permits required.

(Ord. 99-1029 §2 (part), 1999)

#### 13.12.180 - Violation—Penalty.

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

Response: Understood.

(Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

#### 17.41.010 - Protection of trees—Intent.

The intent of this chapter is to ensure that new development is designed in a manner that preserves trees to the maximum extent practicable. As a requirement of any Type II land use application, the siting of structures, roadways and utility easements, shall provide for the protection of tree resources to the maximum extent practicable. This chapter applies to all subdivision, partition and site plan and design review applications.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

#### **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.

Response: Understood, this is a subdivision.

2. For public capital improvement projects, the city engineer shall demonstrate compliance with these standards pursuant to a Type II process.

Response: N/A

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.

Response: N/A

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.

Response: N/A

*(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)*

#### **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.

Response: Understood that 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.

*(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)*

#### **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.

Response: Understood, this is a project under development review, so these provisions apply.

*(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)*

#### **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.



Response: Understood and the Applicant chooses Option 1.

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.

Response: N/A

*(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)*

**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.

Response: N/A

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.

Response: The applicant chooses this Option 1.B.

Table 17.41.060-1  
Tree Replacement Requirements  
All replacement trees shall be either:  
Two-inch caliper deciduous, or  
Six-foot high conifer

Size of tree removed (DBH)	Column 1  Number of trees to be planted. (If removed <b>Outside</b> of construction area)	Column 2  Number of trees to be planted. (If removed <b>Within</b> the construction area)
6 to 12"	3	1
13 to 18"	6	2
19 to 24"	9	3
25 to 30"	12	4
31 and over"	15	5

Steps for calculating the number of replacement trees:

1. Count all trees measuring six inches DBH (minimum four and one-half feet from the ground) or larger on the entire development site.
2. Designate (in certified arborists report) the condition and size (DBH) of all trees pursuant to accepted industry standards.
3. Document any trees that are currently diseased or hazardous.

4. Subtract the number of diseased or hazardous trees in step 3. from the total number of trees on the development site in step 1. The remaining number is the number of healthy trees on the site. Use this number to determine the number of replacement trees in steps 5. through 8.
5. Define the construction area (as defined in Chapter 17.04).
6. Determine the number and diameter of trees to be removed within the construction area. Based on the size of each tree, use Column 2 to determine the number of replacement trees required.
7. Determine the number and diameter of trees to be removed outside of the construction area. Based on the size of each tree, use Column 1 to determine the number of replacement trees required.
8. Determine the total number of replacement trees from steps 6. and 7.

**Response:** The trees identified for removal as part of the application are shown on the attached exhibit. No trees will be removed that are not in construction areas. The number of replacement trees is 47 and are shown on the Tree Plan. This standard is will be met

*(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)*

#### **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.

Response: Understood, the mitigation replanting will all take place on-site.

*(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)*

**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

Response: N/A.

*(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)*

**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. (Ord. 99-1013 §10(part), 1999).

Response: N/A

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

**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.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

**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.

Response: N/A

**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.

Response: N/A

*(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)*

**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.

Response: N/A

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

**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.

Response: N/A

(Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

***Editor's note—***

Ord. No. 10-1003, § 1(Exh. 1), adopted July 7, 2010 enacted new provisions to read as section 17.41.130. Seeing as provisions are already set out as section 17.41.130 and in keeping with the numbering style of this Code these provisions have been renumbered as section 17.41.125.

**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.

Response: Understood, 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.

Response: Understood, these clearing, grading, excavation or demolition work, and such measures will be implemented as a minimum for tree protection.

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.

Response: Understood, these fencing measures will be implemented as a minimum for tree protection.

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.

Response: Understood, these measures for signs stating a tree protection zone, not to be disturbed unless prior approval has been obtained from the community development director will be implemented as a minimum for tree protection.

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.



Response: Understood, these measures will be implemented as a minimum tree protection and 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 will occur.

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.

Response: Understood, these measures will be implemented as a minimum 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.

Response: Understood, these measures will be implemented as a minimum tree protection zone as a given that 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.

Response: Understood, these measures will be implemented as a minimum tree protection zone as a given that 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.

Response: Understood, these measures will be implemented as a minimum tree protection zone as a given that no 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.

Response: Understood, these measures will be implemented as a minimum tree protection zone as a given that 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.

Response: Understood, these measures will be implemented as a minimum tree protection zone as a given that 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.

Response: Understood, these measures will be implemented as a minimum tree protection zone in consideration that cause 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.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

#### **IV. CONCLUSION AND RECOMMENDATION:**

In conclusion, the proposed Comprehensive Plan Amendment to Low Density Residential, Zone Change to R-6 multi-family dwelling district does meet the requirements as outlined for approval.

#### **V. EXHIBITS**

The following exhibits are attached to this staff report.

1. Vicinity Map;
2. Applicant's Narrative, dated March 26, 2013;
3. Site Exhibits Sheet 1 - 8;
4. Transportation Analysis Letter, dated February 15, 2013;
5. Stormwater Drainage Report, dated March 15, 2013;

*Site planning, including the siting of structures, roadways and utility easements, shall provide for the protection of tree resources. All trees with a diameter six inches or greater measured four feet from the ground shall be preserved outside the building area, which is defined as right-of-way, public utility easements, and within the building setbacks of each lot. Where the community development director determines it is impracticable or unsafe to preserve these trees, the Applicant may be allowed to remove the trees so long as they are replaced in accordance with an approved landscape plan that includes new plantings of at least two inches in caliper measured six inches above the root crown and the plan must meet, at a minimum, the requirements of Table 16.12.310-1.*

*Table 16.12.310-1*

### *Tree Replacement Requirements*

<i>Size of tree removed  (Inches in diameter at the 4-foot height)</i>	<i>Number of trees to be planted.</i>
<i>6 to 12</i>	<i>12 trees</i>
<i>13 to 18</i>	<i>28 trees</i>
<i>19 to 24</i>	<i>3 trees</i>
<i>25 to 30</i>	<i>8 trees</i>
<i>31 and over</i>	<i>0 trees</i>

*Where the community development director finds this requirement would cause an undue hardship, the requirement may be modified in a manner that the community development director finds will reasonably satisfy the objectives of this section. 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. (Ord. 03-1014, Att. B3 (part), 2003: Ord. 98-1007 §1(part), 1998)*

**Response:** The trees identified for removal as part of the application are shown on the attached exhibit. The number of replacement trees is 36. This standard is will be met.

*D. Statewide planning goals shall be addressed if the comprehensive plan does not contain specific policies or provisions which control the amendment.*

**Response:** The Oregon City Comprehensive Plan was acknowledged by the Land Conservation and Development Commission in June 2004. The Comprehensive Plan implements the statewide planning goals at the local level. The acknowledged Comprehensive Plan includes specific goals and policies that apply to the requested Comprehensive Plan Amendment and Zone Change. Therefore, it is not necessary to address the statewide planning goals. This section is not applicable.

12.08.010 - Purpose.

The purpose of this chapter is to:

A. Develop tree-lined streets to protect the living quality and beautify the city;

Response: The proposed project is supportive of this policy.

B. Establish physical separation between pedestrians and vehicular traffic;

Response: The proposed project is supportive of this policy.

C. Create opportunities for solar shading;

Response: The proposed project is supportive of this policy.

D. Improve air quality; and

Response: The proposed project is supportive of this policy.

E. Increase the community tree canopy and resource.

Response: The proposed project is supportive of this policy.

(Ord. No. 08-1014, 7-1-2009)

12.08.015 - Street tree planting and maintenance requirements.

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

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

Response: The trees are spaced per this standard.

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

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

Response: The trees are spaced per this standard.

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

Response:

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

Response: The trees will be pruned per this standard.

(Ord. No. 08-1014, 7-1-2009)

#### 12.08.020 - Street tree species selection.

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

Response: Understood, but there are no overhead obstructions.

(Ord. No. 08-1014, 7-1-2009)

#### 12.08.025 - General tree maintenance.

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

Response: The trees will be pruned per this standard.

(Ord. No. 08-1014, 7-1-2009)

12.08.030 - Public property tree maintenance.

The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs in all public rights-of-way and public grounds, as may be necessary to ensure public safety or to preserve and enhance the symmetry or other desirable characteristics of such public areas. The natural resources committee may recommend to the community development director the removal of any tree or part thereof which is in an unsafe condition, or which by reason of its nature is injurious to above or below-ground public utilities or other public improvements.

Response: It is understood the city shall have the right to plant, prune, maintain and remove trees, plants and shrubs in all public rights-of-way and public grounds.

(Ord. No. 08-1014, 7-1-2009)

12.08.035 - Public tree removal.

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

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

Table 12.08.035

Replacement Schedule for Trees Determined to be Dead, Diseased or Hazardous by a Certified Arborist		Replacement Schedule for Trees Not Determined to be Dead, Diseased or Hazardous by a Certified Arborist	
Diameter of tree to be Removed (Inches of	Number of Replacement Trees to	Diameter of tree to be Removed (Inches of	Number of Replacement Trees to



diameter at 4-ft height)	be Planted	diameter at 4-ft height)	be Planted
Any Diameter	1 Tree	Less than 6"	1 Tree
4	8	6" to 12"	2 Trees
11	33	13" to 18"	3 Trees
2	8	19" to 24"	4 Trees
		25" to 30"	5 Trees
		31" and over	8 Trees

(Ord. No. 08-1014, 7-1-2009)

12.08.040 - Heritage Trees and Groves.

A. Purpose. Certain trees, because of their age, species, natural resource value, ecological or historical association, are of special importance to the city. These trees may live on private or public property.

1. The purpose of this chapter is to recognize, foster appreciation and provide for voluntary protection of Heritage Trees.
2. In particular, the following trees are shall be considered significant, and therefore eligible for heritage tree nomination in Oregon City, if they meet the minimum size requirements of the table below:

Tree Eligibility based on Size

Species	Common Name	Size (d.b.h)
<i>Quercus garryana</i>	Oregon white oak	8"
<i>Pseudotsuga menziesii</i>	Douglas-fir	18"
<i>Thuja plicata</i>	Western red cedar	12"
<i>Pinus ponderosa</i>	Ponderosa pine	12"
<i>Taxus brevifolia</i>	Western yew	6"
Other deciduous and horticultural tree species		20"



Other evergreen and conifer trees		18"
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Response: There are no heritage trees on-site.

B. Recommendation.

1. Any citizen may recommend tree(s) to be designated as a Heritage Tree or Grove. If the proposed Heritage Tree or Grove is located on property other than city property or public right-of-way under city jurisdiction, the recommendation shall be submitted by the property owner or accompanied by the property owner's written consent. If the proposed Heritage Tree or Grove is located on city property or public right-of-way under city jurisdiction, the recommendation shall be submitted to the community development director; if the recommendation is consented to by the city, the community development director shall submit the recommendation to the city commission.

Response: There are no heritage trees on-site.

2. Recommendation shall be made on such form as required by the community development director. The recommendation form shall include a narrative explaining why the tree qualifies for Heritage Tree or Grove status pursuant to the definition in subsection 1. and the written consent of the property owner as described in subsection 1., of this section.

Response: There are no heritage trees on-site.

C. Review Process.

1. The city commission shall review all Heritage Trees and Grove recommendations at a public meeting. Notice of the meeting shall be provided to the recommending applicant, the property owner (unless the recommended tree or grove is located on public right-of-way under city jurisdiction, in which event notice shall be given to the community development director), the chair of any recognized neighborhood association in which the tree or grove is located, and the parks and recreation advisory committee (PRAC), if applicable.

Response: There are no heritage trees or groves on-site.

2. Staff shall prepare a report for the city commission analyzing whether the tree or grove complies with the requirements for designation.

Response: There are no heritage trees or groves on-site.

3. After considering the staff report and any testimony by interested persons, the city commission shall vote on the recommendation.

Response: There are no heritage trees or groves on-site.

4. Following approval by the city commission:

- a. If the tree or grove is located on private property, the designation shall be complete upon the property owner's execution of a covenant running with the land suitable for recordation by the city. The covenant shall describe the subject property, generally describe the location of the heritage tree or grove, and covenant that the tree or grove is protected as a "Heritage Tree" or "Heritage Grove" by the City of Oregon City and is therefore subject to special protection as provided in this Title.
- b. If the tree or grove is located on public right-of-way, the designation shall be complete upon the Staff's listing of the tree or grove on the city Heritage Tree and Grove records.
- c. If the tree or grove is located on the public right-of-way, the city shall condition any future property owner-requested vacation of the public right-of-way upon the execution of a covenant in accordance with subsection a., above, which shall be recorded by the city upon the vacation of the right-of-way.

Response: There are no heritage trees or groves on-site.

D. Criteria.

1. The city commission may designate a tree or grove as a Heritage Tree or Heritage Grove if the commission determines that the following criteria are met:

- a. The tree or grove is of landmark importance to the City of Oregon City due to age, size, species, horticultural quality or historic importance; or
- b. It is listed as a State Heritage Tree, as designated by the state division of forest resources; or
- c. It is a rare species, or provides a habitat for rare species of plants, animals or birds; and
- d. The tree is not irreparably damaged, diseased, hazardous or unsafe, or the applicant is willing to have the tree treated by an arborist and the treatment will alleviate the damage, disease or hazard;

Response: There are no heritage trees or groves on-site.

E. Protection of Heritage Trees and Groves.

1. No Heritage Tree or Grove may be removed, topped, or otherwise altered unless permitted by this section.

Response: There are no heritage trees or groves on-site.

2. An application to remove a Heritage Tree or Grove shall demonstrate that the burden imposed on the property owner, or, if the tree is located within the public right-of-way under city jurisdiction, then the burden imposed on the city by the continued presence of the tree outweighs the public benefit provided by the tree. For the purposes of making this determination, the following tree impacts shall not be considered unreasonable burdens on the property owner, or if appropriate, the city:

- a. View obstruction;
- b. Routine pruning, leaf raking and other maintenance activities; and
- c. Infrastructure impacts or tree hazards that can be controlled or avoided by appropriate pruning or maintenance.

Response: There are no heritage trees or groves on-site.

3. Unless the tree is permitted to be removed due to poor health or hazard pursuant to Section 12.08.042, the applicant shall be required to mitigate for the loss of the tree pursuant to Table 12.08.042.

Response: There are no heritage trees or groves on-site.

4. Any person who removes a Heritage Tree or Grove in violation of this chapter shall be subject to the penalties provided in this chapter.

F. Recognition of Heritage Trees and Groves.

1. A Heritage Tree plaque may be designed and furnished by the city to the property owner, or if the tree is in the public right-of-way, to the appropriate city official, of a designated Heritage Tree or Grove. The city may charge a fee to cover the costs of the providing the plaque. The plaque shall be posted at a location at or near the tree or grove and, if feasible, visible from a public right-of-way.

Response: There are no heritage trees or groves on-site.

2. The community development director shall maintain a list and map of designated Heritage Trees and Groves.

G. Removal of Heritage Tree or Grove Designation.

Response: There are no heritage trees or groves on-site.

1. A Heritage Tree or Grove may be removed from designation if it dies or is removed pursuant to this chapter. If removed from private property, the city shall record a document extinguishing the covenant.

(Ord. No. 08-1014, 7-1-2009)

12.08.045 - Gifts and funding.

The City of Oregon City may accept gifts, which are specifically designated for the purpose of planting or maintaining trees within the city. the

community development director may allow a fee in-lieu of planting the tree(s) to be placed into a city fund dedicated to planting trees in Oregon City. The community development director may determine the type, caliper and species of the trees purchased with the fund. The cost of each tree may be adjusted annually based upon current market prices for materials and labor as calculated by the community development director. A separate fund shall be established and maintained for revenues and expenditures created by activities specified in this chapter. The natural resources committee shall have authority on behalf of the city to seek grants and alternative funding for tree projects. Funds from such grant awards shall be administered by the city pursuant to this section.

Response: There are no heritage trees or groves on-site.

(Ord. No. 08-1014, 7-1-2009)

12.08.050 - Violation—Penalty.

The violation of any provision of this chapter shall be constitute a civil infraction, subject to code enforcement procedures of Chapter 1.16 and/or Chapter 1.20.

Response: N/A

(Ord. No. 08-1014, 7-1-2009)

Chapter 17.12 - R-6 SINGLE-FAMILY DWELLING DISTRICT <sup>[6]</sup>

17.12.010 - Designated.

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

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

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.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

#### 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.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

#### 17.12.040 - Dimensional standards.

Dimensional standards in the R-6 district are:

- A. Minimum lot areas, six thousand square feet;

Response: The proposed subdivision complies with this guideline.

- B. Minimum lot width, fifty feet;

Response: The proposed subdivision complies with this guideline.

- C. Minimum lot depth, seventy feet;

Response: The proposed subdivision complies with this guideline.

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

Response: The proposed buildings will comply with this guideline.

- 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.

Response: The proposed subdivision complies with these guidelines.

F. Garage standards: See Chapter 17.20—Residential Design and Landscaping Standards.

Response: The proposed subdivision will comply with these guidelines.

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.

Response: The proposed buildings will comply with this guideline.

#### 13.12.010 - Purpose.

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

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

Response: The proposed subdivision will comply with these guidelines.

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

Response: The proposed subdivision will comply with these guidelines.

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

Response: The proposed subdivision will comply with these guidelines.

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

Response: The proposed subdivision will comply with these guidelines.

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

Response: The proposed subdivision will comply with these guidelines.

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

Response: The proposed subdivision will comply with these guidelines.

G. Have all stormwater facilities:

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

Response: The proposed subdivision will comply with these guidelines.

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

Response: The proposed subdivision will comply with these guidelines.

I. Have all new stormwater facilities comply with applicable National Pollutant Discharge Elimination System (NPDES) requirements;

Response: The proposed subdivision will comply with these guidelines.

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

Response: The proposed subdivision will comply with these guidelines.

K. Minimize increases in nonpoint source pollution; and

Response: The proposed subdivision will comply with these guidelines.

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

Response: The proposed subdivision will comply with these guidelines.

M. Allow Issuance of engineering permits for stormwater work in the right-of-way or public easements either as a separate Public Works permit or as part of



overall issued public infrastructure construction plans. The various fees for these permits are approved and modified from time to time by the city commission. Failure to meet the conditions of the issued permit shall constitute a violation of the Municipal Code. (Ord. 99-1029 §2 (part), 1999)

Response: The proposed subdivision will comply with these guidelines.

(Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

#### 13.12.020 - Adoption of standards.

The city commission may establish and modify from time to time by resolution Public Works Stormwater and Grading Design Standards to implement the requirements of this chapter.

Response: Understood.

(Ord. 99-1029 §2 (part), 1999)

#### 13.12.030 - Superceding Oregon City Drainage Master Plan Appendix A.

The policies and standards of this chapter are intended to be consistent with the applicable sections of the Oregon City Drainage Master Plan dated January 1988, and applicable basin master plans, for land drainage and flood control within the Oregon City urban growth area, as adopted by the city. Appendix A of the Oregon City Drainage Master Plan dated January 1988 is superseded by the Public Works Stormwater and Grading Design Standards adopted by resolution and as amended from time to time.

Response: Understood.

(Ord. 99-1029 §2 (part), 1999)

#### 13.12.040 - Definitions.

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

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

"Biosolids" means solids derived from primary, secondary or advanced treatment of domestic wastewater that have been treated through one or more controlled processes that significantly reduce pathogens and reduce volatile solids



or chemically stabilized solids to the extent that they do not attract vectors. This term refers to domestic wastewater treatment facility solids that have undergone adequate treatment to permit their land application.

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

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

"City" means the city of Oregon City.

"City engineer" means the city engineering manager, their duly authorized representative(s), or the city's duly authorized representative(s) as designated by the city manager.

"Clearing" means surface removal of vegetation.

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

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

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

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

"Conveyance" means a channel or conduit to move water from one point to another point.

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

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

"DEQ" means the Oregon Department of Environmental Quality.

"Development" means any land use decision or manmade change defined as buildings or other structures, mining, dredging, paving, filling or excavation. Development does not include the following: (1) stream enhancement or restoration projects approved by the city; (2) farming practices as defined in ORS 30.930 and farm use as defined in ORS 215.203, except that buildings associated with farm practices and farm uses are subject to the requirements of this chapter; and (3) construction on lots in subdivisions meeting the criteria of ORS 92.040(2)(1995).

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

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

"DSL" means the Oregon Division of State Lands.

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

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

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

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

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

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

"Excavation" means the mechanical removal of earth material.

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

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

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

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

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

"Grubbing" means the removal of vegetative matter from below the surface of the ground, such as sod, stumps, roots, buried logs or other debris, and

shall include the incidental removal of topsoil to a depth not exceeding twelve inches.

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

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

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

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

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

"Maintenance easement" means a binding agreement between the city and the person or persons holding title to a property served by a stormwater facility where the property owner promises to maintain certain stormwater facilities; grants the city the right to enter the subject property to inspect and make certain

repairs, or perform certain maintenance procedures on the stormwater control facilities when such repairs or maintenance have not been performed by the property owner; and promises to reimburse the city for the cost should the city perform such repairs or maintenance.

"Mitigation" means the reduction of adverse effects of a proposed project by considering, in the following order: (1) avoiding the impact all together by not taking a certain action or parts of an action; (2) minimizing impacts by limiting the degree or magnitude of the action and its implementation; (3) rectifying the impact by repairing, rehabilitating or restoring the affected environment; (4) reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action by monitoring and taking appropriate measures; and (5) compensating for the impact by replacing or providing comparable substitute water quality resource areas.

"NPDES" means the National Pollutant Discharge Elimination System. A national permit system that covers discharges to waters of the United States and is enforced under the Federal Water Pollution Control Act, commonly known as the Clean Water Act.

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

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

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

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

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

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

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

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

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

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

"Private stormwater facility" means a stormwater facility located on private property serving more than one structure and maintained by private property owners.

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

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

"Public stormwater facility" means any stormwater facility in the public right-of-way or easement operated and maintained by the city, county or state.

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

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

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

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

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

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

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

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

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

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

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

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

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

"Street, public" means a street or road dedicated or deeded for public use. For the purposes of this chapter, public street may include "alley," "lane," "court," "avenue," "boulevard," "cul-de-sac" and similar designations, and any county roads and state highways.

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

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

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



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

"Waste discharges" mean any discharge that requires an NPDES permit, Water Pollution Control Facility (WPCF) permit or 401 Certification. The following are excluded from this definition:

1. Individual on-site sewage disposal systems subject to issuance of a construction-installation permit;
2. Domestic sewage facilities that discharge less than five thousand gallons per day under WPCF permit;
3. Biosolids land applied within agronomic loading rates pursuant to OAR Chapter 340, Division 50; and
4. Reclaimed domestic wastewater land applied at agronomic rates pursuant to OAR Chapter 340, Division 55

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

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

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

Response: These definitions are understood.

(Ord. 99-1029 §2 (part), 1999)

13.12.050 - Applicability and exemptions.

This chapter establishes performance standards for stormwater conveyance, quantity and quality.

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

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

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

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

Response: N/A

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;

Response: Understood.

2. Activities that create more than two thousand square feet of impervious surface, cumulated over any given seven year period;  
or

Response: Understood.

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;

Response: Understood.

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

Response: Understood.

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.

Response: This section is applicable to the development and will be adhered to.

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.

Response: N/A

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).

Response: N/A

(Ord. 99-1029 §2 (part), 1999)

13.12.060 - Abrogation and greater restrictions.

Where the provisions of this chapter are less restrictive or conflict with comparable provisions of other portions of this code, regional, state or federal

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

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

Response: This section is understood and will be complied with.

(Ord. 99-1029 §2 (part), 1999)

#### 13.12.070 - Severability.

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

Response: This section is understood and will be complied with.

(Ord. 99-1029 §2 (part), 1999)

#### 13.12.080 - Submittal requirements.

##### A. Timing and Scope of Required Submittal.

1. Applications subject to the stormwater conveyance requirements of this chapter shall include an engineered drainage plan and design flow calculation report submitted prior to, or contemporaneous with, submittal of an application for a building, land use or other city issued permit.

Response: This section is understood and will be complied with.

2. Applications subject to the stormwater quantity and/or Category A quality requirements of this chapter shall include an engineered drainage plan and an engineered drainage report submitted prior to, or

contemporaneous with, submittal of an application for a building, land use or other city issued permit.

Response: N/A

3. Applications subject to Category B water quality special management practices shall demonstrate compliance with the additional management practices for commercial, industrial and multi-unit dwelling land uses of the Public Works Stormwater and Grading Design Standards as part of the site plan and design review process.

Response: This section is understood and will be complied with.

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

Response: N/A

B. Required engineered drainage plans, drainage reports, and design flow calculation reports, which contain methods and proposed facilities to manage stormwater conveyance, quantity and/or quality, shall be prepared in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards.

Response: This section is understood and will be complied with.

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

Response: This section is understood and will be complied with.

(Ord. 99-1029 §2 (part), 1999)

#### 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;

Response: This section is understood and will be complied with.

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

Response: This section is understood and will be complied with.

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.

Response: This section is understood and will be complied with and proposes to mitigate downstream erosion and water quality issues.

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.

Response: This section is understood and will be complied with.

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.

Response: This section is understood and will be complied with.

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.

Response: This section is understood and will be complied with.

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

Response: This section is understood and will be complied with.

(Ord. 99-1029 §2 (part), 1999)

13.12.100 - Alternative materials, alternative design and methods of construction.

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

Response: This section is understood and will be complied with.

(Ord. 99-1029 §2 (part), 1999)

13.12.110 - Transfer of engineering responsibility.

Project drainage plans shall always have an engineer of record performing the function of project engineer. If the project engineer is changed during the course of the work, the city shall be notified in writing and the work shall be stopped until the replacement engineer has agreed to accept the responsibilities of the project engineer. The new project engineer shall provide written notice of



accepting project responsibility to the city within seventy-two hours of accepting the position as project engineer.

Response: This section is understood and will be complied with.  
(Ord. 99-1029 §2 (part), 1999)

#### 13.12.120 - Standard Construction Specifications.

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

Response: This section is understood and will be complied with.  
(Ord. 99-1029 §2 (part), 1999)

#### 13.12.130 - Administrative provisions.

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

A. Engineer's cost estimate (also may be known as engineer's opinion of probable construction cost);

Response: This section is understood and will be complied with.

B. Plan check and inspection fees (as set by city resolution);

Response: This section is understood and will be complied with.

C. Certificate of liability insurance for city funded public projects contracted by the city (not less than one million dollars single incident and two million dollars aggregate);

Response: This section is understood and will be complied with.

D. Preconstruction meeting (if required by some other provision of this code);

Response: This section is understood and will be complied with.

E. Performance Assurance(s). Applicant must submit a letter of commitment, cash deposit or other form of assurance in form and substance satisfactory to the city engineer and city attorney, to cover the engineer's cost estimate for the construction of the stormwater facility. This is required to assure that the following are accomplished to the satisfaction of the city engineer:

1. Work shown on the development plans is accomplished,
2. Appropriate as-built/record drawings and electronic files are delivered to the city. (As-built drawings, or record drawings, will be on four-mil Mylar.) Electronic files shall be submitted per city engineer format requirements,
3. Compliance with the criteria in this chapter and the Public Works Stormwater and Grading Design Standards, as well as with other city standards, ordinances, resolutions or rules,
4. Permanent stabilization and/or restoration of the impact from the development,
5. Fulfillment of all conditions of approval,
6. Payment of all outstanding fees,
7. Submittal of any required maintenance guarantee(s);

Response: This section is understood and will be complied with.

F. Developer/engineer agreement for public works improvements;

Response: This section is understood and will be complied with.

G. Land division compliance agreement (if applicable);

Response: This section is understood and will be complied with.

H. Project engineer's certificate of completion;

Response: This section is understood and will be complied with.

I. Operation and maintenance easement, if required by subsection A of this section (for an example see Appendix 2-3 of the Public Works Stormwater and Grading Design Standards);

Response: This section is understood and will be complied with.

J. Details on individual items required by this subsection can be obtained by contacting the city's engineering division. Many items, such as the engineer's cost estimate and plan check and inspection fee, are frequently

incorporated with other infrastructure improvements that are done with the development (such as street, sanitary sewer, and water).

Response: This section is understood and will be complied with.

(Ord. 99-1029 § 2 (part), 1999)

#### 13.12.140 - Maintenance of public stormwater facilities.

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

Response: This section is understood and will be complied with.

B. Responsibility for maintenance of stormwater management facilities including all landscaping, irrigation systems, and other stormwater facilities with sumps shall remain with the property owner/developer for two years (known as the warranty period). To ensure the facility landscaping is actively and properly maintained during this critical plant establishment time period, the owner/developer shall pay the city to maintain these facilities during this two-year warranty period; the owner/developer shall still be responsible for reimbursing the city for replacement trees, shrubs, and grass mixes during this two-year period. The owner/developer shall provide the city a separate two-year landscaping maintenance bond for one hundred ten percent of the landscaping cost. Transfer of maintenance of all other stormwater facilities shall occur when the city accepts the stormwater facility.

Response: This section is understood and will be complied with.

C. The city will perform an inspection of the development's entire tributary, publicly maintained, stormwater system approximately forty-five days before the two-year warranty period expires. The stormwater system must be found to be in a clean, functional condition by the city engineer before acceptance of maintenance responsibility by the city.

Response: This section is understood and will be complied with.

(Ord. 07-1011, 2007; Ord. 99-1029 § 2(part), 1999)

#### 13.12.150 - Penalties and enforcement.

A. The city is authorized to make inspections and take such actions as required to enforce the provisions of this chapter. The city has the authority to enter onto land for the purpose of inspecting site development activities or resulting

improvements. City staff will make an effort to contact the property owner before entering onto that property.

Response: This section is understood.

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

Response: This section is understood and will be complied with.

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

Response: This section is understood and will be complied with.

(Ord. 99-1029 § 2 (part), 1999)

#### 13.12.160 - Hazardous conditions.

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

Response: This section is understood and will be complied with.

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

Response: This section is understood and will be complied with.

(Ord. 99-1029 §2 (part), 1999)

13.12.170 - Permits from other jurisdictions.

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

Response: N/A, this site is less than 2 acres in size.

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

Response: N/A there are no DSL permits required.

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

Response: N/A there are no ODFW permits required.

(Ord. 99-1029 §2 (part), 1999)

13.12.180 - Violation—Penalty.

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

Response: Understood.

(Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

***IV. CONCLUSION AND RECOMMENDATION:***

In conclusion, the proposed Comprehensive Plan Amendment to Low Density Residential, Zone Change to R-6 multi-family dwelling district does meet the requirements as outlined for approval.

***V. EXHIBITS***

The following exhibits are attached to this staff report.

1. Vicinity Map;
2. Applicant's Narrative, dated March 26, 2013;
3. Site Exhibits Sheet 1 - 8;
4. Transportation Analysis Letter, dated February 15, 2013;
5. Stormwater Drainage Report, dated March 15, 2013;

# **STORMWATER REPORT**

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Project Overview - 2

Stormwater System and Downstream Analysis -2

Stormwater Quality - 3

### Appendix A:

Figure 1 25-Year 24-hour Pre Construction Flow

Figure 2 25-Year 24-hour Post Construction Flow

Figure 3 A-D 25-Year 24-hour Post Construction Flow pipe segment by pipe segment

Figure 4 Canyon Ridge Basin Pipe Routing Hydraulic Analysis

Figure 5 Canyon Ridge Basin Pipe Routing Hydraulic Grade Slope Calculations

Figure 6 2-yr, 24-hour post-developed hydrograph

Figure 7 Canyon Ridge Basin Existing Pipe System

**KINSLIE HEIGHTS SUBDIVISION**

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**PROJECT OVERVIEW**

The Kinslie Heights subdivision site is located in Oregon City, at 14270 Canyon Ridge Dr. The subdivision contains 2.04 acres, while the basin entire basin consists of 13.4 acres. The 13.4 acre basin consists of the proposed Kinslie Estates, Gentry Estates, and Canyon Ridge subdivisions. The pre-developed basin contains 1 house with extensive impervious area, of 0.67 acres of improvements. In total with the rezone, the site will be designed to collect, treat, and provide detention for 10 potential future lots. The site is at the furthest point away from the outfall within the drainage basin. From an elevation of 422', the site's collected stormwater travels over 2,100 feet to its unrestricted outfall with a flow line of 379.14', a drop of 43 feet at an average pipe slope of 1.7%.

Kinslie Heights will flow into a 12" PVC pipe constructed with the Gentry Estates subdivision which was connected to the Canyon Ridge storm drainage system in 2006. The Canyon Ridge subdivision which was built in the late 80's was designed with private septic systems and a public storm drainage system. No records of the constructed improvements were found in the Clackamas County archives. The storm drainage system was surveyed to its outfall by the project survey team. The storm drain line size and grade was identified on Figure 1. The constructed pipe from the 80's was a concrete material. The pipes appeared to be in adequate condition, though we found  $\pm 150$  lb boulders in the last manhole before the outfall. Clackamas County was notified of the problem.

**STORMWATER SYSTEM AND DOWNSTREAM ANALYSIS:**

Using a design of 4 inches in 24 hours, a hydraulic analysis was performed by the project engineer using the Santa Barbara Unit Hydrograph method and Manning's Pipe Flow calculations, which show that the storm drainage system can adequately accommodate all of the runoff from the proposed Kinslie Heights subdivision in a 25-year storm event, without detention (see Figure 3A-3D). A detailed hydraulic analysis for each segment of the existing storm drainage piping system was performed. The analysis showed that the entire existing storm drainage function more than adequately, with just one manhole experiencing a slight back water of 0.34 feet in the manhole to facilitate the hydraulic grade required to increase the flow rate in the downstream 12" pipe (Figure 4 – Canyon Creek Drainage Basin/Figure 5 – Hydraulic Calculations). The Manhole retained 4.99' of freeboard meaning the Canyon Creek drainage system is not taxed at all and can easily accommodate the undetained flow from the Kinslie Heights subdivision.

The 25 year storm flow increase resulting from the development of Kinslie Heights is 0.13 cfs (Figure 2 - 7.89 cfs minus Figure 1 - 7.76 cfs), a 1.7% increase in runoff. This small an increase in a 25-year's storm runoff, does not warrant a detention system which the City would have to maintain. As mitigation, the applicant proposes to repair the outfall rip rap and erosion which is occurring immediately below the existing outfall pipe, and downhill for approximately 150 feet below the existing outfall and build a channel sufficient to accommodate the 25-year storm event until dispersed.



**STORMWATER QUALITY:**

The project applicant is requesting that the typical requirement for Stormwater Quality be waived in favor of repairs to the existing outfall. In order to mitigate for the requirement for water quality is to treat 2/3rds of the 2-yr, 24-hr post-development flow, the applicant will create a dispersal basin, to spread the flow from the existing outfall result in reduced erosion downstream for the existing storm outfall. The resulting flow rates would be reduced and as witnessed in the field, will result in the stormwater being filtered through the forest duff, before reaching Beaver Creek. According to the Oregon City requirements, the 2 year, 24 hour storm results in 2.0 inches of rainfall, therefore two-thirds of the water quality storm is 1.33 inches. Currently, the 6 month storm of 2 cfs (Figure 4) from the entire Canyon Ridge subdivision is untreated. Our proposed mitigation will provide a much higher level of treatment for the entire Canyon Ridge basin.

Ed Christensen

ekc 14:23 05-Feb-13

Project 12-107.06

Kinslie Heights Pipe Analysis

RUNOFF by the SANTA BARBARA URBAN HYDROGRAPH

25-year Pre Construction at the Outfall

2-year, 24-hour rainfall = 2.00"

	flow type	description	coeff.	distance	fall	slope	T/C
1	overland sheet	short.grass,lawns	n=0.15	176.0	2.0'	1.14%	24.4'
2	shallow concentrated	paved,gravel	K=27	219.0	2.0'	0.91%	1.4'
3	pipe	concrete.pipe	n=0.013	706.0	20.3'	2.88%	1.3'
4	pipe	concrete.pipe	n=0.013	891.0	9.0'	1.00%	2.7'
5	pipe	concrete.pipe	n=0.013	125.0	3.4'	2.71%	0.2'

total Time of Concentration = 30.1'

storm hyetograph: SCS TypeIA

return period = 25 years

storm duration = 24 hr.

total rainfall = 4.00 in.

pervious area = 8.44 A CN = 88 GpD:Res,1/4-A.lots

impervious area = 4.96 A CN = 98

total site area = 13.40 A

hydrograph file: c:\quick3\25-year pre kinslie heights outfall.hyd

peak flow = 7.76cfs @ 8.00 hr.

runoff volume = 151,388 cu.ft.

Ed Christensen

ekc 14:24 05-Feb-13

Project 12-107.06

Kinslie Heights Pipe Analysis

RUNOFF by the SANTA BARBARA URBAN HYDROGRAPH

25-year Post Construction at the Outfall

2-year, 24-hour rainfall = 2.00"

	flow type	description	coeff.	distance	fall	slope	T/C
1	overland sheet	short.grass,lawns	n=0.15	176.0	2.0'	1.14%	24.4'
2	shallow concentrated	paved,gravel	K=27	219.0	2.0'	0.91%	1.4'
3	pipe	concrete.pipe	n=0.013	706.0	20.3'	2.88%	1.3'
4	pipe	concrete.pipe	n=0.013	891.0	9.0'	1.00%	2.7'
5	pipe	concrete.pipe	n=0.013	125.0	3.4'	2.71%	0.2'

total Time of Concentration = 30.1'

storm hyetograph: SCS TypeIA

return period = 25 years

storm duration = 24 hr.

total rainfall = 4.00 in.

pervious area = 7.77 A CN = 88 GpD:Res,1/4-A.lots

impervious area = 5.63 A CN = 98

total site area = 13.40 A

hydrograph file: c:\quick3\25-year post kinslie heights outfall.hyd

peak flow = 7.89cfs @ 8.00 hr.

runoff volume = 153,909 cu.ft.

Ed Christensen

ekc 14:37 05-Feb-13

Project 12-107.06

Kinslie Heights Pipe Analysis

RUNOFF by the SANTA BARBARA URBAN HYDROGRAPH

25-year Post Construction at MH 1-3

2-year, 24-hour rainfall = 2.00"

	flow type	description	coeff.	distance	fall	slope	T/C
1	overland sheet	short.grass,lawns	n=0.15	176.0	2.0'	1.14%	24.4'
2	shallow concentrated	paved,gravel	K=27	219.0	2.0'	0.91%	1.4'
3	pipe	concrete.pipe	n=0.013	706.0	20.3'	2.88%	1.3'
4	pipe	concrete.pipe	n=0.013	507.0	3.9'	0.77%	1.8'

total Time of Concentration = 28.9'

storm hyetograph: SCS TypeIA

return period = 25 years

storm duration = 24 hr.

total rainfall = 4.00 in.

pervious area = 6.79 A CN = 88 GpD:Res,1/4-A.lots

impervious area = 4.92 A CN = 98

total site area = 11.71 A

hydrograph file: c:\quick3\25-year post kinslie heights at mh 1-3.hyd

peak flow = 7.00cfs @ 8.00 hr.

runoff volume = 134,498 cu.ft.

Ed Christensen

ekc 14:40 05-Feb-13

Project 12-107.06

Kinslie Heights Pipe Analysis

RUNOFF by the SANTA BARBARA URBAN HYDROGRAPH

25-year Post Construction at MH 1-4

2-year, 24-hour rainfall = 2.00"

	flow type	description	coeff.	distance	fall	slope	T/C
1	overland sheet	short.grass,lawns	n=0.15	176.0	2.0'	1.14%	24.4'
2	shallow concentrated	paved,gravel	K=27	219.0	2.0'	0.91%	1.4'
3	pipe	concrete.pipe	n=0.013	706.0	20.3'	2.88%	1.3'
4	pipe	concrete.pipe	n=0.013	285.0	2.7'	0.95%	0.9'

total Time of Concentration = 28.0'

storm hyetograph: SCS TypeIA

return period = 25 years

storm duration = 24 hr.

total rainfall = 4.00 in.

pervious area = 4.38 A CN = 88 GpD:Res,1/4-A.lots

impervious area = 3.17 A CN = 98

total site area = 7.55 A

hydrograph file: c:\quick3\25-year post kinslie heights at mh 1-4.hyd

peak flow = 4.57cfs @ 8.00 hr.

runoff volume = 86,708 cu.ft.

Ed Christensen

ekc 14:45 05-Feb-13

Project 12-107.06

Kinslie HeightsPipe Analysis

RUNOFF by the SANTA BARBARA URBAN HYDROGRAPH

25-year Post Construction at MH 1-5

2-year, 24-hour rainfall = 2.00"

	flow type	description	coeff.	distance	fall	slope	T/C
1	overland sheet	short.grass,lawns	n=0.15	176.0	2.0'	1.14%	24.4'
2	shallow concentrated	paved,gravel	K=27	219.0	2.0'	0.91%	1.4'
3	pipe	concrete.pipe	n=0.013	706.0	20.3'	2.88%	1.3'

total Time of Concentration = 27.1'

storm hyetograph: SCS TypeIA

return period = 25 years

storm duration = 24 hr.

total rainfall = 4.00 in.

pervious area = 3.84 A CN = 88 GpD:Res,1/4-A.lots

impervious area = 2.78 A CN = 98

total site area = 6.62 A

hydrograph file: c:\quick3\25-year post kinslie heights at mh 1-5.hyd

peak flow = 4.06cfs @ 8.00 hr.

runoff volume = 76,028 cu.ft.

Ed Christensen

ekc 14:50 05-Feb-13

Project 12-107.06

Kinslie HeightsPipe Analysis

RUNOFF by the SANTA BARBARA URBAN HYDROGRAPH

25-year Post Construction at MH 1-6

2-year, 24-hour rainfall = 2.00"

	flow type	description	coeff.	distance	fall	slope	T/C
1	overland sheet	short.grass,lawns	n=0.15	176.0	2.0'	1.14%	24.4'
2	shallow concentrated	paved,gravel	K=27	219.0	2.0'	0.91%	1.4'
3	pipe	concrete.pipe	n=0.013	480.0	18.7'	3.90%	0.7'

total Time of Concentration = 26.6'

storm hyetograph: SCS TypeIA

return period = 25 years

storm duration = 24 hr.

total rainfall = 4.00 in.

pervious area = 3.09 A CN = 88 GpD:Res,1/4-A.lots

impervious area = 2.44 A CN = 98

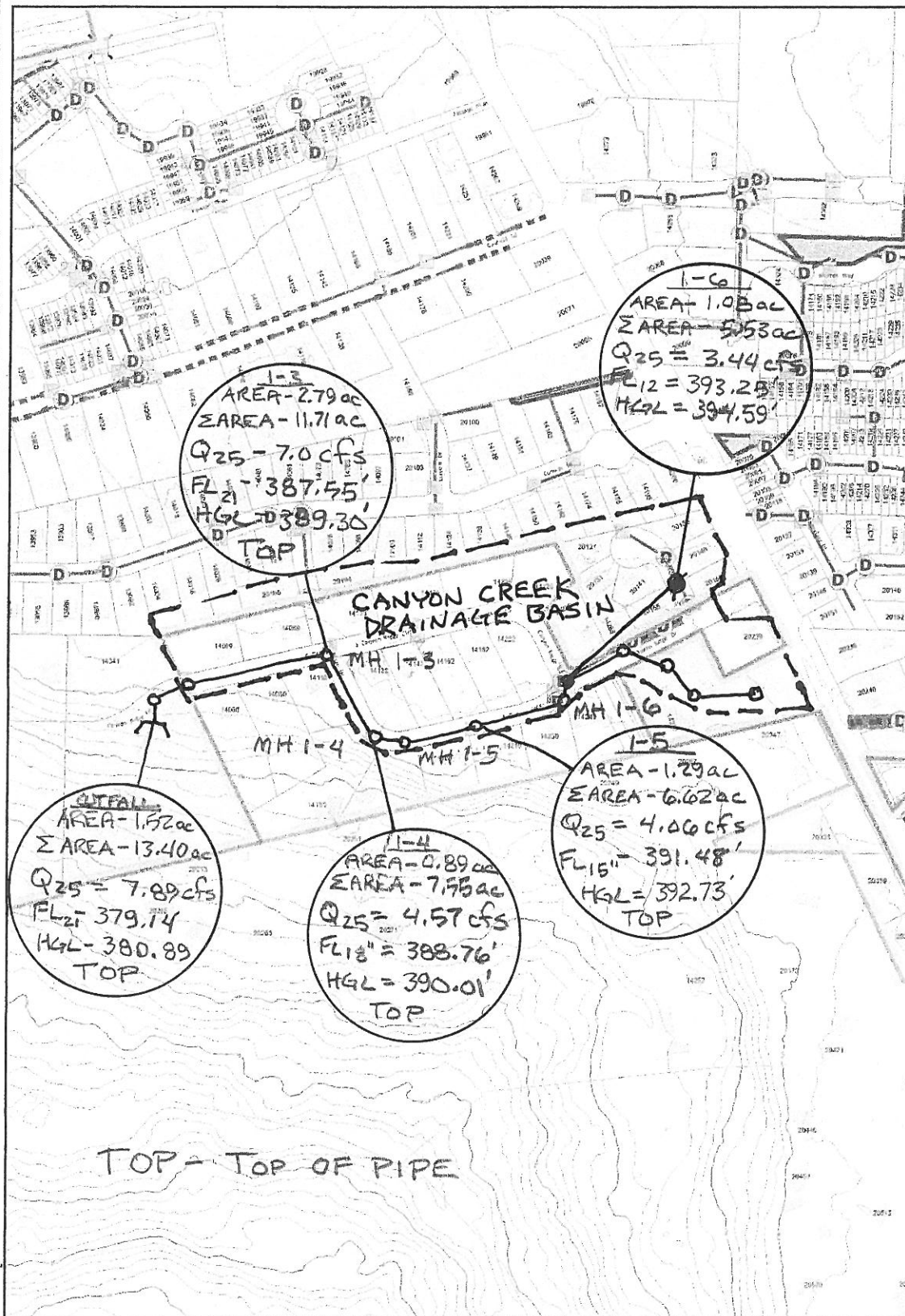
total site area = 5.53 A

hydrograph file: c:\quick3\25-year post kinslie heights at mh 1-6.hyd

peak flow = 3.44cfs @ 8.00 hr.

runoff volume = 63,952 cu.ft.

## 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.



0 388 Feet

1: 4,660





Welkin Engineering, P.C.  
 PLANNERS - ENGINEERS - LAND SURVEYORS  
 8000 SW Pfaffle Street, Portland, OR 97223  
 503-598-1866 - fax 503-598-1868  
 welkinpc@comcast.net

KINSLEY HEIGHTS  
HYDRAULIC GRADE ANALYSIS  
MANNINGS EQUATION FOR SLOPE

$$\Delta h = 4.66 n^2 \frac{10^2}{d^{14/3}} \quad \text{where } n = 0.013$$

$$\Delta h = 4.66 (0.013)^2 \frac{509' (7 \text{ cfs})^2}{(21/12)^{14/3}} = 0.99' \text{ OR}$$

OUTFALL TO MH 1-3

$$S_h = 0.00195 ; S_{\text{ACTUAL}} = 0.126 \therefore \text{HYDRAULIC GRADE IS AT TOP OF PIPE}$$

$$\Delta h = 4.66 (0.013)^2 \frac{222' (4.57 \text{ cfs})^2}{(18/12)^{14/3}} = 0.42' \text{ OR}$$

MH 1-3 TO MH 1-4

$$S_h = 0.0019 ; S_{\text{ACTUAL}} = 0.0045 \therefore \text{HYDRAULIC GRADE IS AT TOP OF PIPE}$$

$$\Delta h = 4.66 (0.013)^2 \frac{194' (4.06)^2}{(15/12)^{14/3}} = 0.766' \text{ OR}$$

MH 1-4 TO 1-5

$$S_h = 0.00395 ; S_{\text{ACTUAL}} = 0.0072 \therefore \text{HYDRAULIC GRADE IS AT TOP OF PIPE}$$

$$\Delta h = 4.66 (0.013)^2 \frac{226' (3.44 \text{ cfs})^2}{(12/12)^{14/3}} = 2.11'$$

MH 1-5 TO 1-6

$$S_h = 0.0093 ; S_{\text{ACTUAL}} = 0.0078 \therefore \text{HGL} = +0.34' \text{ ABOVE TOP OF PIPE}$$

$$\text{IN MH 1-6: } FL_{12} = 393.25' ; \text{HGL} = 394.59' ; \text{RIM} = 399.58'$$

$\therefore$  MH 1-6 HAS 4.99' OF FREEBOARD ✓ OK

NOTE: ALL PIPE SLOPES FROM MH 1-6  
 THROUGH THE PROJECT EXCEED THE HYDRAULIC  
 GRADE SLOPE.

Ed Christensen

ekc 14:31 05-Feb-13

Project 12-107.06

Kinslie Heights Pipe Analysis

## RUNOFF by the SANTA BARBARA URBAN HYDROGRAPH

2-year Post Construction at Outfall

2-year, 24-hour rainfall = 2.00"

	flow type	description	coeff.	distance	fall	slope	T/C
1	overland sheet	short.grass,lawns	n=0.15	176.0	2.0'	1.14%	24.4'
2	shallow concentrated	paved,gravel	K=27	219.0	2.0'	0.91%	1.4'
3	pipe	concrete.pipe	n=0.013	706.0	20.3'	2.88%	1.3'
4	pipe	concrete.pipe	n=0.013	891.0	9.0'	1.01%	2.7'
5	pipe	concrete.pipe	n=0.013	125.0	3.4'	2.72%	0.2'

total Time of Concentration = 30.1'

storm hyetograph: SCS TypeIA

return period = 25 years

storm duration = 24 hr.

total rainfall = 2.00 in.

pervious area = 7.77 A CN = 88 GpD:Res,1/4-A.lots

impervious area = 5.63 A CN = 98

total site area = 13.40 A

hydrograph file: c:\quick3\2-year post kinslie heights outfall.hyd

peak flow = 3.11cfs @ 8.00 hr.

runoff volume = 63,480 cu.ft.

WATER QUALITY DESIGN =  $\frac{2}{3}$  (3.11 cfs) OR 2.07 cfs

DATE PLOTTED: Mar 25, 2013 - 2:08pm  
 WORK CHANGING FILE # | Project Date | 12-10-13 | Condon | Rocco | dco | OUT SITE.dwg



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FIGURE 7

# GROUP MACKENZIE

February 15, 2013

Oregon City Planning Division  
Attention: Laura Terway  
221 Molalla Avenue, Suite 200  
Oregon City, OR 97045

Re: **Kinslie Heights Residential Subdivision – Oregon City, Oregon**  
*Transportation Analysis Letter*  
Project Number 2130088.00

Dear Ms. Terway:

This Transportation Analysis Letter has been prepared to support the land use application for the proposed Kinslie Heights residential subdivision in Oregon City. This letter addresses transportation impacts discussed at the pre-application conference with the City of Oregon City staff, specifically regarding intersection spacing and anticipated development traffic and safety impacts.

## EXISTING CONDITIONS

The existing 2.0-acre site, located at 14270 SE Canyon Ridge Drive, is zoned R-10 with one single-family dwelling and a detached garage occupying the lot. The site is bordered by Canyon Ridge Road to the north and is generally surrounded by single-family residential neighborhoods with the exception of some commercial businesses abutting S. Molalla Ave (OR-213) to the east. A vicinity map is attached for reference.

## TRANSPORTATION FACILITIES

The following summarizes the area roadway classifications and descriptions as identified in the City of Oregon City's *Transportation System Plan*:

TABLE 1 – ROADWAY CHARACTERISTICS						
Roadway	Functional Classification	Posted Speed	Travel Lanes	Bike Lanes	On-Street Parking	Sidewalks
S Molalla Road	Major Arterial	45	2/3	Yes	No	Yes
Canyon Ridge Drive	Local	25	2	No	Yes	Yes
Candice Lane	Local	Not Posted	2	No	Yes	Yes

## PROPOSED CONDITIONS

The proposed zoning designation is R-6 which allows the site to be subdivided into 10 single-family residential lots with an average size of 6,000 square feet each. The subdivision will be served by one public street which will cul-de-sac approximately 270 feet from its intersection with Canyon Ridge Drive. This road is necessary to provide access to the 10 residential lots, and its optimum location bisects the existing site. Further, the limited site frontage to Canyon Ridge Drive does not allow for a roadway alignment significantly different than the proposed. The proposed site plan is attached for reference.

RiverEast Center | PO Box 14310 | Portland, OR 97293  
1515 SE Water Ave, Suite 100 | Portland, OR 97214  
Tel: 503.224.9560 Web: www.grpmack.com Fax: 503.228.1285

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Mackenzie,  
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Civil Engineering  
Land Use Planning  
Transportation  
Planning  
Landscape  
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Locations:  
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Seattle, Washington  
Vancouver, Washington



As such, this road will be located approximately 275 feet (measured curb-to-curb) from Molalla Avenue and 90 feet from Candice Lane. Sight distance is sufficient along this approximately 600-foot stretch of Canyon Ridge Drive, allowing for clear sight lines from the new road through Canyon Ridge Drive's intersections with Molalla Avenue, Candice Lane and Canyon Ridge Circle and conforming to AASHTO's *A Policy on Geometric Design of Highways and Streets* sight distance guidelines for a 25 MPH design speed. However, this new alignment does not meet new development intersection spacing standards identified in Oregon City Code of Ordinances Section 12.04.195. Based on this ordinance, 300 feet and 150 feet, respectively, are the minimum intersection spacing distances as measured along Canyon Ridge Drive.

This same ordinance also provides an exception to the standards stating, "*A lesser distance between intersections may be allowed, provided appropriate mitigation, in the judgment of the city engineer, is provided to ensure that the reduction in intersection spacing will not pose a safety hazard.*"

#### INTERSECTION SPACING SAFETY ANALYSIS

The primary safety hazard associated with the proposed intersection spacing is the potential for left-turning development traffic to cause traffic to queue onto Molalla Avenue. To evaluate this potential, the Institute of Transportation Engineers' (ITE) *Trip Generation Manual*, 9<sup>th</sup> Edition, was used to estimate travel demand on Canyon Ridge Drive. ITE Land Use Codes 210 – Single-Family Detached Housing was used for the existing and proposed residential development.

The following table presents reasonable trip generation characteristics for the residential area based on average ITE trip rates for weekday and AM and PM peak hours of adjacent street traffic.

TABLE 1 – PROPOSED SITE TRIP GENERATION				
Single-Family Development (ITE Code 210)	Size	Weekday		
		Daily	AM Peak Hour	PM Peak Hour
Kinslie Heights	10 DU	95	8	10
Candice Lane Residential	7 DU	67	5	7
Canyon Ridge Residential	29 DU	276	22	29
<b>Total Trips</b>		<b>438</b>	<b>35</b>	<b>46</b>

Using ITE trip distribution rates, the PM peak hour (63% entering/37% exiting) represents the typical worst-case scenario for Kinslie Heights traffic to generate inbound left-turning movements. As such, 6 vehicles turning left from Canyon Ridge Drive into the Kinslie Heights subdivision will oppose 11 vehicles coming eastbound on Canyon Ridge Drive during the PM peak hour. This poses no operational concerns contributing to a queue long enough to spill back onto Molalla Avenue.

Even if eastbound Canyon Ridge Drive traffic is unduly delayed and begins to queue back to Molalla Avenue, it would take 11 vehicles to queue the entire distance between the proposed intersection and Molalla Avenue. Similarly, the 7 vehicles going to and from Candice Lane will not be significantly affected by the 10 vehicles going to and from Kinslie Heights in the PM peak hour.

Oregon City Planning Division  
Kinslie Heights Residential Subdivision – Oregon City, Oregon  
Project Number 2130088.00  
February 15, 2013  
Page 3

Given the small size of the residential area served by Canyon Ridge Drive and the limited Kinslie Heights trip generation potential, no mitigation is necessary to demonstrate the reduced intersection spacing will not pose a safety hazard.

## CONCLUSIONS

Given the limited nature of the residential area served by Canyon Ridge Drive and the limited Kinslie Heights trip generation potential, the proposed intersection spacing is not anticipated to pose a safety hazard. Further, the 10 trips generated during the PM peak hour are not anticipated to significantly affect the roadway network.

If you have any questions about the traffic information presented in this letter, please do not hesitate to contact me.

Sincerely,



Brent T. Ahrend  
Transportation Engineer | Senior Associate



Justin Belk, P.E.  
Transportation Engineer

Enclosures: Vicinity Map  
Site Plan







NOT TO SCALE



**GROUP**  
**MACKENZIE**

Portland OR Vancouver WA Seattle WA  
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DATE: 02.15.13

DRAWN BY: JRB

CHECKED BY: CMC

JOB NO:  
2130088.00

VICINITY MAP

KINSLIE HEIGHTS SUBDIVISION  
OREGON CITY, OREGON

FIGURE

1



R-10  
2.04 ACRES  
CITY OF OREGON CITY



LEGEND

- D1 DOC. NO. 2010-012643  
SANITARY MANHOLE  
STORM MANHOLE  
CURB INLET  
FIRE HYDRANT  
DETENTION PIPE





MARCH 22, 2013

LEGEND:

- SHEET INDEX

- JOB 12-107.06*

# EXISTING CONDITIONS

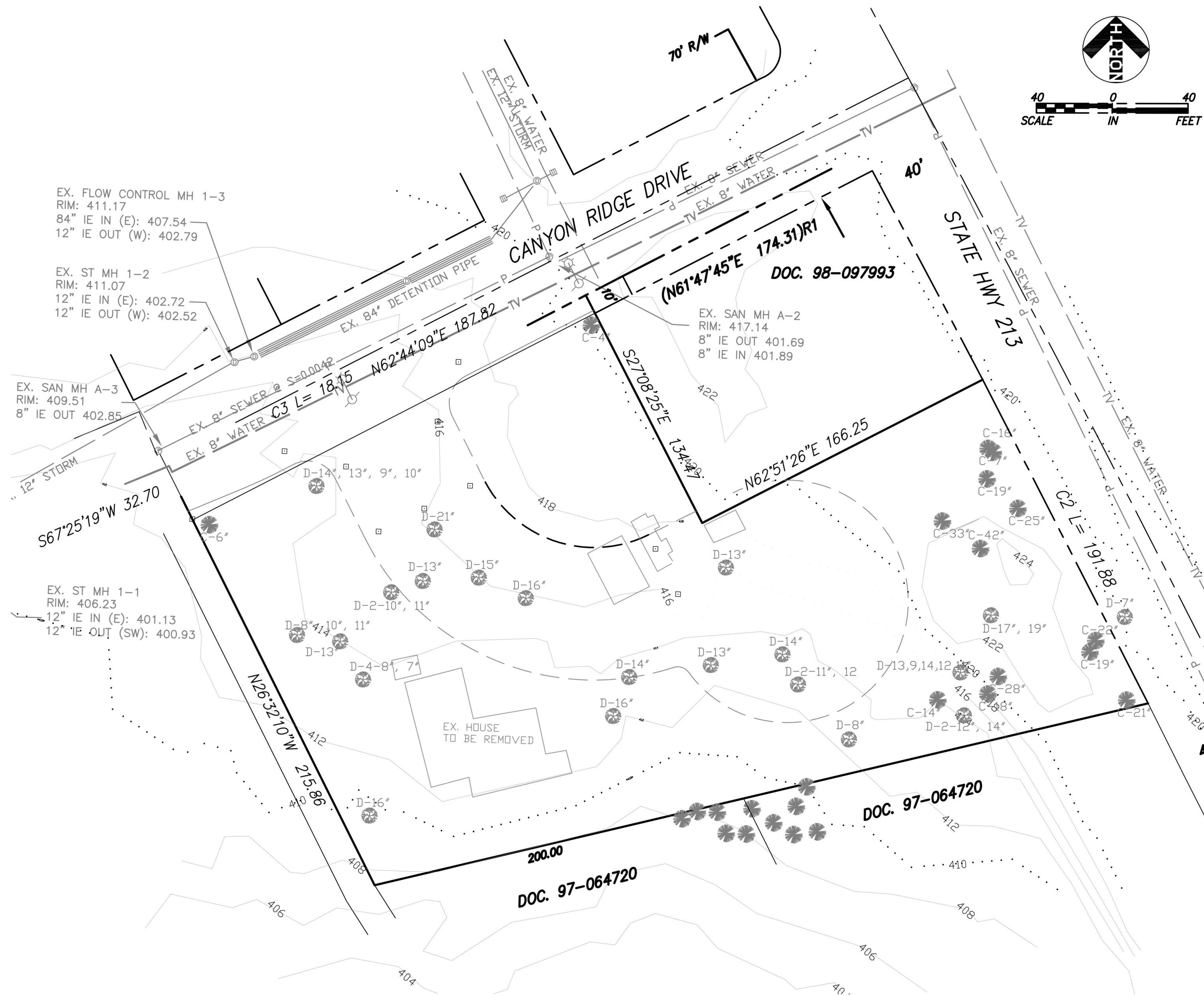
KINSLIE HEIGHTS  
IN THE N.W. ¼ OF SECTION 16, T.3S., R.2E., W.M.  
CITY OF OREGON CITY, CLACKAMAS COUNTY, OREGON  
MARCH 20, 2013

## LEGEND

- SET 5/8" X 30" IRON ROD W/YPC INSCRIBED "WELKIN ENGINEERING, PC"; SET ON \_\_\_\_\_
- FOUND MONUMENT AS NOTED.
- W/YPC WITH YELLOW PLASTIC CAP
- (R) DENOTES RADIAL BEARING
- DOC. DOCUMENT
- DLC DONATION LAND CLAIM
- NO. NUMBER
- NTS NOT TO SCALE
- CFR COMPUTED FROM RECORD
- DLC DONATION LAND CLAIM
- R1 SN 11436
- R2 "CANYON RIDGE"
- R3 "GENTRY ESTATES"
- R4 SN 2010-102
- R5 SN 2004-223
- D1 DOC. NO. 2010-012643
- DETENTION PIPE

## LEGEND:

- |                      |                          |
|----------------------|--------------------------|
| ⊗ FIRE HYDRANT       | ⊙ STORM DRAIN MANHOLE    |
| ⊞ WM WATER METER     | □ CATCH BASIN            |
| ⊗ BLOWOFF            | --- SANITARY SEWER LINE  |
| --- STORM DRAIN LINE | ⊙ SANITARY SEWER MANHOLE |
| ○ TREE (TO REMAIN)   | × TREE (TO BE REMOVED)   |
| --- WATER MAIN       | ● WATER VALVE            |
|                      | --- SILT FENCE           |
|                      | ⊗ EXISTING LUMINAIRE     |
|                      | ⊞ LUMINAIRE              |

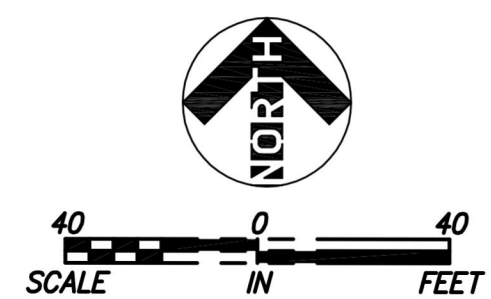




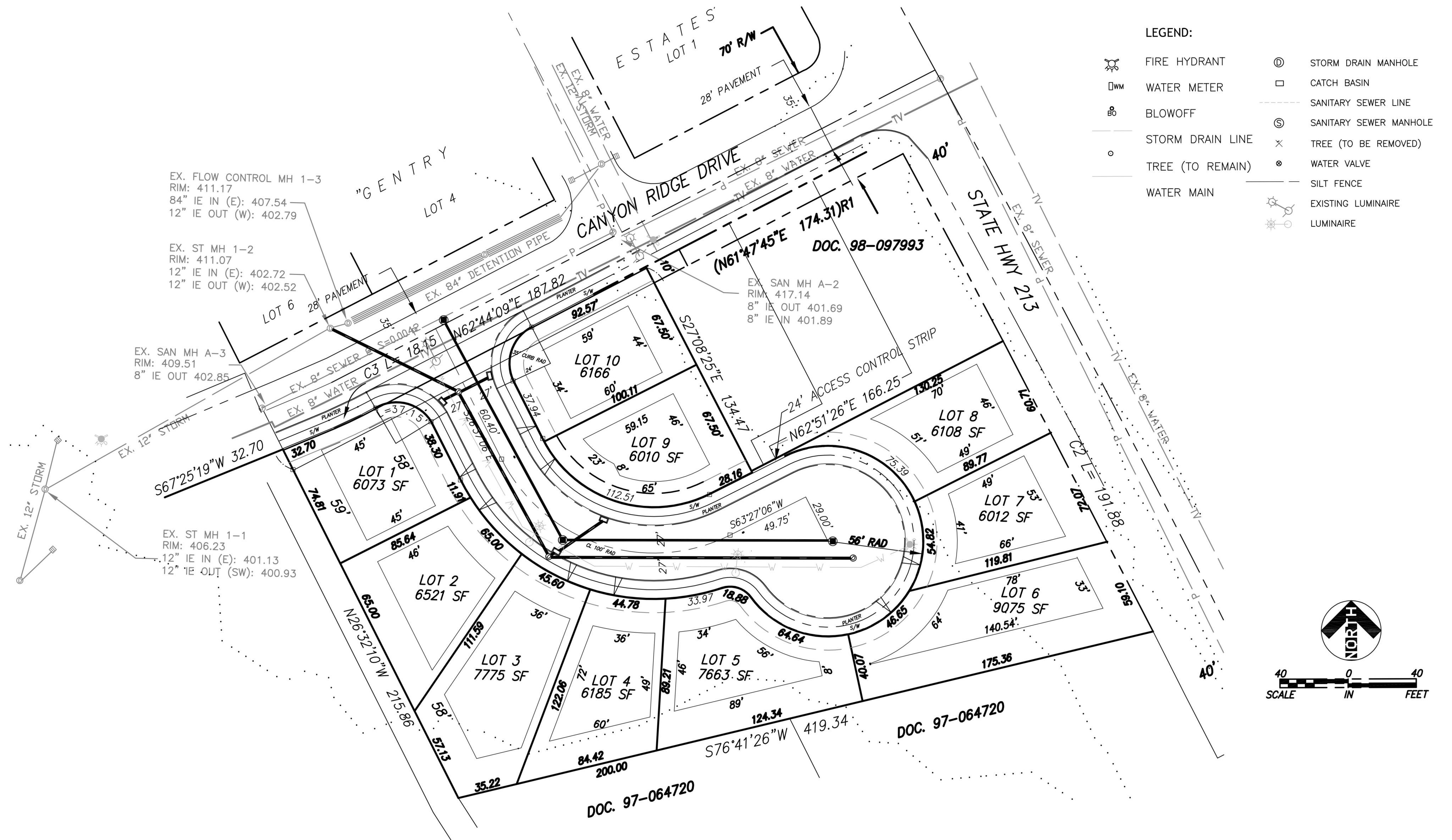
DATE PLOTTED: Mar 22, 2013 - 4:52pm  
WEPC DRAWING FILE: P:\Project Data\12-107.06 Canyon Ridge\dwg\KINSLE PRELIMINARY.dwg



- NOTES:
- 1) CONSTRUCTION ENTRANCE SHALL BE INSTALLED PRIOR TO ANY SITE WORK. DIMENSIONS = 50 FEET LONG BY 20 FEET WIDE WITH 6-4 INCH CLEAN QUARRY SPALLS WHICH IS 8 INCHES DEEP.
  - 2) SUBGRADE GEOTEXTILE FABRIC REQUIRED TO PREVENT SUB-SOIL FROM MIGRATING INTO PAD.
  - 3) TIRE WASH FACILITY SHALL BE INSTALLED AT THE CITY'S DISCRETION.
  - 4) CONSTRUCTION ENTRANCE MATERIAL SHALL BE KEPT CLEAN AT ALL TIMES TO PREVENT TRACKING ONTO PUBLIC STREETS.

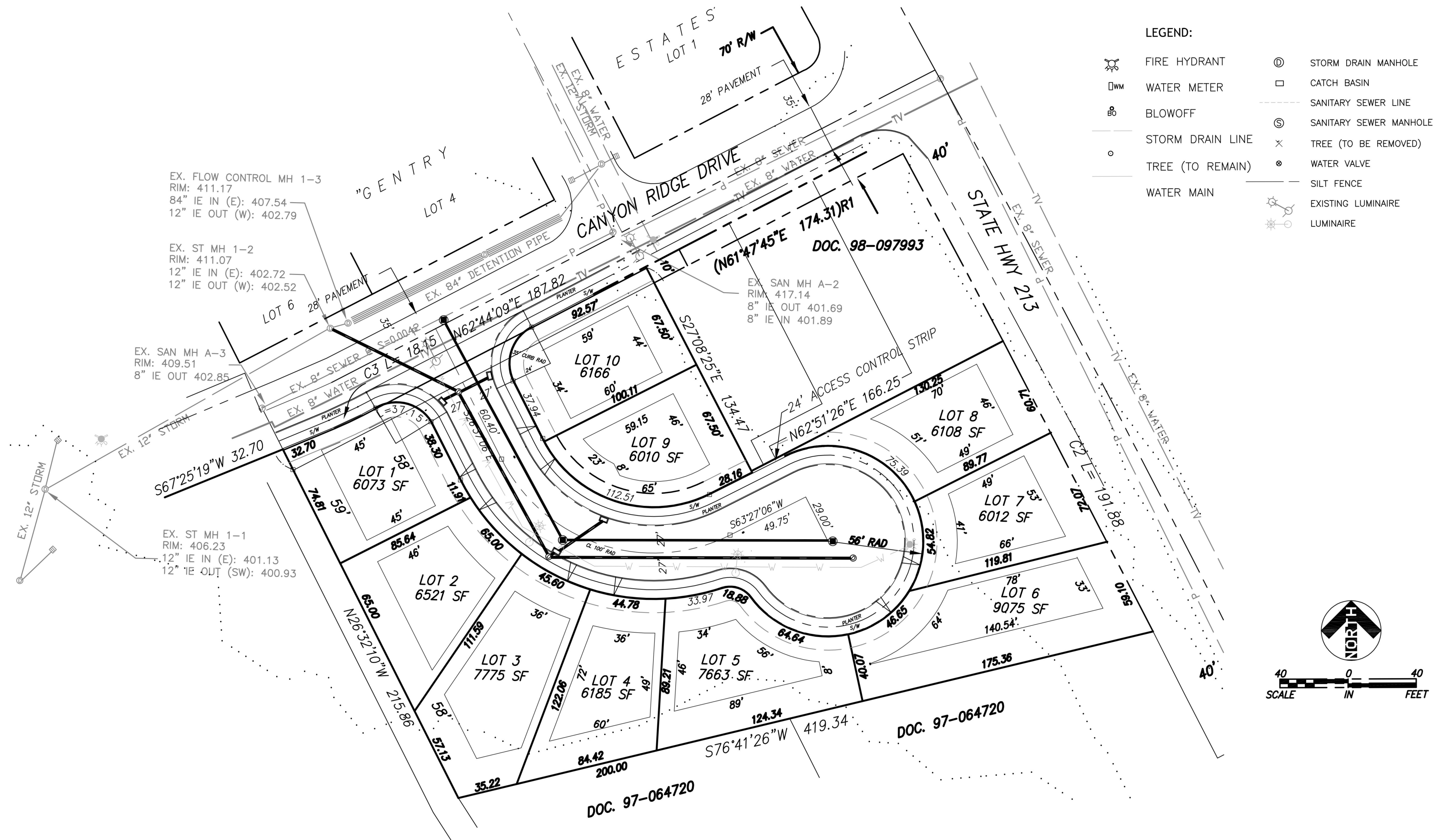


# PRELIMINARY UTILITY PLAN





# PRELIMINARY UTILITY PLAN



# PRELIMINARY PLAT

## KINSLIE HEIGHTS IN THE N.W. ¼ OF SECTION 16, T.3S., R.2E., W.M. CITY OF OREGON CITY, CLACKAMAS COUNTY, OREGON

MARCH 20, 2013

### LEGEND

○ SET 5/8" X 30" IRON ROD W/YPC INSCRIBED "WELKIN ENGINEERING, PC", SET ON \_\_\_\_\_

● FOUND MONUMENT AS NOTED.

W/YPC WITH YELLOW PLASTIC CAP

(R) DENOTES RADIAL BEARING

DOC. DOCUMENT

DLC DONATION LAND CLAIM

NO. NUMBER

NTS NOT TO SCALE

CFR COMPUTED FROM RECORD

DLC DONATION LAND CLAIM

R1 SN 11436

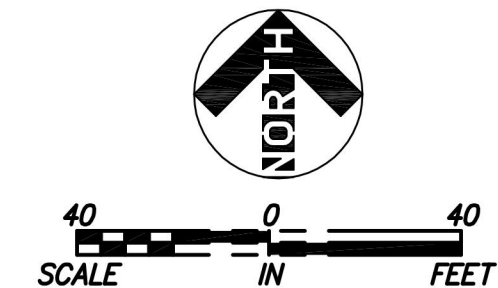
R2 "CANYON RIDGE"

R3 "GENTRY ESTATES"

R4 SN 2010-102

R5 SN 2004-223

D1 DOC. NO. 2010-012643



### NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO DETERMINE AND MONUMENT THE BOUNDARIES OF A TRACT OF LAND DESCRIBED IN DEED DOCUMENT NUMBER 2010-012643, CLACKAMAS COUNTY DEED RECORDS, FOR THE PROPOSED SUBDIVISION PLAT OF "KINSLIE ESTATES". THE SUBJECT PROPERTY DEED DESCRIPTION MATCHES EXACTLY PARCEL 4 OF SN 11436 AND INCLUDES THAT PORTION OF "TRACT B" OF "CANYON RIDGE" ABUTTING SAID PARCEL 4. EXCEPTING THAT PORTION ALONG MOLALLA AVE. CONVEYED TO O.D.O.T. FOR ADDITIONAL RIGHT OF WAY, AS DESCRIBED IN DOCUMENT NO. 2006-116027.

RECOVERED AND HELD MONUMENTS "A" AND "B" FROM THE PLAT OF "GENTRY ESTATES" FOR THE BASIS OF BEARINGS, WHICH ARE OREGON STATE PLANE (NORTH ZONE), AS ARE SN 2010-102 AND SN 2004-2223 BY O.D.O.T. HELD ALL FOUND MONUMENTS FROM SAID SN 11436.

CALCULATED CORNER "R" (NORTHWEST CORNER) BY HOLDING RECORD BEARING, SOUTHWESTERLY FROM "E" PER THE PLAT OF "GENTRY ESTATES" AND INTERSECTING THE NORTHERLY EXTENSION OF LINE "O"- "C".

CALCULATED CORNER "Q" (MOST NORTHERLY, NORTHEAST CORNER) BY HOLDING RECORD BEARING, NORTHEASTERLY FROM "F" PER SAID "GENTRY ESTATES" AND INTERSECTING THE NORTHERLY EXTENSION OF LINE "H"- "G".

ALIGNMENT OF MOLALLA AVENUE WAS DETERMINED FROM O.D.O.T. REFERENCE MONUMENTS "J", "K", "L" AND "M" PER SN 2010-102 AND SAID DEED DOCUMENT NO. 2006-116027.

CALCULATED "P" BY HOLDING LINE "H"- "O" AND INTERSECTING WESTERLY RIGHT OF WAY LINE OF MOLALLA AVENUE AT 40 FEET FROM CENTERLINE.

CALCULATED CORNER "S" BY EXTENDING LINE "P"- "N", NORTHEASTERLY AND INTERSECTING SAID WESTERLY RIGHT OF WAY OF MOLALLA AVENUE AT 40 FEET FROM CENTERLINE.

### CORNER NOTES

"A" FOUND 5/8" IRON ROD W/YPC INSCRIBED "LS 2147", IN MONUMENT BOX PER RECORD NO. 3.  
"B" FOUND 5/8" IRON ROD W/YPC INSCRIBED "LS 2147", IN MONUMENT BOX PER RECORD NO. 3.  
"C" FOUND 5/8" IRON ROD SET IN RECORD NO. 1, HELD FOR NORTHWESTERLY CORNER OF PARCEL 1. DEED DOC. NO. 2010-012643.  
"D" FOUND 5/8" IRON ROD SET IN RECORD NO. 1, HELD FOR POINT ON NORTHERLY LINE OF PARCEL 1, DEED DOC. NO. 2010-012643.  
"E" FOUND 5/8" IRON ROD W/YPC INSCRIBED "ZAROSINSKI-TATONE,L.S.1349", SET IN RECORD NO. 2, HELD.  
"F" FOUND 5/8" IRON ROD W/YPC INSCRIBED "ZAROSINSKI-TATONE,L.S.1349", SET IN RECORD NO. 2, HELD.  
"G" FOUND 5/8" IRON ROD SET IN RECORD NO. 1, HELD FOR MOST NORTHERLY NORTHEAST CORNER OF PARCEL 1, DEED DOC. NO. 2010-012643.  
"H" FOUND 5/8" IRON ROD SET IN RECORD NO. 1, HELD FOR BOUNDARY CORNER.  
"I" FOUND 5/8" IRON ROD W/YPC INSCRIBED "ODOT R/W", HELD FOR HWY RIGHT OF WAY 40' RIGHT OF C.L.  
"J" FOUND 5/8" IRON ROD WITH ALUMINUM CAP INSCRIBED "ODOT RP", HELD FOR C.L. REFERENCE, 40' RIGHT.  
"K" FOUND 5/8" IRON ROD WITH ALUMINUM CAP INSCRIBED "ODOT RP", HELD FOR C.L. REFERENCE, 41' LEFT.  
"L" FOUND 5/8" IRON ROD WITH ALUMINUM CAP INSCRIBED "ODOT RP", HELD FOR C.L. REFERENCE, 40' LEFT.  
"M" FOUND 5/8" IRON ROD WITH ALUMINUM CAP INSCRIBED "ODOT RP", HELD FOR C.L. REFERENCE 39.50' RIGHT.  
"N" FOUND 5/8" IRON ROD SET IN RECORD NO. 1, HELD FOR POINT ON SOUTHERLY BOUNDARY LINE.  
"O" HELD COORDINATE POSITION OF 5/8" IRON ROD SET IN RECORD NO. 1 AND REFERENCED IN RECORD NO. 5, PRIOR TO LOSS DURING ROAD CONSTRUCTION.  
"P" FOUND 5/8" IRON ROD SET IN RECORD NO. 1, HELD FOR SOUTHWESTERLY BOUNDARY CORNER.  
"Q" THRU "T" SET MONUMENT AS NOTED IN LEGEND. SEE NARRATIVE FOR ADDITIONAL DETAILS.

### CURVE TABLE

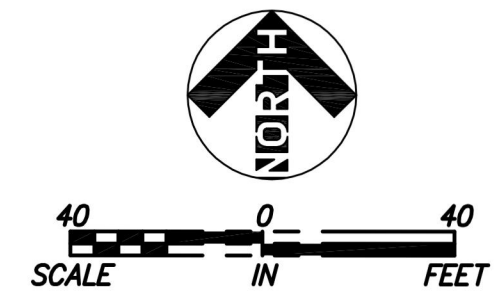
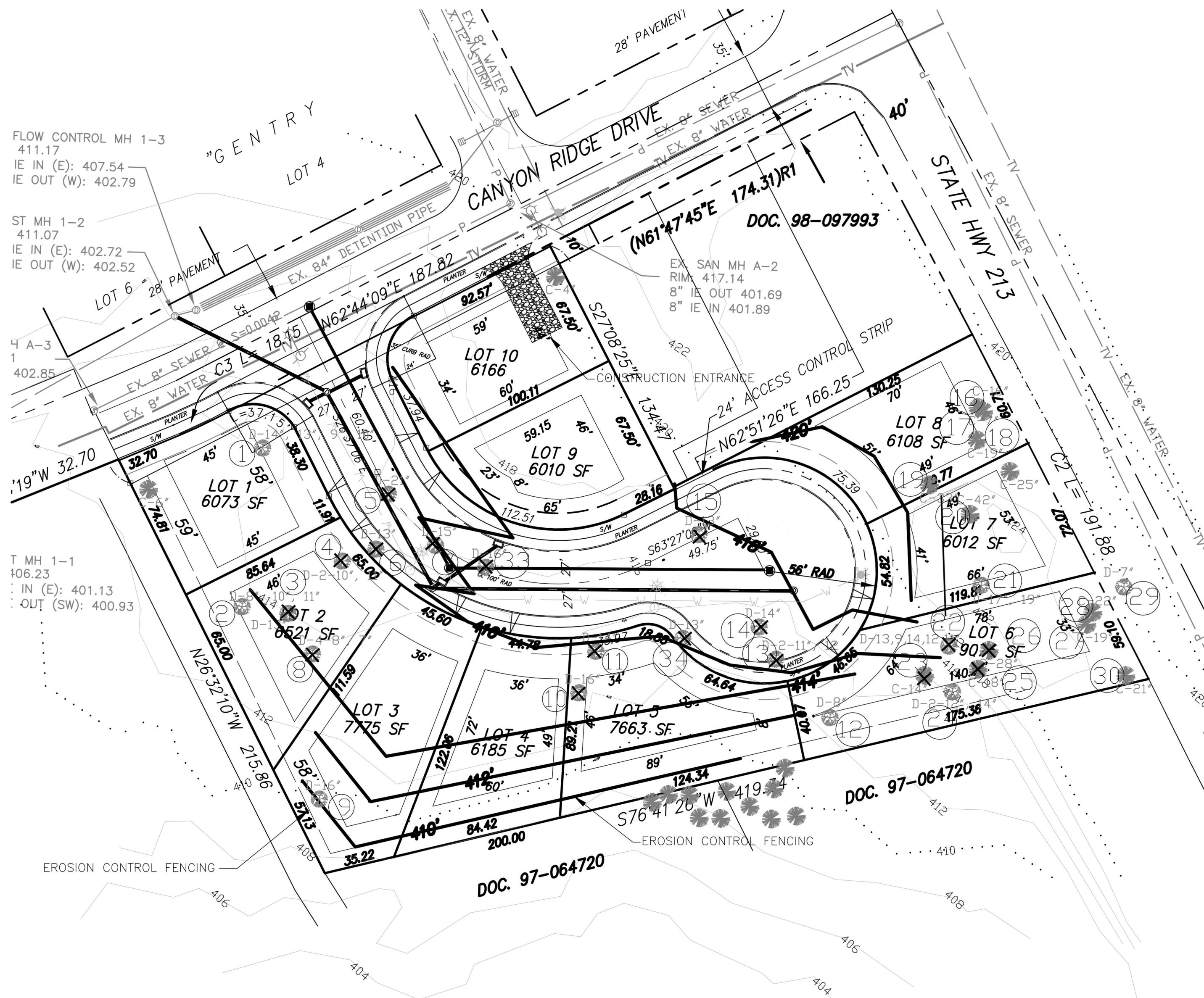
CURVE	DELTA	LENGTH	RADIUS	CHORD
C1	2°08'58"	429.90	11,459.16	S27°18'22"E 429.87
C2	0°57'46"	191.88	11419.16	S27°07'53"E 191.88
C3	4°37'23"	18.15	225.00	S65°13'12"W 18.15
C4	4°37'44"	16.16	200.00	S65°06'27"W 16.15



# PRELIMINARY TREE REMOVAL PLAN

## EXISTING TREE INVENTORY

- |                      |                          |
|----------------------|--------------------------|
| 1. 13/14" ASH        | 15. 13" MAPLE X          |
| 2. 8/10/11" ASH      | 16. 16" FIR              |
| 3. 2-10" ASH X       | 17. 7" FIR               |
| 4. 2-10" ASH X       | 18. 19" FIR              |
| 5. 21" MAPLE X       | 19. 33" FIR              |
| 6. 13" MAPLE X       | 20. 42" FIR              |
| 7. 15" MAPLE X       | 21. 17", 19" MAPLE       |
| 8. 4-8", 7" ASH X    | 22. 9/11/12/13/14" ASH X |
| 9. 16" MAPLE X       | 23. 14" FIR X            |
| 10. 16" MAPLE X      | 24. 2-12" MAPLE          |
| 11. 14" MAPLE X      | 25. 18" FIR X            |
| 12. 8" HAWTHORNE X   | 26. 28" FIR X            |
| 13. 2-11", 12" ASH X | 27. 19" FIR              |
| 14. 14" MAPLE X      | 28. 22" FIR              |
|                      | 29. 7" FIR               |
|                      | 30. 21" FIR              |
|                      | 31. 6" SPRUCE            |
|                      | 32. 4" SPRUCE            |
|                      | 33. 16" MAPLE X          |
|                      | 34. 13" MAPLE X          |
- X TREES TO BE REMOVED

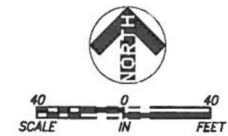
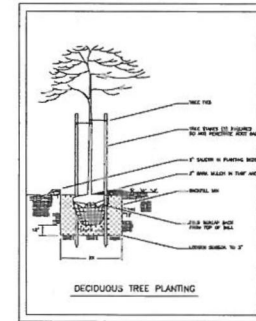
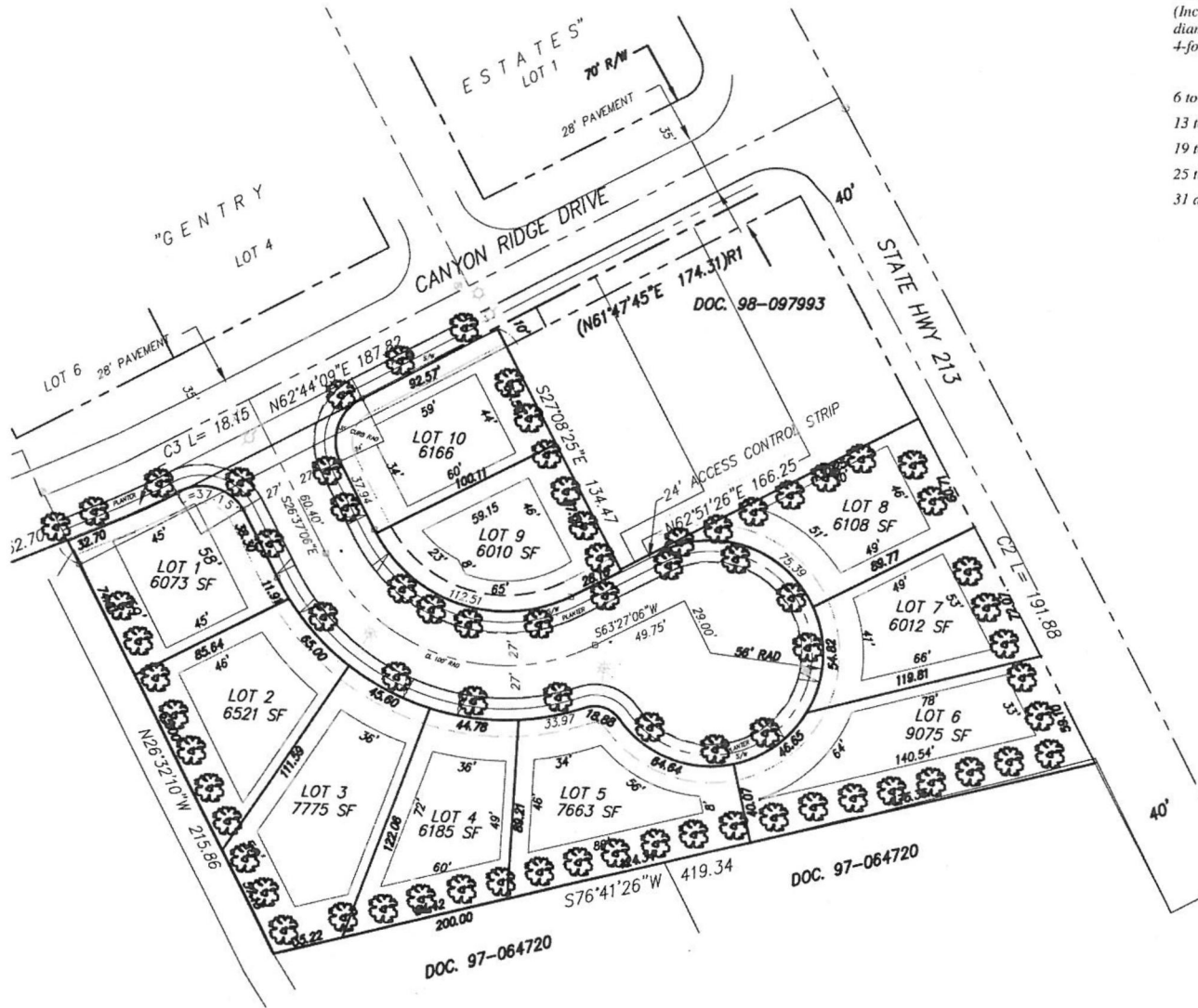


# TREE REPLACEMENT PLAN

Table 16.12.310-1

## Tree Replacement Requirements

Size of tree removed (Inches in diameter at the 4-foot height)	Number of trees to be planted.
6 to 12	12 trees
13 to 18	28 trees
19 to 24	3 trees
25 to 30	4 trees
31 and over	0 trees





April 26, 2013



RE: NEIGHBORHOOD MEETING FOR PROPOSED REZONE AND SUBDIVISION AT  
14270 CANYON RIDGE DRIVE, OREGON CITY, OREGON

#### MEETING NOTES:

The Gaffney Lane Neighborhood Association (GLNA) meeting began at 7 pm. There were 9 residents in attendance and the roster sheet is attached. The GLNA chair Amy Willhite requested Welkin to give their presentation at about 7:45 pm. The presentation regarding the plans for a 10-lot subdivision and rezone, the criteria we were required to meet under City Ordinances and Standards took about 10 minutes.

Questions were asked about the type of homes which were going to be built. It was explained that the City has some governance over the general layout and size of homes that could be built, but the quality of homes and the exterior look of the homes were more a part of the CC&R's for the subdivision.

A question was asked regarding street width and on street parking. It was explained that the street was wide enough for on street parking on both sides of the street, and that most driveways were going to be combined for additional parking room.

A question was asked regarding street trees and planter strips and whether the City limited the types of trees which could be planted, to types which didn't break up curbs and sidewalks. It was explained that the street trees types are limited by the City. Such as Fir and Redwood trees cannot be planted in landscape strips. That trees in this subdivision to be planted would be ones with a deeper root system which would typically not break up curbs and sidewalks.

The GLNA was very gracious and accommodating, and there were no further questions. The presentation and question and answer session last a total of 20 minutes.

April 25, 2013



RE: NEIGHBORHOOD MEETING FOR PROPOSED REZONE AND  
SUBDIVISION AT 14270 CANYON RIDGE DRIVE, OREGON CITY, OREGON

ATTENDANCE ROSTER

NAME	ADDRESS	EMAIL	PHONE NO.
1. Lois McNeill	13910 Canfield Rd		503-742-8888
2. Dennis McNeill			
3. Karen Rohrs	Meadows Courtyard		503-544-8289
4. PAMALYN RICHARDSON	MEADOWS COURTYARD		503-656-8113
5. Ray Rudie	13430 Squire Dr.		503-655-7648
6. Amy Willhite			
7. Brittany & Paul Thone		awillhite@yahoo.com	
8. William Bruce	Meadow Courtyard #226		503-657-2579
9.			
10.			
11.			
12.			
13.			
14.			
15.			
16.			
17.			
18.			
19.			
20.			

After Recording Return To:

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**DECLARATION OF  
COVENANTS, CONDITIONS AND RESTRICTIONS FOR**

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**DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS  
FOR ( XYZ SUBDIVISION)**

**THIS DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF ( XYZ SUBDIVISION )** ("Declaration") is made this \_\_\_\_\_ day of \_\_\_\_\_ 2013 by ( xyz builder/developer) an Oregon Corporation, as the Declarant.

WHEREAS, the Declarant is the owner, or controls, all that certain real property and improvements thereon located in the county of Clackamas, State of Oregon, referred to as the Plat of ( xyz subdivision), recorded \_\_\_\_\_, 2013, as Document No. \_\_\_\_\_.

WHEREAS, Declarant intends to develop the property as a planned community, and to establish the planned development project of \_\_\_\_\_, Declarant desires to impose these mutually beneficial covenants, conditions and restrictions, easements, assessments and liens on the property under a comprehensive general plan of improvement and development for the benefit of all of the Owners, the Lots and Common Area within \_\_\_\_\_ and \_\_\_\_\_.

WHEREAS, Declarant has deemed it desirable for the preservation of the values and amenities in (x subdivision name) to create a Homeowners Association, to which will be delegated and assigned the powers and authority to own, maintain and administer the Association and the Common Area and facilities and administer and enforce the covenants, conditions and restrictions of this Declaration, and collect and disburse the assessments and charges hereinafter created.

NOW THEREFORE, the Declarant declares that the Property shall be held, transferred, sold, conveyed and occupies subject to the following covenants, conditions, restrictions, easements, charges and liens or as noted herein, which shall run with the land and shall be binding upon all parties having or acquiring any right, title or interest in the Property or any part thereof and shall inure to the benefit of the Association and each Lot Owner.

## ARTICLE 1

### DEFINITIONS

The following words when used in this Declaration shall have the following meanings.

- 1.1 **"Association"** shall mean and refer to the \_\_\_\_\_ Homeowners Association, it's successors and assigns.
- 1.2 **"Board" or "Board of Directors"** shall mean the Board of Directors of \_\_\_\_\_ Homeowners Association.
- 1.3 **"Building Site"** shall mean and refer to a lot intended for single family development as may be approved by the County of Clackamas.
- 1.4 **"Common Area"** shall mean and refer to Tract A as shown on the Plat of the Property, including any improvements thereon, which are intended to be devoted to the common use and enjoyment of the Owners of the Association.
- 1.5 **"Declarant"** shall mean \_\_\_\_\_ Development Company, an Oregon Corporation, and it's successors and assigns if such successor or assign should acquire all of Declarant's rights under this Declaration pursuant to a recorded instrument executed by Declarant.
- 1.6 **"Declaration"** shall mean the covenants, conditions, restrictions and all other provisions set forth in the Declaration of Covenants, Conditions and Restrictions for \_\_\_\_\_.
- 1.7 **"Dwelling Unit"** shall mean and refer to a single family Dwelling Unit located upon a lot designated for residential use.
- 1.8 **"Home" or "Living Unit"** shall mean and refer to any portion of a structure situated on a Lot designed and intended for use and occupancy as a residence by a single family or household.
- 1.9 **"Lot"** shall mean and refer to any plot of land shown upon any recorded subdivision map of said property and to any parcel of said property under one ownership consisting of a portion of one or more of such lots and /or contiguous portions of two or more contiguous lots and upon which a dwelling has been constructed or occupied.
- 1.10 **"Owner"** shall mean and refer to the record owner(including contract sellers) whether one or more persons or entities, of all or any part of said property, excluding those having such interest merely as security for the performance of obligation.

- 1.11 **"Plat"** shall mean and refer to the recorded Plat of \_\_\_\_\_ and any annexations to the original Plat.
- 1.12 **"Property"** shall mean and refer to all real property described on the Plat, and any annexations of additional property, including and Common Area Tract, and all improvements located on the real property, as may be brought within the jurisdiction of the Association and be made subject to this Declaration.
- 1.13 **"Purchaser"** shall mean individual or company who initially purchase the individual lots from Declarant.
- 1.14 **"Rules and Regulations"** shall mean and refer to the documents containing rules and regulations and policies adopted by the Board of the Association or the Architectural Review Committee ("ARC"), and as may be from time to time amended by the Board and/or ARC.
- 1.15 **"Set Back"** means the minimum distance between the dwelling unit and other structure referred to and given street or road or lot line, as established by the county of \_\_\_\_\_.
- 1.16 **"Turnover Meeting"** shall be the meeting called by the Declarant to turn over control of the Association to the Class A members.

## ARTICLE 2

### **PROPERTY SUBJECT TO THIS DECLARATION**

- 2.1 The Property which is and shall be held, transferred, sold, conveyed and occupied subject to this Declaration is located in \_\_\_\_\_ County, Oregon, in that certain Plat map entitled \_\_\_\_\_ filed in the plat records of \_\_\_\_\_ County, Oregon, more particularly described as Lots \_\_\_\_\_ thru \_\_\_\_\_.
- 2.2 At any time during the initial term of this Declaration, the Declarant may, at it's sole option, annex additional property into the Association to be subject to the terms hereof to the same extent as if originally included herein and subject to such other terms, covenants, conditions, easements and restrictions as may be imposed thereon by Declarant. Declarant currently anticipates that there will be a total of approximately \_\_\_\_ Lots in the subdivision, but this number may be adjusted at the sole discretion of the Declarant. Declarant shall have no obligation of any kind to annex any additional land to the Property.
  - (a) **Eligible Property.** There is no limitation on the number of Lots that Declarant may annex to the Property, or the right of Declarant to annex common Property, except as may be established by applicable ordinances, agreements, or land use approvals.
  - (b) **Consent or Joinder Not Required.** No consent or joinder of any Class A member or other party except the record owner of the land being annexed shall be necessary to the effect any annexation made pursuant to this section.



- (c) **Declaration of Annexation.** Annexation shall be evidenced by a written Declaration of Annexation executed by the Declarant, or (in the case of an annexation by action of members) by the Board and the Owners of the property being annexed, setting forth the legal description of the property being annexed and any additional covenants, conditions and restrictions to be applied to such annexed property. Notwithstanding any provision apparently to the contrary, a declaration with respect to any annexed property may:
- (i) establish such new land classifications and such limitations, uses, restrictions , covenants and conditions with respect thereto as Declarant may deem to be appropriate for the development of the annexed property;
  - (ii) with respect to existing land classifications, establish additional or different limitations, uses, restrictions, covenants and conditions with respect thereto as Declarant may deem to be appropriate for the development of such annexed property; an/or
  - (iii) contain provisions necessary or appropriate to comply with any condition ,requirement, or imposition of any governmental or regulatory authority.
- (d) **Voting Rights;** Allocation of Assessments. Upon annexation, additional lots so annexed shall be entitled to voting rights and shall be responsible for prorated payments or assessments as required for that fiscal year. At the beginning of the next fiscal year, assessments shall be reallocated and reapportioned equally based on the total number of lots following such annexations.
- (e) **No Duty to Annex.** Nothing herein contained shall establish any duty or obligation on the part of the Declarant or any member to annex any property into the Association and no owner of property excluded from the Association shall have any right to have such property annexed thereto.

### ARTICLE 3

#### **LOTS AND HOMES**

- 3.1 **Land Use.** No building or structure shall be created, constructed, maintained or permitted up[on said Property except upon a Building Site as herein above defines, and no building or structure shall be erected, constructed, maintained or permitted on a building site other than a single family home, unless approved by the Homeowners Association and the County of \_\_\_\_\_.

- (a) **Architectural Review.** Any construction will be deemed to be approved

If not challenged by the Board of Directors of the Association or the Architectural Review Committee ("ARC") within 60 days after it is noted by the Board or ARC.

- (b) **ARC Decision.** If an architectural application is required, the ARC shall render its approval or denial decision with respect to said construction within twenty (20) working days after it has received all material required by it with respect to the application. All decisions shall be in writing. In the event the ARC fails to render its decision of approval or denial in writing within (60) days of receiving all requested material, the application shall be deemed approved. Approval by the ARC does not imply governmental approval, which is solely the responsibility of the Owner.

- 3.2 **Easements.** The common Area and Lots are subject to easements and rights of way shown on, or noted on the Plat of \_\_\_\_\_.

- (a) **Additional Easements.** While Declarant owns any Lot, Declarant reserves an easement over, under and across the Common Areas. Declarant also reserves for itself, and for its successors and assigns a perpetual easement and right-of-way over, upon and across the Common Areas for construction, utilities, communication lines, drainage and ingress and egress for the benefit of the Lots or other property owned by Declarant.

- 3.3 **Fences.** Fencing location placement will be limited and fence material and location shall be approved by the Association.

- 3.4 **Animals.** No animals, livestock or poultry of any kind shall be raised, bred or kept on any part of said property, except dogs, cats or other household pets provided that such household pets are not kept, bred or maintained for any commercial purpose or do not become a nuisance.

- 3.5 **Rubbish and Trash.** No part of said property shall be used or maintained as a dumping ground for rubbish, trash, garbage, or any other waste. No garbage, trash or other waste shall be kept or maintained on any part of said property except in a sanitary container. All incinerators or other equipment for the storage or disposal of such materials shall be kept in a clean and sanitary condition and shall be screened from public view.

- 3.6 **Offensive or Unlawful Activities.** No noxious or offensive activities shall be carried upon any Lot, nor shall anything be done or placed on any Lot which interferes with or jeopardizes the enjoyment of other Lots, or which is a source of annoyance to residents of the Property. Without limitation of the foregoing, no noxious or offensive odors or noises shall be permitted to emanate from a lot to the other lots. No unlawful use shall be made of a lot or any part thereof, and all laws, zoning ordinances, and regulations of all governmental bodies having jurisdiction over the Property shall be observed.

- 3.7 **Parking.** No boats, trailers, trucks, ( except SUV's), campers or truck campers and like equipment, or junk cars or other unsightly vehicles shall be allowed on any part of said property nor on public ways adjacent thereto, excepting only within the confines of an enclosed garage or other screened enclosure, and no portion of same may be prescribed by written approval by the ARC. All other parking of equipment or vehicles shall be prohibited except as approved by the ARC.
- 3.8 **Antennas, Aerials, and Satellite Dish.** No exterior antennas or aerials shall be permitted, unless required for reception. A satellite dish may be allowed, if it can be situated in the lot so far as not to be visible from any other lot or roadway in or around the subject Lot. The authority of the Association and the ARC in this matter shall be subject to any regulations issued by the Federal Communications Commission ("FCC") or any other applicable governmental authority.
- 3.9 **Underground Facilities, Poles and Towers.** No outdoor overhead wire or service drop for the distribution of electrical energy or for telecommunication purposes nor any pole, tower or other structure, supporting said outdoor overhead wires, shall be erected, placed or maintained within said property. All purchasers of building sites, their heirs, successors and assigns shall use underground service wires to connect their dwelling units to the underground electric or telephone utility facilities.
- 3.10 **Temporary Structures.** Declarant and original builders of Homes in the \_\_\_\_\_ Subdivision are permitted to erect temporary or portable sheds as tool houses and for other uses common to residential construction, and to maintain them until such Home is finished.
- 3.11 **Signs.** No signs shall be erected or maintained on any Lot except that not more than one "For Sale" or "For Rent" sign placed by the Owner, Declarant or by licensed real estate agent, not exceeding twenty (24) inches high and thirty six (36) inches long, may be temporarily displayed on any Lot, subject to the provisions of Section 8.2 below. The restrictions contained in this paragraph shall not prohibit the temporary placement of "political" signs on any Lot by the owner or Occupant, or construction and marketing related signage by the Declarant or his/her/their contractors.
- 3.12 **Exterior Colors, Building Designs and Roofing Material.** All exterior paint colors, architectural building design and roofing materials must be approved by the Architectural Review Committee. No maintenance of the homes is provided by the Association and is the sole responsibility of the Lot Owner.
- 3.13 **Landscaping.** The entire front, rear and side yard landscaping must be completed within six months of the date escrow closes. A variance of two months is available if unsuitable weather delays installation. Said variance is at the sole discretion of the Association Board of Directors and/or the Associations ARC. All landscape maintenance on Lots is the sole responsibility of the Owner of each Lot.
- 3.14 **Owners Maintenance Obligations.** All improvements upon any Lot shall at all times be maintained by the Owner in a clean and attractive condition, painted and in good repair, and in such a fashion as not to create a hazard of any kind. Owners are responsible for maintenance, replacement, painting, repair and general upkeep of all building exteriors.

## ARTICLE 4

## COMMON AREA

- 4.1 **Use of Common Areas.** Use of common areas is subject to the provisions of the Declaration, Bylaws, Articles and Rules and Regulations promulgated by the Board of Directors. There shall be no use of the Common Area except by Owners and their invitees. There shall be no obstruction of any part of the Common Area. Nothing shall be stored or kept in the Common Area without the prior written consent of the Board of Directors. No alterations or additions to the Common Area shall be permitted without the prior written approval by the Board of Directors. Nothing shall be stored or kept in the Homes or Common Area, which will increase the rate of insurance on the Common Area without the prior written consent of the Board.
- 4.2 **Maintenance of Common Area.** The Association shall be responsible for maintenance, repair, replacement and upkeep of the Common Area, not maintained by a public agency, fencing and any other improvements that may be included in Common Area. The Association shall keep the Common Area and improvements thereon in good condition and repair, provide for all necessary services and cause all acts to be done which may be necessary or proper to assure the maintenance of the Common Area in first class condition.
- 4.3 **Alterations to Common Area.** Only the Association shall construct, reconstruct, or alter any improvements situated upon the Common Area. A proposal for any construction of or alteration, maintenance or repair to an improvement may be made at any meeting. A proposal may be adopted by the Board, subject to the limitations contained in the Bylaws and the Declaration.
- 4.4 **Funding.** Expenditures for alterations, maintenance or repairs to an existing capital improvement for which a reserve has been collected shall be made from the reserve account. As provided in Section 9.8, the Board may levy a special assessment to fund any construction, alteration, repair or maintenance of an improvement (or any portions of the Common Area). For which no reserve has been collected or for which the reserve account is insufficient to cover the cost of the proposed improvement.
- 4.5 **Landscaping.** All landscaping on the Common Area shall be maintained and cared for in a manner consistent with the standard of design and quality as originally established by Declarant or the ARC. The Association shall be responsible for all landscaping located in any Common Area properties. Any Owner maintained areas shall be kept free of weeds and diseased or dead lawn, tree, ground cover or shrubs shall be promptly removed and replaced. All lawn areas shall be fertilized and neatly mowed, and trees and shrubs shall be fertilized and neatly trimmed on a regular basis.
- 4.6 **Condemnation of Common Area.** If all or any portion of the Common Area is taken for any public or quasi public use under any statute, by right of eminent domain or by public purchase in lieu of eminent domain, the entire award shall be received by and expended by the Board of Directors in a manner which in their discretion is in the best interest of the Association. The Association shall represent the interest of all Owners in any negotiations, suit or action or settlement in connection with such matters.

- 4.7 **Damage or Destruction of Common Area.** In the event any Common Area is damaged or destroyed by an Owner or any of his or her Occupants, guests, tenants, licensees, agents or members of his /her family in a manner that would subject such Owner to liability for such damage under Oregon law, such Owner does hereby authorize the Association to repair such damage. The Association shall repair the damage and restore the area in the workmanlike manner as originally constituted or as may be modified or altered subsequently by the Association in the discretion of the Board of Directors. The reasonable cost necessary for such repairs shall become a special assessment upon the Lot of the Owner who caused or is responsible for such damage.

## ARTICLE 5

### **ARCHITECTURAL REVIEW COMMITTEE**

- 5.1 **Architectural Review.** No improvement shall be commenced, erected, placed or Altered on any Lot until the construction plans and specifications showing the nature, shape, heights, materials, colors, and proposed location of the improvement have been submitted to and approved in writing by the ARC. It is the intent and purpose of this Declaration to assure quality workmanship and materials and to assure harmony of exterior design with the existing improvements and landscaping. The ARC is not responsible for determining compliance with structural and building codes, solar ordinances, zoning codes or other governmental regulations, all of which are the responsibility of the Lot Owners. The procedure and specific requirements for review and approval of construction may be set forth in design guidelines adopted from time to time by the ARC. Construction by the Declarant is presumed to have been approved and is thereby exempt from this review. In all cases, which the ARC consent is required by the Declaration, the provision of the Article shall apply.
- (a) PLANS AND SPECIFICATIONS ARE NOT APPROVED FOR  
ENGINEERING, STRUCTURAL DESIGN OR QUALITY OF MATERIALS,  
AND BY APPROVING SUCH PLANS AND SPECIFICATIONS NEITHER  
THE ARC, THE BOARD OF DIRECTORS, THE MEMBERS, THE  
MANAGING AGENT NOR THE ASSOCIATION ASSUMES LIABILITY OR  
RESPONSIBILITY FOR THESE MATTERS, NOR FOR ANY DEFECT IN  
ANY STRUCTURE CONSTRUCTED FROM SUCH PLANS AND  
SPECIFICATIONS. OWNER IS SOLELY RESPONSIBLE FOR ALL  
IMPROVEMENTS, PERMITS AND COSTS OF SAID WORK.
- 5.2 **Architectural Review Committee, Appointment and Removal.** The ARC shall consist of no fewer than (2) members and no more than (3) members, as the board may appoint from time to time. The Declarant reserves the right to appoint all members of the ARC and all replacements thereto until turnover. The Declarant



may appoint a single person to serve as the ARC. After build out, Declarant shall delegate the right to appoint and remove members of the ARC to the Board of Directors. The terms of office for each member of the ARC shall be for (1) year unless lengthened by the Board at the time of appointment or unless the Board serves as the ARC in which event the terms of the ARC members shall be the same as their terms as Board members. The Board may appoint any or all of its members for the ARC and there should be no requirement for non-Board members on the ARC who are not Owners, but who have special expertise regarding the matters, which come before the ARC. In the sole discretion of the Board, such non-Owner members of the ARC may be paid and that cost paid by applicants of the Association.

- 5.3 **Majority Action.** Except as otherwise provided in the Declaration, a majority of the members of the ARC shall have the power to act on behalf of the ARC, without the necessity of a meeting and without the necessity of consulting the remaining member of the ARC. The ARC may render its decision only by written instrument setting forth the action taken by the members consenting thereto.
- 5.4 **Duties.** The ARC shall consider and act upon the proposals and/or plans submitted pursuant to this Article. The ARC, from time to time at its sole discretion, may adopt architectural rules, regulations and guidelines ("Architectural Standards"). The Architectural Standards shall interpret and implement the provisions of the Declaration for architectural review and guidelines for architectural design, placement of buildings, color schemes, exterior finishes and materials and similar features which may be used in Property; provided, however that the Architectural Standards shall not be in derogation of the minimum standards established by this Declaration.
- 5.5 **ARC Decision.** The ARC shall render its approval or denial decision with respect to the construction proposal within twenty (20) working days after it has received all material required by it with respect to the application. All decisions shall be in writing. In the event the ARC fails to render its decision of approval or denial in writing within sixty (60) days of receiving all material required by it with respect to the proposal, the application shall be deemed approved. Approval by the ARC does not imply government approval, which is solely the responsibility of the Owner.
- 5.6 **ARC Discretion.** The ARC may, at its sole discretion, withhold consent to any Proposed work if the ARC finds the proposed work would be inappropriate for the particular Lot or incompatible with the design standards that the ARC intends for \_\_\_\_\_ subdivision. Consideration such as siting or location on the Lot, shape, size color, design, height, solar access, or other effect on the enjoyment of other Lots or Common Area, and any other factors which the ARC reasonably believe to be relevant, may be taken into consideration by the ARC in determining whether or not to consent to any proposed work.
- 5.7 **Non-waiver.** Consent by the ARC to any matter proposed to it or within its Jurisdiction shall not be deemed to constitute a precedent or waiver impairing the ARC's right to withhold approval as to any similar matter thereafter proposed or submitted to it for consent.
- 5.8 **Appeal.** At any time after Declarant has delegated appointment of the members of the Board of Directors pursuant to Section 5.2, any Owner adversely impacted

by action of the ARC may appeal such action to the Board of Directors. Appeals shall be made in writing within (10) days of the ARC's action and shall contain specific objections or mitigating circumstances justifying the appeal. If the Board is already acting as the ARC, the appeal shall be treated as a request for a rehearing, but in such case the Board must actually meet and receive evidence and argument. A final, conclusive decision shall be made by the Board of Directors within fifteen (15) days after receipt of such notification. The determination of the Board shall be final.

- 5.9 **Effective Period of Consent.** The ARC's consent to any proposed work shall automatically be revoked three (3) months after issuance unless construction of the work has been commenced or the Owner has applied for and received an extension of time from ARC.
- 5.10 **Determination of Compliance.** The ARC shall inspect, from time to time, all work performed and determine whether it is in substantial compliance with the approval granted. If the ARC finds that the work was not performed in substantial conformance with the approval granted, or if the ARC finds that the approval required was not obtained, the ARC shall notify the Owner in writing of the noncompliance. The notice shall specify the particulars of any noncompliance and shall require the Owner to take the necessary action to bring the work into compliance with the approved project.
- 5.11 **Non-Compliance.** If the ARC determines that an Owner has not constructed an improvement consistent with the specifications on which approval is based, and if the Owner fails to diligently commence to remedy such noncompliance in accordance with the provisions of the notice of noncompliance, then at the expiration of the third (3) day from the date of such notification, the ARC shall provide a notice of hearing to consider the Owner's continuing noncompliance. The hearing shall be set for no more than thirty days from the date of noncompliance. At the hearing if the ARC finds that there is no valid reason for the continuing noncompliance, the ARC shall determine the estimated costs of correcting it. The ARC shall then require the Owner to remedy or remove the same within a period of not more than 10 days from the date of the ARC's determination. If the Owner does not comply with the ARC's ruling within such period or within any extension of such period as the ARC, at its discretion, may grant, the Association may (a) remove the non-complying improvement, (b) remedy the noncompliance, or (c) file suit to compel compliance. The costs of such action shall be assessed against the Owner and his Lot, including all attorney's fees and other costs expended and incurred to enforce compliance before suit or action is filed and at trial or on any appeal or review of same.
- 5.12 **Liability.** Neither the ARC, the Board, their agents, nor any member thereof shall be liable to any Owner, Occupant, or builder for any damage, loss or prejudice suffered or claimed to be suffered arising from any action by the ARC or a member thereof or failure of the ARC or a member thereof, provided only that the member has acted in good faith in accordance with the actual knowledge possessed by him.
- 5.13 **Estoppel Certificate.** Within fifteen (15) days after written request is delivered to the ARC by an Owner, and upon payment to the ARC of a reasonable fee fixed by the ARC to cover costs, the ARC shall provide such Owner with a certificate executed by the Chairman of the ARC, and acknowledged, certifying with respect



to any Lot owned by the Owner, that as of the date thereof either (a) all improvements made or done upon or within such Lot by the Owner comply with this Declaration or any Rules and Regulations either promulgated by the Board or the ARC, or (b) such improvements do not so comply, in which event, the certificate shall also identify the non-complying improvements and set forth with partnership the nature of such noncompliance. The Owner, his heirs, devisees, successors and assigns shall be entitled to rely on the certificate with respect to the matters set forth. The certificate shall be conclusive as between the Declarant, the ARC, the association and all Owners, and all such persons deriving an interest through any of them.

## ARTICLE 6

### ( XYZ SUBDIVISION ) HOMEOWNERS ASSOCIATION

- 6.1 **Members.** Each Owner shall be a member of the Association. Membership in the Association shall be appurtenant to, and may not be separated from, ownership of any Lot. Transfer of ownership of a Lot automatically transfers membership in the Association. Without any other act or acknowledgement, Occupants and Owners shall be governed and controlled by this Declaration the Articles, Bylaws and Rules and Regulations and any amendments thereof.
- 6.2 **Proxy.** Each Owner may cast his/her vote in person, pursuant to a proxy executed by the Owner, or be written ballot, as provided by ORS 65.222. An Owner may not revoke a proxy given pursuant to this Section except by actual notice or revocation to the person presiding over a meeting of the Association. A proxy shall not be valid if it is undated or purports to be revocable without notice. A proxy shall terminate one(1) year after its date, unless the proxy specifies a shorter term.
- 6.3 **Voting Rights.** The Association shall have two(2) classes of voting members
- Class A.** Class A members shall be all Owners of Lots other than the Declarant, and with each Class A member shall be entitled to one(1) vote for each Lot owned. with respect to all matters upon which Owners are entitled to vote.
- Class B.** Class B member shall be Declarant, its successors and assigns. The Class B member shall have Five (5) votes for each Lot owned. The Class B membership shall cease and be converted to Class A membership upon the earlier of: (i) When eighty percent (80%) of the Lots have been sold and conveyed to Owners other than Declarant ("Termination Date"); or (ii) At such earlier time as Declarant may elect in writing to terminate Class B membership.
- Thereafter, each Owner, including the Declarant , shall be entitled to one (1) vote for each Lot owned with respect to all matter upon which Owners are entitled to vote, and the total number of votes shall be equal to the total number of Lots. When more than one (1) person or entity owns a Lot, the vote for such Lot may be cast and they shall determine, but in no event will fractional voting be allowed. Fractional or split votes shall be disregarded, except for purposes of determining a quorum. The total number of votes as of the Termination Date and thereafter shall be equal to the total number of Lots.

- 6.4 **Procedure.** All meetings of the Association , the Board of Directors, and Association Committees, including any Board authorized ARC shall be conducted with such rules of order as may from time to time be adopted by the Board of Directors. Notwithstanding which rule of order is adopted, the chairman shall be entitled to vote on all matters, not merely to break a tie vote. A tie vote does not constitute a majority of approval of any motion or resolution.
- 6.5 **Turnover Meeting.** Declarant shall call a meeting for the purpose of turning over administrative control of the Association from Declarant to the Class A Members within 120 days of when eighty percent of the lots are compromised of Class A Members. At the Turnover Meeting, Declarant shall relinquish control of the administration of the Association and the Owners shall assume such control and elect a Board of Directors in accordance with the provisions of these Bylaws. Additionally, Declarant shall deliver to the Association those items specified in the Oregon Planned Community Act to be turned over by Declarant at the Turnover Meeting. There is no quorum requirement for the Turnover Meeting.
- 6.6. **Transitional Advisory Committee.** Declarant shall form a Transitional Advisory Committee to provide for the transition of administrative control of the Association from Declarant to the Class A Members within sixty days of which fifty percent of the lots are comprised of Class A Members. The function of the Transitional Committee shall be to facilitate transition from control by the Owners. Declarant shall give notice of the meeting stating the purpose, time and place of the meeting. If the Owners, other than Declarant, do not select Members for the Committee under this Section, Declarant shall have no further responsibility to form the committee.
- 6.7 **Annual Meetings.** The Annual Meeting of the Association shall be held as directed by the Board of Directors in accordance with the Bylaws, but in no event less than each calendar year. At such meeting, members of the Board of Directors shall be elected in accordance with Section 5.3 below, and the Bylaws. The Owners may transact such other business of the Association as may properly come before them.
- 6.8 **Special Meetings.** Special meetings of the Owners may be called by the President of the Association, a resolution of the Board of Directors upon a petition signed by twenty five percent or more of the Directors, or by Petition signed by twenty percent of more of the Owners.
- 6.9 **Notice of Meetings.** It shall be the duty of the Secretary of the Association to mail a notice of each annual , special or meeting by ballot, stating the purpose, time and place of the meeting. Notice shall be mailed at least seven days, but not more than fifty days prior to such meeting. The notice shall be mailed to the Owners address last given to the Secretary in writing by the Owner. If Lot ownership is split or the Lot has been sold on contract, notice shall be sent to a single address of which the Secretary had been notified in writing by such parties.
- 6.10 **Association Rules and Regulations.** The Board of Directors, from time to time may adopt, modify or revoke Rules and Regulations governing the conduct of persons the operation or use of Lots and Common Areas, as it may be deem necessary or appropriate in order to assure the peaceful and orderly use and enjoyment of the

property. A copy of any Rules and Regulations, upon adoption, amendment, modification or revocation thereof, shall be delivered by the Board of Directors promptly to each Owner and shall be binding upon all Owners and Occupants of all Lots upon the date of delivery or actual notice thereof. The method of adoption of such Rules and Regulations shall be provided in the Bylaws of the Association.

- 6.11 **Security.** The Association is not responsible for security of the neighborhood or any homes. The Owners are exclusively responsible for security of their Home and Property.

## ARTICLE 7

### **DECLARANT CONTROL**

- 7.1 **Interim Board of Officers.** The Declarant hereby reserves administrative control of the Association. The Declarant, in its sole discretion, shall have the right to appoint and remove members of the Interim Board of Directors, which shall manage the affairs of the Association and which shall be vested with all the powers and rights of the Board of Directors. The Interim Board shall consist of from one to three members. Notwithstanding the provision of this section, at the Turnover Meeting (as hereinafter defined) at least one (1) Director shall be elected by Owners other than the Declarant, even if the Declarant otherwise has voting power to elect all of the members of the Board.
- 7.2 **Turnover Meeting.** The Declarant shall call a meeting for purposes of turning over the administrative control of the Association from the Declarant to the Class A members within ninety (90) days of the earlier: (a) Upon Sale of Lots. The date that Lots representing eighty percent of Lots subject to this Declaration, plus any recorded annexation of additional Lots, have been conveyed to persons other than the Declarant; or (b) Declarant's Earlier Election. At such earlier time as Declaration may elect in writing to terminate Class B membership

## ARTICLE 8

### **DECLARANT'S SPECIAL RIGHTS**

- 8.1 **General.** Declarant is undertaking the work of developing Lots and other Improvements within \_\_\_\_\_. The completion of the development work and the marketing and sale of Lots is essential to the establishment and welfare of the Property as a residential community. Until the Homes on all Lots on the Property have been constructed, fully completed and sold, with respect to the Common Areas and each Lot on the Property, the Declarant shall have the special right set forth in this Article 8.
- 8.2 **Marketing Rights.** Declarant shall have the right to maintain a sales office and model \_\_\_\_\_ on one or more of the Lots which the Declaration may or may not own, to be staffed by the employees of the Declarant or any licensed real estate sales agents. The

Declarant may maintain a reasonable number of For Sale signs at reasonable locations of the Property, including, without limitation, the common Area.

- 8.3 **Declarant's Easements.** The Declarant has reserved easements over the Property as more fully described in Article 3.2 hereof.

- 8.4 **Construction by Declarant.** All construction by Declarant is presumed to have been approved by the ARC and to meet any Design Guidelines of the Association.

## ARTICLE 9

### **FUNDS AND ASSESSMENTS**

- 9.1 **Purpose of Assessment.** The assessments levied by the Association shall be used exclusively to promote the recreation, health, safety, and welfare of the Owners and Occupants and for the improvement, operation and maintenance of the Common Area, and or other areas, as specified elsewhere in this document, including administrative costs and insurance for the Association. No individual structure insurance will be provided by the Association.

- (a) **Insurance by the Association.** The Board shall obtain, and maintain in effect, from reputable insurance companies authorized to do business in the State of Oregon, public liability insurance with respect to all the Common Area in such amounts and in such forms as the Board deems advisable to provide adequate protection for bodily injury, including deaths of persona and property damage, whether caused by the negligence of the Association or otherwise; provided, however, that such policy(ies) shall not be for an amount of less than \$1,000,000,00 per person, per occurrence, and that such policy (ies) shall provide that the coverage there under cannot be canceled or substantially modified without at least 10 days written notice to the Association. No fire and casualty coverage will be purchased for Homes. The Association may obtain such other and further policies of insurance, as it deems advisable. The named insured on the policy may read \_\_\_\_\_ Homeowners Association. The casualty insurance to be obtained by the Association pursuant to this paragraph 7.1 (b) shall include the following items, if the Board determines they are reasonably available:

- (i) A waiver of subrogation by the insurer as to any claims against the Board, any Owner, or any guest of an Owner;
- (ii) A waiver by the insurer of its right to repair and reconstruct instead of paying cash;
- (iii) A provision that no policy may be cancelled, invalidated, or suspended because of the action of an Owner.
- (iv) A provision that no policy may be cancelled, invalidated or suspended because of the conduct of any director, officer, or employee of the

Association unless the insurer gives the Association a prior written demand that the Association correct the defect that allows the Association reasonable time to make the correction; and

- (v) A provision that any "other insurance" clause in any policy shall exclude from its coverage all owners policies.

At the discretion of the Board, the Association may purchase and maintain on behalf of any person who is or was a director, Officer, employee, or agent of the Association, against any liability asserted against him or her and incurred by him or her in any such capacity, or arising out of his/ her/ their status as such, whether or not the Association would have the power to indemnify him or her against such liability under the provisions of the Article of Incorporation of the corporation.

- 9.2 **Covenants to Pay.** Declarant, on behalf of each and every subsequent Owner of any Lot, covenants and agrees that each Lot will pay the Association the assessments and any additional charges levied pursuant to the Article IX.

- (a) **Funds Held.** The assessment collected by the Association shall be held by the Association for and on behalf of each Owner and shall be used solely for the operation, care and maintenance of \_\_\_\_\_, subdivision as provided by this Declaration. Upon the sale or transfer of any Lot, the Owner's interest in the funds shall be deemed automatically transferred to the successor in interest of such Owner and is not refundable.

- 9.3 **Basis of Assessments and Commencement of Assessments.** Assessments are to be levied against all Lots, commencing with the latter date on which either the Articles of Incorporation are recorded with the Oregon Corporation Division, or the plat is recorded with the county of \_\_\_\_\_ County. Assessments for all Lots shall commence with the date of conveyance of the first Lot to an Owner, other than Declarant, successors or assigns. Assessments for Lots conveyed by the Declarant to purchaser/Owner, either by deed or land sales contract, shall begin on the day of the recording of the deed or land sale contract conveying or contracting to convey the Lot of the new Owner and will be prorated from said date. Declarant may elect to defer payment of their assessment until the date of the conveyance of the Lot to an Owner, other than Declarant. Declarant may advance funds, at their sole discretion, for Association operating and reserve expenditures, which will be considered as an advance of any assessments deferred to the conveyance of Lots to an Owner.

- 9.4 **Annual Assessments.** Annual Assessments for each fiscal year shall be established when the Board approves the budget for that fiscal year. The fiscal year shall be the calendar year unless another calendar year is adopted by a vote of the Board members. Annual assessments shall be invoiced at such intervals as determined by the Board. Assessments will be due and payable within 30-days of the invoice date. The Association may assess all interest, fines and late charges allowable under the Oregon Revised Statutes.

- 9.5 **Initial Assessment Contribution.** Upon acquiring title to a Lot, the Owner of a Lot shall pay to the Association an "Initial Assessment" of \$100.00 per Lot. The Declarant is exempt from this assessment. Said Initial Assessment shall constitute an



initial contribution to the working capital of the Association by such Owner and shall be used by the Association to pay Operating and Reserve Common Expenses of the nature described in this Declaration.

- 9.6 **Budget.** Regardless of the number of Members or the amount of assets of the Association, each year the Board shall prepare, approve and make available to each member a pro forma operating statement (budget) containing; (i) estimated revenue and expenses on an accrual basis; (ii) the amount of the total cash reserves of the Association currently available for replacement or major repair of the Common Area and for contingencies; (iii) an itemized estimate for the remaining life of, and the methods of funding to defray repair, replacement or additions to major components of the Common Area; and (iv) a general statement setting forth the procedures used by the Board in the calculation and establishment of reserves to defray the costs and repair, replacement or additions to major components of the Common Area. For the first fiscal year, the budget shall be approved by the Board no later than the date on which annual assessments are scheduled to commence. Thereafter, the Board shall annually prepare and approve the budget and distribute a copy thereof to each Member, together with written notice of the amount of the annual assessments to be levied against the Owner's Lot, not less than thirty (30) days and not more than ninety (90) days prior to the beginning of the fiscal year.

9.7 **Reserve Funds.**

- (a) **Reserve Fund for Replacing Common Area Improvements.** Declarant shall in addition establish a reserve fund in the name of the Association for replacement, in whole or in part, of the Common Area and any improvements located in, on, or under the Common Area for which the Association is responsible, pursuant to this Declaration, that will normally require replacement in more than three (3) and fewer than thirty (30) years, including any exterior painting, if the Common Area includes exterior painted surfaces. The reserve account need not include those items that could reasonably be funded from the maintenance fund. For purposes of funding the reserve fund, the Declarant initially, and thereafter the Association shall impose an assessment to be called the "Reserve Fund Assessment" against each Lot, which assessment shall be spread equally over the Lots. The Reserve Fund Assessment shall be based on the Reserve Study, and updates thereof, described in Section 9.7 (b), or other sources of reliable information. Nothing herein shall limit the authority of the Declarant or the Association to establish other separate and unrelated reserve funds that are funded by assessments for the reserves that are in addition to the Reserve Fund or that relate only to a particular type or category of Lot. The Reserve Fund shall be kept separate from other funds and may be used only for purposes for which reserves have been established as specified in this section.

After the Turnover Meeting, the Board may borrow funds from the Reserves Fund to meet high seasonal demands on the regular operating funds or to meet other unexpected increases in expenses. Such funds borrowed from the Reserve Fund shall be repaid from regular annual or special assessments against the Lots, if the Board had adopted a resolution, which may be an annual, continuing resolution, authorizing the borrowing of

fund. Not later than the adoption of the budget for the following year the Board shall adopt by resolution a written payment plan providing for repayment of the borrowed funds within a reasonable period.

The Board may adjust the amount of the Reserve Fund Assessment as indicated by any reserve study or update, and provide for any other reserve items that the Board, in its discretion, may deem appropriate during a fiscal year. In addition, after the second anniversary of the turnover meeting, the Association may elect to reduce or increase future Reserve Fund Assessments by a 75% vote of the Owners.

Any funds established for any of the purposes mentioned in the Section shall be deemed to be within the Reserve Fund notwithstanding that it may not be so designated by the Board of Directors. The amount of the Reserve Fund shall constitute an asset of the Association and shall not be refunded or distributed to any Owner.

(b) **Reserve Study.** The Board of Directors shall annually conduct a reserve study, or review and update an existing study, of the Common Area components to determine the requirements of the reserve fund described in Section 9.7 (a) above. The Reserve study shall include; (a) identification of all items for which reserves are required to be established; (b) the estimated remaining useful life of each item as of the date of the reserve study; (c) the estimated cost of maintenance, repair, or replacement of each item at the end of its useful life; and (d) a thirty (30) year plan with regular and adequate contributions, adjusted by estimated inflation and interest earned on the reserve fund, to meet the maintenance, repair, and replacement schedule.

9.8 **Special Assessments.** The Board of Directors shall have the power to levy special assessments against an Owner of all Owners in the following manner for the following purposes:

- (a) **Deficits in Operating Budget.** To correct a deficit in the operating budget, by vote of a majority of the Board;
- (b) **Breach of Documents.** To collect amounts due to the Association from an Owner for breach of the Owner's obligations under the Declaration, the Bylaws or the Rules and Regulations, by vote of a majority of the Board;
- (c) **Repairs.** To make repairs or renovations to the Common Area if sufficient funds are not available from the operating budget or replacement reserve accounts by vote of a majority of the Board; or
- (d) **Capital Additions.** To make capital acquisitions, additions or improvements, by vote of at least seventy-five percent (75) of all votes allocated to the Lots.

9.9 **Accounts.**

- (a) **Types of Accounts.** Assessments collected by the Association should be deposited into at least two (2) separate accounts with a bank, which accounts shall be designated as (i) the Current Operating Accounts and (ii) the Reserve Account. Those portions of the assessments collected for current maintenance and operation levied under this Article IX will be in the Current Operating



- Account and those portions of the assessments collected as reserves for replacement and deferred maintenance of capital improvement into the Reserve Account. Special Assessments shall be deposited into one of the two accounts, whichever is deemed by the Board to be appropriate. Withdrawal of funds for the Association's Reserve Account shall require the signature of two (2) directors.
- (b) **Reserve Account.** The Association shall pay out of the Reserve Account only those costs that are attributable to the maintenance, repair or replacement of capital improvements for which reserves have been collected and held. No funds collected for the Reserve Account may be used for ordinary maintenance and operation purposes, unless repaid within (6) months of withdrawal, or as approved by majority of Owners.
  - (c) **Current Operating Account.** All ordinary maintenance and operating expenses shall be paid from the Current Operating Account.

#### **9.10 Default in Payment of Assessment, Enforcement of Liens**

- (a) **Personal Obligation.** All assessments properly imposed under this Declaration or the Bylaws shall be the joint and several personal obligation of all Owners of the Lot to which such assessment pertains. In a voluntary conveyance (that is, one other than through foreclosure or a deed in lieu of foreclosure) the grantees shall be jointly and severally liable with the grantors for all Association assessments imposed through the recording date of the instrument affecting the conveyance. A suit for a money judgment may be initiated by the Association to recover such assessments without either waiving or foreclosing the Association's lien.
- (b) **Association Lien.** At any time any assessment (of any type provided for by this Declaration or the Bylaws) or installment thereof is delinquent, the Association, by and through its Board or any management agent, may file a notice of lien in the deed records of \_\_\_\_\_ County, Oregon against the Lot in respect to which the delinquency pertains. Once filed, such lien shall accumulate all future assessments or installments, interest, late fees, penalties, fines, attorneys' fees (whether or not suitor action is instituted) and other appropriate costs properly chargeable to an Owner by the Association, until such amounts are fully paid. The provisions regarding the attachment, notice, recordation and duration of liens established on real property under ORS 94.704 to 94.716 as the same may be amended, shall apply to the Association's lien. The lien shall be foreclosed in accordance with the provisions regarding the foreclosure of liens under ORS Chapter 88. The Lien of the Association shall be superior to all other liens and encumbrances except property taxes and assessments, any first mortgage, deed of trust or land sale contract recorded previously to the association's notice of lien and any mortgage or deed of trust granted to an institutional lender which is recorded previously to the Association's notice of lien.
- (c) **Interest: Fines; Late Fees: Penalties.** The Board in its reasonable discretion may from time to time adopt resolutions to set the rate of interest, and to impose late fees, fines and penalties on delinquent assessments or for violations of the

provisions of this Declaration, the Bylaws, and Rules and Regulations, and any rules and regulations adopted by the Board or ARC. The adoption of such impositions shall be communicated to all Owners in writing not less than thirty (30) days before the effective date by a notice mailed to the assessment billing addresses of such Owners. Such impositions shall be considered assessments, which may be liened, and are collectible in the same manner as any other assessments. Provided, however no fine or penalty for violation of this Declaration, the Bylaws or any Rules and Regulations (other than late fees, fines or interest arising from an Owner's failure to pay regular or special assessments) may be imposed against an Owner or his/her Lot until such Owner is given an opportunity for a hearing.

- (d) **Acceleration of Assessments.** In the event an Owner is delinquent in payment of any assessment or installment on any assessment, the Association, upon not less than ten (10) days written notice to the Owner, may accelerate the due date of the full annual assessment for that fiscal year and all future installments of any special assessments.
- (e) **Association's Right to Rents/Receiver.** In any foreclosure suit by the Association with respect to such lien, the Association shall be entitled to collect reasonable rent from the defaulting Owner for the use of his/her Lot or shall be entitled to the appointment of a Receiver. Any default by the Owner in any provisions of the Declaration or Bylaws shall be deemed to be a default by the Owner of any mortgage to which the Owner is party or to which the Lot is subject.

## ARTICLE 10

### GENERAL PROVISIONS

- 10.1 **Remedies for Violations-Invalidations.** For a violation or a breach of any of these covenants, conditions and restrictions by any person claiming by, through, or under the Declarant, or by virtue of any judicial proceedings, the Declarant, and the lot owners, or any of them severally, shall have the right to proceed at law or in equity to compel a compliance with the terms hereof or to prevent the violation or breach of any of them. In addition to the foregoing right, the Declarant shall have the right, whenever there shall have been built on any Lot any structure which is in violation of these restrictions, to enter upon the property where such violation of these covenants upon the property where such violations of these Covenants, Conditions and Restrictions exists and summarily abate or remove the same at the expense of the owner, and any such entry and abatement or removal shall not be deemed a trespass. The failure to not promptly enforce any of the Covenants, Conditions and Restrictions to any person or circumstances in no way shall affect any of the other Covenants, Conditions and Restrictions or their application to other persons or circumstances, but they shall remain in full force and effect.

10.2 **Severability:** Invalidity of any one of these covenants or restrictions by Judgment or court shall in no way invalidate any other provisions of the this Declaration, which shall remain in full force and effect.

10.3 **Terms:** The provisions outlined in this Declaration shall apply to all units in \_\_\_\_\_ Subdivision, and shall be binding on all lot Owners, their heirs, their successors, or assigns for a period of thirty years from the date this Declaration is recorded, thereafter, they shall automatically be extended for successive periods of 10 years.

10.4 **Amendments:** This Declaration, with the exception of provisions specifically stating the rights of the Declarant, may be emended by an instrument signed by not less than seventy-five (75%) of the Lot owners within \_\_\_\_\_. Any amendments must be recorded with Clackamas County.

My Commission Expires

After Recording Return To:

**BYLAWS OF**

\_\_\_\_\_ **HOMEOWNERS ASSOCIATION**

ARTICLE 1. DEFINITIONS

- 1.1 Association
- 1.2 Articles of Incorporation
- 1.3 Declaration
- 1.4 Incorporation by Reference

ARTICLE 2. MEMBERSHIP

- 2.1 Membership
- 2.2 Membership List

ARTICLE 3. MEETINGS AND VOTING

- 3.1 Place of Meetings
- 3.2 Turnover Meeting
- 3.3 Annual Meeting
- 3.4 Special Meeting
- 3.5 Notice of Meeting
- 3.6 Quorum
- 3.7 Voting Rights
- 3.8 Fiduciaries and Joint Owners
- 3.9 Tenants and Contract Vendors
- 3.10 Absentee Ballots and Proxies
- 3.11 Majority Vote
- 3.12 Rules of Order
- 3.13 Ballot Meetings

ARTICLE 4. DIRECTORS: MANAGEMENT

- 4.1 Number and Qualification
- 4.2 Interim Directors
- 4.3 Transitional Advisory Committee
- 4.4 Election and Tenure of Office
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- 4.6 Removal of Directors
- 4.7 Powers
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- 4.12 Liability
- 4.13 Compensation
- 4.14 Executive, Covenants and Other Committees
- 4.15 Enforcement Procedures

#### ARTICLE 5. OFFICERS

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- 5.2 Election and Vacancies
- 5.3 Removal and Resignation
- 5.4 President
- 5.5 Vice Presidents
- 5.6 Security
- 5.7 Treasurer
- 5.8 Compensation of Officers

#### ARTICLE 6. ASSESSMENTS, RECORDS AND REPORTS

- 6.1 Assessments
- 6.2 Records
- 6.3 Statement of Assessments Due
- 6.4 Inspection of Books and Records
- 6.5 Payment of Vouchers
- 6.6 Execution of Documents
- 6.7 Reports and Audits

#### ARTICLE 7. INSURANCE

- 7.1 Types of Insurance
- 7.2 Insurance by Lot Owners
- 7.3 Planned Community Act Requirements

#### ARTICLE 8. GENERAL PROVISIONS

- 8.1 Seal
- 8.2 Notice
- 8.3 Waiver of Notice
- 8.4 Action Without Meeting
- 8.5 Conflicts

#### ARTICLE 9. AMENDMENTS TO BYLAWS

- 9.1 How Proposed
- 9.2 Adoption
- 9.3 Execution and Recording

## BYLAWS OF

## \_\_\_\_\_ HOMEOWNERS ASSOCIATION

### ARTICLE 1.

#### DEFINITIONS

- 1.1 **Association.** “Association” means \_\_\_\_\_ Homeowners association, a non profit corporation organized and existing under the laws of the State of Oregon.
- 1.2 **Articles of Incorporation.** “ Articles of Incorporation” means the Articles of Incorporation of the Association.
- 1.3 **Declaration.** The “Declaration” means the Declaration of Protective Covenants, Conditions and Restrictions for \_\_\_\_\_ to which these Bylaws are attached, as the same may be subsequently amended or supplemented pursuant to the terms thereof.
- 1.4 **Incorporation by Reference.** Except as otherwise provided herein, the terms that are defined in Article 1 of the Declaration are used in these Bylaws as therein defined

### ARTICLE 2

#### MEMBERSHIP

- 2.1 **Membership.** Every Owner of one or more Lots within the Property shall, immediately upon creation of the Association and thereafter during the entire period of such ownership, be a member of the Association. Such membership shall commence, exist and continue simply by virtue of such ownership and shall expire



automatically upon termination of such ownership, and need not be confirmed or evidenced by any certificate or acceptance of membership.

- 2.2 **Membership List.** The Secretary shall maintain at the principal office of the Association a membership list showing the name and address of the Owner of each Lot. The Secretary may accept as satisfactory proof of such ownership a duly executed and acknowledged conveyance, a title insurance policy, or other evidence reasonably acceptable to the Board of Directors.

## ARTICLE 3

### **MEETINGS AND VOTING**

- 3.1 **Place of Meetings.** Meetings of the members of the Association shall be held at the such reasonable place convenient to the members as may be designated in the notice of the meeting.
- 3.2 **Turnover Meeting.** Declarant shall call the first meeting of the Owners to organize the Association within ninety days after termination of the Class B Membership as provided in Section 3.7 below. Notice of such meeting shall be given to all Owners as provided in Section 3.5. If the Declarant fails to call the meeting, the meeting may be called and notice given by any Owner or mortgagee of a Lot. The expense of giving notice shall be paid or reimbursed by the Association. No quorum is required for the Turnover Meeting. Nothing in this section shall be construed as preventing Declarant from calling the Turnover Meeting before such date or from calling informal, informational meetings of the Owners.
- 3.3 **Annual Meeting.** The annual meeting of the members for the election of directors and for the transaction of such other business as may properly come before the meeting shall be held at such reasonable hour and on such reasonable day as may be established by the Board of Directors or, if the Board should fail to designate a date by the first day of September, then at 7:00 p.m. on the second Thursday in October. The first annual meeting shall be held within 30 days of the date of this turnover meeting.
- 3.4 **Special Meetings.** A special meeting of the Association may be called at any time by the President or by a majority of the Board of Directors. A special meeting shall be called upon receipt of a written request stating the purpose of the meeting from members having at least 30 percent of the voting rights entitled to be cast at such a meeting. Business transacted at a special meeting shall be confined to the purpose stated in the notice of meeting.
- 3.5 **Notice of Meeting.** (a) Written or printed notice stating the place, day and hour of the meeting, the items on the agenda, including the general nature of any proposed amendment to the Declaration or these Bylaws, any budget changes, any proposal to

remove a director or officer and, in case of a special meeting the purpose or purposes for which the meeting is called, shall be delivered not less than ten or more than fifty days before the date of the meeting. Such notice shall be given either personally or by mail, by or at the direction of the President, the secretary, or the persons calling the meeting, to each member entitled to vote at such meeting and to all mortgagees who have requested such notice. Notices to Declarant shall be mailed. If mailed, such notices shall be deemed to be delivered when deposited in the United States mail, with postage fully prepaid thereon, addressed to the member at his or her most recent address as it appears on the records of the Association or to the mailing address of his or her Lot.

(b) When a meeting is adjourned for thirty days or more, or when a redetermination of the persons entitled to receive notice of the adjourned meeting is required by law, notice of the adjourned meeting shall be given as for an original meeting. In all other cases, no notice of the adjournment or of the business to be transacted at the adjourned meeting need be given other than by announcement at the meeting at which such adjournment is taken.

3.6 **Quorum.** At any meeting of the Association, except the Turnover Meeting, Members having at least twenty percent of the voting rights entitled to be cast at such meeting, present in person or by proxy, shall constitute a quorum, except when a larger quorum is required by the Declaration. When a quorum is once present to organize a meeting, it cannot be broken by the subsequent withdrawal of a member or members. If any meeting of members cannot be organized because of a lack of quorum, the members who are present, either in person or by proxy, may adjourn the meeting from time to time not less than forty eight hours or more than thirty days from the time the original meeting was called until a quorum is present. The quorum for the adjourned meeting shall be reduced to ten percent of the voting rights entitled to be cast at the meeting, present or in person.

3.7 **Voting Rights.** Voting rights within the Association shall be allowed as follows;

(a) Residential Lots and Commercial Lots: Residential Lots shall be allocated one vote per living Unit located on such Lot.

(b) Classes of Voting Membership. The Association shall have two classes of voting membership.

**Class A.** Class A members shall be all Owners with the exception of the Declarant and shall be entitled to voting rights for each Lot owned computed in accordance with Section (a) above. When more than one person holds an interest in any Lot, all such persons shall be members. The vote for such Lot shall be exercised as they among themselves determine, but in no event shall more voting rights be cast with respect to any Lot than as set forth in Section (a) above.

**Class B.** The Class B member shall be Declarant and shall be entitled to three times the voting rights computed under section (a) for each Lot owned by Declarant. The class B membership shall cease and be converted to Class A membership on the happening of either of the following events, whichever occurs earlier.

(i) When eighty percent of the Lots in the final phase of development of

\_\_\_\_\_ Subdivision have been sold and conveyed to Owners  
Other than Declarant; or

(ii) At such earlier time as Declarant may elect in writing to terminate Class B membership.

- 3.8 **Fiduciaries and Joint Owners.** An executor, administrator, guardian or trustee may vote, in person or by proxy, at any meeting of the Association with respect to any Lot owned or held in such capacity, whether or not the same shall have been transferred to his or her name provided that such person shall satisfy the Secretary that he or she is the executor, administrator, guardian or trustee, holding such Lot in such capacity. Whenever any Lot is owned by two or more persons jointly, according to the records of the Association, the vote or proxy of such Lot may be exercised by any one of the Owners present, in the absence of protest by a co-owner. In the event of disagreement among the co-owners, the vote of such Lot shall be disregarded completely in determining the proportion of votes given the respect to such matter, unless a valid court order establishes the authority of a co-owner to vote.
- 3.9 **Tenants and Contract Vendors .** Unless otherwise expressly stated in the rental agreement or lease, all voting rights allocated to a Lot shall be exercised by the Owner. Unless otherwise stated in the contract, all voting rights allocated to a Lot shall be exercised by the vendee on any recorded land sale contract on the Lot.
- 3.10 **Absentee Ballots and Proxies.** A vote may be cast in person, by absentee ballot or by proxy. A proxy given by an Owner to any person who represents such Owner at meetings of the Association shall be in writing and signed by such Owner and shall be filed with the secretary, at any time prior or at the start of the meeting. An Owner may not revoke a proxy given pursuant to this Section except by actual notice of revocation to the person presiding over a meeting or to the Board of Directors if a vote is being conducted by written ballot in lieu of a meeting. A proxy shall not be valid if it is undated or purports to be revocable without notice. A proxy shall terminate one year after its date unless the proxy specifies a shorter term. Every proxy shall automatically cease upon sale of the Lot by its Owner. An Owner may pledge or assign such Owner's voting rights to a mortgagee. In such case, the mortgagee or its designated representative shall be entitled to receive all notices to which the Owner is entitled under these Bylaws and to exercise the Owner's voting rights from and after the time that the mortgagee shall give written notice of such pledge or assignment to the Board of Directors. Any first mortgagee may designate a representative to attend all or any meetings of the Association.
- 3.11 **Majority Vote.** The vote of a majority of the voting rights entitled to be cast by the members present or represented by absentee ballot or proxy, at a meeting at which a quorum is present , shall be necessary for the adoption of any matter voted upon by the members, unless a greater proportion is required by law, by the Declaration, by the Articles of Incorporation, or by these Bylaws.
- 3.12 **Rules of Order.** Unless other rules of order are adopted by resolution of the

Association or the Board of Directors, all meetings of the Association shall be conducted according to the latest edition of *Robert's Rules of Order*, published by Robert's Rules of Association.

- 3.13 **Ballot Meetings.** (a) At the discretion of the Board of Directors, any action that may be taken at any annual, regular or special meeting of the Association may be taken without a meeting if the Association delivers a written ballot to every member who is entitled to vote on the matter, provided, however, that a ballot meeting may not substitute for the Turnover Meeting or, if a majority of the Lots are the principal residences of the occupants, for the annual meetings of the Association. The written ballot shall set forth each proposed action and provide an opportunity to vote for or against each proposed action.

(b) The Board of Directors shall provide Owners with at least ten (10) days notice before written ballots are mailed or otherwise delivered. If, at least three days before written ballots are scheduled to be mailed or otherwise distributed, at least ten percent of the Owners petition the Board of Directors requesting secrecy procedures, a written ballot must be accompanied by a secrecy envelope, a return identification envelope to be signed by the Owner, and instructions for marketing and returning the ballot. The notice shall state the general subject matter of the vote, the right of the Owners to request secrecy procedures, the date after which ballots may be distributed, the date and time by which any petition must be received by the Board requesting secrecy procedures and the address where any petition must be received. Notwithstanding the applicable provisions of paragraph (c) of the Section, written ballots that are returned in secrecy envelopes may not be examined or counted before the deadline for returning ballots has passed.

(c) If approval of a proposed action would otherwise require a meeting at which a certain quorum must be present and at which certain percentage of total votes cast is required to authorize the action, the proposal will be deemed to be approved when the date for return of ballots has passed, a quorum of Lot Owners has voted and the required percentage of approving votes has been received. Otherwise, the proposal shall be deemed to be rejected. If approval of a proposed action otherwise would require a meeting at which a specified percentage of Lot Owners must authorize the action, the proposal shall be deemed to be approved when the percentage of total votes cast in favor of the proposal equals or exceeds such required percentage. The proposal shall be deemed to be rejected when the number of votes cast in opposition renders approval impossible or when both the date for return of ballots has passed and such required percentage has not been met. Except as otherwise provided in paragraph (b) of this Section, votes may be counted from time to time before the final return date to determine whether the proposal has passed or failed by the votes already cast on the date they are returned.

(d) All solicitation for votes by written ballot shall state the number of responses needed to meet any applicable quorum requirements and the total percentage of votes needed for approval. All such solicitations for votes shall specify the period during which the Association will accept written ballots for counting, which period shall end on the earliest of (i) the date on which the Association has received a sufficient number of approving ballots to pass the proposal, (ii) the date on which the Association had received a sufficient number of disapproving ballots to render the

proposal impossible of passage, or (iii) a date certain by which all ballots must be returned to be counted. A written ballot may not be revoked.

## ARTICLE 4.

### **BOARD OF DIRECTORS**

- 4.1 **Number and Qualification.** The affairs of the Association shall be governed by a Board of Directors of three to five persons. All directors, other than interim directors appointed by Declarant, shall be Owners or co- Owners of Lots. For purposes of this Section, the officers of any corporate Owner, the members of any limited liability company and the partners of any partnership shall be considered co-owners of any Lots owned by such corporation or partnership.
- 4.2 **Interim Directors.** Upon the recording of the Declaration, Declarant shall appoint an interim board of one to 3 directors, who shall serve until replaced by Declarant or until their successors have been replaced by the Owners as provided below.
- 4.3 **Transitional Advisory Committee.** Unless the Turnover Meeting has already been held , Declarant shall call a meeting of the Owners for the purpose of forming a Transitional Advisory Committee. The meeting shall be called within 60 days after the date Declarant conveys 50% or more of the Lots then existing in \_\_\_\_\_ Subdivision to Owners other than a successor Declarant. The committee shall consist of 2 or more Owners elected by the Owners other than Declarant and not more than 1 representative of Declarant. The members shall serve until the Turnover Meeting. The transitional Advisory Committee shall be advisory only, and its purpose shall be to enable ease of transition from administrative control of the Association by Declarant to control by the Owners. The committee shall have access to any information, documents and records that Declarant must run over to the Owners at the time of the Turnover Meeting. If Declarant fails to call the meeting to elect a Transitional Advisory Committee within the time specified, the meeting may be called and notice given by any Owner. If the Owners fail to elect a Transitional Advisory Committee at the meeting called for such purpose, Declarant shall have no further obligation to form the committee.
- 4.4 **Election and Tenure of Office.** (a) At the Turnover meeting, the interim directors shall resign and the members shall elect three directors, one director to serve for one year and 2 directors to serve for 2 years. The two nominees receiving the greatest number of votes shall serve for 2 years. In the event of a tie, term selection shall be by random means. Thereafter, the successors to each director shall serve for terms of 2 years each.
- (b) Upon a majority vote of the voting rights entitled to be case by the members present or represented by absentee ballot or proxy at a meeting or ballot meeting at which a quorum is present, the Board of Directors may be increased from 3 directors to 5 directors. At the next annual meeting or a special meeting called for such purpose, 2 additional directors



shall be elected, and 1 to serve for a 2 year term and one to serve for one year term. Term selection shall be in the same manner as provided in paragraph (a) above.

**(c)** All directors shall hold office until their respective successors shall have been elected by the members. Election shall be by plurality.

- 4.5 **Vacancies** (a) A vacancy in the Board of Directors shall exist upon the death, resignation or removal of any director, or if the authorized number of directors is increased, or if the members fail at any annual or special meeting of members at which any director or directors are to be elected to elect the full authorized number of directors to be voted for at that meeting. Vacancies in interim directors shall be filled by Declarant. (b) Vacancies in the Board of Directors, other than interim directors, may be filled by a majority of the remaining directors even though less than a quorum, or by a sole remaining director. Each director so elected shall hold office for the balance of the unexpired term and until his or her successor is elected.
- 4.6 **Removal of Directors.** All or any number of directors, other than interim directors, may be removed, with or without cause, at any meeting of members at which a quorum is present, by a vote of majority of the number of votes entitled to be cast at an election of directors. No removal of a director shall be effective unless the matter of removal was an item on the agenda and stated in the notice of the meeting as provided in these Bylaws.
- 4.7 **Powers.** The Board of Directors shall have all the powers and duties necessary for the administration of the affairs of the Association, except such powers and duties as by law or by the Declaration or by these Bylaws may not be delegated to the Board of Directors by the Owners.. The Board of Directors may delegate responsibilities to committees or a managing agent, but shall retain ultimate control and supervision. The powers and duties to be exercised by the Board of Directors shall include, but not be limited to, these set forth in the Declaration and these Bylaws,, including the following: **(a)** Carry out the program for maintenance, upkeep, repair, and replacement of any property required to be maintained by the Association as described in the Declaration and these Bylaws. **(b)** Determine the amounts required for operation, maintenance and other affairs of the Association and the making of such expenditures. **(c)** Prepare a budget for the Association, and assessment and collection of the Assessments. **(d)** Employ and dismiss such personnel as may be necessary for such maintenance, upkeep and repair. **(e)** Employ legal, accounting or other personnel for reasonable compensation to perform such services as may be required for the proper administration of the Association; provided, however, the Board may not incur or commit the Association to incur legal fees in excess of 5,000 for any specific litigation or claim matter unless the Owners have enacted a resolution authorizing the incurring of such fees by a vote of seventy five percent of the voting rights present in person or by absentee ballot or proxy at a meeting at which a quorum is constituted. The limitation shall not be applicable to legal fees incurred in defending the

Association or the Board of Directors from claims or litigation brought against them. The limitation set forth in this paragraph shall increase by 500 on each fifth anniversary of the recording of the Declaration. To the extent required by the Oregon Planned Community Act, the Board shall notify the Owners before instituting litigation or administrative proceedings. With regard to any pending litigation involving the Association, the Board shall periodically report to the Lot Owners as to the status including settlement offers, progress, and method of funding such litigation. Nothing in this paragraph shall be construed as requiring the Board to disclose any privileged communication between the Association and its counsel. **(f)** open bank accounts on behalf of the Association and designating the signatories required therefore. **(g)** Prepare and file, or cause to be prepared and filed, any required income tax returns or forms for the Association. **(h)** Purchase Lots at foreclosure or other judicial sales in the name of the Association or its designee. **(i)** Sell, lease mortgage, vote the votes appurtenant to (other than for the election of directors), or otherwise deal with Lots acquired by the Association or its designee. **(j)** Obtain insurance or bonds pursuant to the provision of these Bylaws and review such insurance coverage at least annually. **(k)** Make additions and improvement to, or alterations of, the Common Areas, or modify, close, remove, eliminate or discontinue use of any common facility, including any improvement or landscaping, except that any such modification, closure, removal, elimination or discontinuance (other than on a temporary basis) of any swimming pool, spa, or recreational or community building must be approved by a majority vote of the members at a meeting or by written ballot held or conducted in accordance with these Bylaws. **(l)** From time to time adopt, modify, or revoke such rules and regulations governing the details for the operation of the Association, the conduct of persons and the operation and use of the Property as the Board of Directors may deem necessary or appropriate to ensure the peaceful and orderly use and enjoyment of the Property. Such action may be overruled or modified by vote of not less than seventy five percent of the voting rights of each class of members present, in person or by proxy, at any meeting, the notice of which shall have stated that such modification or revocation of rules and regulations will be under consideration. **(m)** Enforce by legal means the provisions of the Declaration, these Bylaws and any rules and regulations adopted hereunder. **(n)** In the name of the Association, maintain a current mailing address of the Association, file annual reports with the Oregon Secretary of State, and maintain and keep current the information required to enable the Association to comply with ORS 94.670 (7). **(o)** Enter into management agreements with professional management firms

- 4.8 **Meetings.** **(a)** Meetings of the Board of Directors shall be held at such a place as may be designated from time to time by the Board of Directors or other person calling the meeting. **(b)** Annual meetings of the Board of Directors shall be held within thirty days following the adjournment of the annual meetings of the members. **(c)** Special meeting of the Board of Directors for any purpose or purposes may be called at any time by the President or by any two directors. Unless other rules of order are adopted by resolution of the Association or the Board of Directors, all meeting of the Board of



Directors shall be conducted according to the latest edition of Robert's Rules of Order published by Robert's Rules Association.

- 4.9 **Open Meetings.** (a) All meetings of the Board of Directors shall be open to Owners except that, in the discretion of the Board, the following matters may be considered in executive session (i) consultation with legal counsel concerning the rights and duties of the Association regarding existing or potential litigation, or criminal matters (ii) personnel matters, including salary negotiations and employee discipline (iii) negotiation of contracts with third parties and (iv) collection of unpaid assessments. Except in the case of an emergency, the Board of Directors shall vote in an open meeting whether to meet in executive session. If the Board of Directors votes to meet in executive session, the presiding officer shall state the general nature of the action to be considered, as precisely possible, when under what circumstances the deliberations can be disclosed to Owners. The statement, motion or decision to meet in the executive session shall be included in the minutes of the meeting, and any contract or action considered in executive session shall not become affective unless the Board, following the executive session, reconvenes in open meeting and votes on the contract or action, which shall be reasonably identified in the open meeting and included in the minutes. (b) Meetings of the Board of Directors may be conducted by telephonic communication or by other means of communication that allows all members of the Board participating to hear each other simultaneously or otherwise to be able to communicate during the meeting, except that if a majority of the Lots are principal residences of the occupants, then (i) for other than emergency meetings, notice of each Board of Directors meetings shall be posted at a place or places on the property at least three days prior to the meeting, or notice shall be provided by a method otherwise reasonably calculated to inform the Owners of such meeting and (ii) only emergency meetings of the Board of Directors may be conducted by telephone communication or such means. The meeting and notice requirements of this Section may not be circumvented by chance or social meetings or by any other means.
- 4.10 **Notice of Meetings.** (a) Notice of the time and place of meetings shall be given to each director orally, or delivered in writing personally or by mail or telecopy, at least twenty four hours before the meeting. Notice shall be sufficient if actually received at the required time or if mailed or telecopied not less than seventy two hours before the meeting. Notice mailed or telecopied shall be directed to the address shown on the Association's records or to the directors actual address ascertained by the person giving the notice. Such notice need not be given for an adjourned meeting if such time and place is fixed at the meeting adjourned. (b) Attendance of a director at a meeting shall constitute a waiver of notice of such meeting except when a director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened.
- 4.11 **Quorum and Vote.** (a) A majority of the directors shall constitute a quorum for the transaction of business. A minority of the directors in the absence of a quorum, may adjourn from time to time, but may not transact any business. (b) The action of a majority of the directors present at any meeting at which there is a quorum shall be the

act of the Board of Directors unless a greater number is required by law,, the Declaration, the Articles of Incorporation of these Bylaws.

- 4.12 **Liability.** Neither a member of the Board of Directors nor an officer of the Association shall be liable to the Association, any Owner or any third party for any damage, loss or prejudice suffered or claimed on account of any action or failure to act in the performance of his or her duties so long as the individual acted in good faith, believed that the conduct was in the best interests of the Association, or at least was not opposed to its best interests, and in the case of criminal proceedings, had no reason to believe the conduct was unlawful. In the event any member of the Board of Directors or any officer of the Association is made a party to any proceeding because the individual is or was a director or officer of the Association, the Association shall defend such individual against such claims and indemnify such individual against liability and expenses incurred to the maximum extent permitted by law. The managing agent of the Association, and its officers and employees, shall not be liable to the Association, the Owners or any third party on account of any action or failure to act in the performance of it's duties as managing agent, except for acts of gross negligence or intentional acts, and the Association shall indemnify the managing agent and its officers and employees from any such claims, other than for gross negligence or intentional misconduct.
- 4.13 **Compensation.** No director shall receive any compensation form the Association for acting as such.
- 4.14 **Committees.** The Board may from time to time establish committees of the Board pursuant to ORS 65.354, including an Architectural Review Committee. Such standing or temporary committees as may be necessary from time to time consisting of Owners and at least one member of the Board of Directors shall have such powers as the Board of Directors may designate. Such committees shall hold office at the pleasure of the Board.
- 4.15 **Enforcement Procedures.** The Association shall have the power, as provided in the Declaration , to impose sanctions for any violation of the Declaration, these Bylaws to the Rules and Regulations. To the extent specifically required by the Declaration, the Board of Directors shall comply with the following procedures prior to the imposition of sanctions. **(a) Notice.** The Board of Directors or its delegate shall serve the alleged violator with written notice describing (i) the nature of the alleged violation, (ii) the proposed sanction to be imposed, (iii) a statement that the alleged violator shall have fourteen days to present a written request for a hearing before the Board of Directors or a Covenants Committee appointed by the Board of Directors, if any and (iv) a statement that the proposed sanction may be imposed as contained in the notice unless a hearing is requested within fourteen days of the notice. **(b) Response.** The alleged violator shall respond to the notice of the alleged violation in writing within such fourteen day period, regardless of whether the alleged violator is challenging the imposition of the proposed sanction. If the alleged violator cures the alleged violation and notifies the Board of Directors in writing within fourteen day

period the Board of Directors may, but shall not be obligated to, waive the sanction. Such waiver shall not constitute a waiver of the right to sanction future violations of the same or other provisions by any person. If a timely request for a hearing is not made, the sanction stated in the notice shall be imposed, provided, however, that the Board of Directors or Covenants Committee may, but shall not be obligated to, suspend any proposed sanction if the violation is cured within the 14 day period. Any response or request for a hearing shall be delivered to the Associations manager, President or Secretary, or as otherwise specified in the notice of violation. **(c) Proof of Notice.** Prior to the effectiveness of sanctions imposed pursuant to this section, proof of proper notice shall be placed in the minutes of the Board of Directors or Covenants Committee, as applicable. Such proof shall be deemed adequate if a copy of the notice, together with a statement of the date and manner of delivery, is entered by the officer, director, or agent who delivered such notice. The notice requirement shall be deemed satisfied if the alleged violator or its representative requests and appears at the hearing.

**(d) Hearing.** If a hearing is requested within the allotted fourteen day period, the hearing shall be held before the Board of Directors or the Covenants Committee, as applicable. The alleged violator shall be afforded a reasonable opportunity to be heard. The minutes of the meeting shall contain a written statement of the results of the hearing ( i.e., the decision) and the sanction if any, to be imposed. **(e) Appeal.** Following a hearing before the Covenants Committee, if applicable, the violator shall have the right to appeal the decision to the Board of Directors. To exercise this right, the violator must deliver a written notice of appeal to the Association's manager, President or Secretary within 10 days after the hearing date. **(f) Enforcement Policies.** The Board of Directors, by resolution, may adopt additional policies and procedures governing enforcement of the Declaration, these Bylaws or the Rules and Regulations.

## ARTICLE 5.

### **OFFICERS**

- 5.1 **Designation and Qualification.** The officers of the Association shall be the President, Secretary, the Treasurer, and such Vice Presidents and subordinate officers as the Board of Directors shall from time to time appoint. Each officer shall be a member of the Board of Directors. Any two offices, except the offices of President and Secretary, may be held by the same person.
- 5.2 **Election and Vacancies.** The officers of the Association shall be elected annually by the Board of Directors at the organization meeting of each new Board to serve for one year and until their respective successors are elected. If any office shall become vacant by reason of death, resignation, removal, disqualification or any other cause,

the Board of Directors shall elect a successor to fill the unexpired term at any meeting of the Board of Directors.

- 5.3 **Removal and Resignation.** (a) Any officer may be removed upon the affirmative vote of a majority of the directors whenever, in their judgment, the best interests of the Association will be served thereby. The removal of an officer shall be without prejudice to the contract rights, if any, of the officer so removed. (b) Any officer may resign at any time by giving written notice to the Board of Directors, the President or the Secretary of the Association. Any such resignation shall take effect upon receipt of such notice or at any later time specified therein. Unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective, provided, however, that the Board of Directors may reject any postdated resignation by notice in writing to the resigning officer. The effectiveness of such resignation shall not prejudice the contract rights, if any, of the Association is against the officer so resigning.
- 5.4 **President.** The president shall be the chief executive officer of the Association and shall, subject to the control of the Board of Directors, have powers of general supervision, direction and control of the business and affairs of the Association. He or she shall preside at all meetings of the members and of the Board of Directors. He or she shall be an ex officio member of all the standing committees, including the executive committee, if any shall have the general powers and duties of management usually vested in the office of president of a nonprofit corporation, and shall have such powers and duties as may be prescribed by the Board of Directors or these Bylaws.
- 5.5 **Vice Presidents.** The Vice Presidents, if any, shall perform such duties as the Board of Directors shall prescribe. In the absence or disability of the President, the President's duties and powers shall be performed and exercised by the Senior Vice President as designated by the Board of Directors.
- 5.6 **Secretary.** (a) The secretary shall keep or cause to be kept a book of minutes of all meetings of directors and members showing the time and place of the meeting, whether it was regular or special and if special, how authorized, the notice given, the names of those present at the director's meeting, the number of memberships present or represented at members meetings and the proceedings thereof. (b) The Secretary shall give or cause to be given such notice of the meetings of the members and of the Board of Directors as is required by these Bylaws or by the law. The Secretary shall keep the seal of the Association, if any, and affix it to all documents requiring a seal and shall have such other powers and perform such other duties as may be prescribed by the Board of Directors. (c) If there are no Vice Presidents, then in the absence or disability of the President, the President's duties and powers shall be performed and exercised by the Secretary.

- 5.7 **Treasurer.** The Treasurer shall keep an maintain , or cause to be kept and maintained  
Adequate and correct accounts of the properties and business transactions of he Association, including accounts of its assets, liabilities, receipts and disbursements. The books of accounts shall at all reasonable times be open to inspection by any director. The Treasurer shall deposit or cause to be deposited all moneys and other valuables in the name and to the credit of the Association with such depositories as may be designated by the Board. The Treasurer shall disburse or cause to be disbursed the funds of the Association as may be ordered by the Board, shall render to the President and directors, whenever they request it, and account of all of the Treasurer's transactions as Treasurer and of the financial condition of the Association, and shall have such other powers and perform such other duties as may be prescribed by the Board of these Bylaws.
- 5.8 **Compensation of Officers.** No Officer who is a member of the Board of Directors shall receive any compensation from the Association for acting as an officer, unless such compensation is authorized by a resolution duly adopted by the members. The Board of Directors may fix any compensation to be paid to other officers.

## ARTICLE 6.

### **ASSESSMENTS, RECORDS AND REPORTS**

- 6.1 **Assessments.** As provided in the Declaration, the Association, through its Board of Directors, shall do the following **(a)** Assess and collect from every Owner Assessments in the manner described in the Declaration. **(b)** Keep all funds received by the Association as Assessments, other than reserves described in the Declaration, in the Operation Fund and keep all reserves collected pursuant to the Declaration in the Reserve Fund and use such funds only for the purposes described in the Declaration. **(c)** From time to time, and at least annually, prepare a budget for the Association, estimating the common expenses expected to be incurred with adequate allowance for reserves based upon the reserve study required by the Declaration, and determine whether the Annual Assessment should be increased or decreased. Within thirty days after adopting a proposed annual budget, the Board of Directors shall provide a summary of the budget to all Owners. If the Board of Directors fails to adopt a budget, the last adopted annual budget shall continue in effect. **(d)** Fix the amount of the Annual Assessment against each Lot at least thirty days in advance of each Annual Assessment period. Written notice of any Assessment shall be sent to every Owner subject thereto and to any first mortgagee requesting such notice. The due dates shall be established by the Board of Directors, which may fix a regular flat Assessment payable on a monthly, quarterly, semiannual or annual basis. The Board of Directors shall cause to be prepared a roster of the Lots showing Assessments applicable to each Lot.. The roster shall be kept in the Association office and shall be subject to inspection by any Owner or mortgagee



during regular business hours. Within 10 days business days after receiving a written request, and for a reasonable charge, the Association shall furnish to any Owner or mortgagee a recordable certificate setting forth the unpaid Assessments against such Owner's Lot. Such certificate shall be binding upon the Association, the Board of Directors, and every Owner as to the amounts of unpaid Assessments. **(e)** If additional Properties are annexed to the Property, the Board of Directors shall assess any Lots included therein in accordance with the provisions of the Declaration. **(f)** Enforce the Assessments in the manner provided in the Declaration. **(g)** Keep records of the receipts and expenditures affecting the Operations Fund and Reserve Fund and make the same available for examination by members and their mortgagees at convenient hours, maintain an Assessment roll showing the amount of each Assessment against each Owner, the amounts paid upon the account and the balance due on the Assessments, give each member written notice of each Assessment and least 30 days before the time when such Assessments shall become due and payable and for a reasonable charge, promptly provide any Owner or mortgagee who makes a request in writing with a written certificate of such Owners unpaid Assessment.

- 6.2 **Records.** The Association shall keep within the State of Oregon correct and complete financial records sufficiently detailed for proper accounting purposes, keep minutes of the proceedings of its members, Board of Directors and committees having any of the authority of the Board of Directors, and retain all documents, information and records turned over to the Association by Declarant. All documents, information and records delivered to the Association by Declarant pursuant to ORS 94.616 shall be kept within the State of Oregon.
- 6.3 **Statement of Assessments Due.** The Association shall provide, within ten business days after receipt of a written request from the Owner, a written statement that provides (a) the amount of assessments due from the Owner and unpaid at the time the request was received, including regular and special assessments, fines and other charges, accrued interest, and late payment charges; (b) the percentage rate at which interest accrues on assessments that are not paid when due; and (c) the percentage rate used to calculate the charges for late payments or the amount of a fixed-rate charge for late payment. The Association is not required to comply with this Section if the Association has commenced litigation by filing a complaint against the Owner and the litigation is pending when the statement would otherwise be due.
- 6.4 **Inspection of Books and Records.** Except as otherwise provided in ORS 94.670(5), during normal business hours or under other reasonable circumstances, the Association shall make reasonably available for examination and, upon written request, available for duplication, by Owners, lenders, and holders of any mortgage of a Lot that make the request in good faith for a proper purpose, current copies of the Declaration, Articles, Bylaws, Rules and Regulations, amendments or supplements to such documents and the books, records, financial statements and current operating budget of the Association. The Association shall maintain a copy, suitable for purposes of duplication, of each of the following: (a) the Declaration, these Bylaws, the Rules and Regulations and any amendments or supplements to

them, (b) the most recent financial statement of the Association, and (c) the current operating budget of the Association. The Association, within 10 business days after receipt of a written request by an Owner, shall furnish copies of such documents, information and records available to such persons for supplication during reasonable hours. The Board of Directors, by resolution, may adopt reasonable rules governing the frequency, time, location, notice and manner of examination and duplication of Association records and the imposition of a reasonable fee for furnishing copies of such documents, information or records. The fee may include reasonable personnel; cost for furnishing the documents, information and records.

- 6.5 Payment of Vouchers. The Treasurer or managing agent shall pay all vouchers for all budgeted items and for any non-budgeted items up to 1,000 signed by the President, managing agent, manager or other person authorized by the Board of Directors. Any voucher for a non-budgeted item in the excess of 1,000 shall require the authorization of the President or a resolution of the Board of Directors.
- 6.6 Execution of Documents. The Board if Directors may, except as otherwise provided in the Declaration, Articles of Incorporation, or these Bylaws, authorize any officer or agent to enter into any contract or execute any instrument in the name of and on behalf of the Association. Such authority may be general or confined to specific instances. Unless so authorized by the Board of Directors, no officer, agent or employee shall have any power or authority to bind the Association by any contract or engagement, to pledge it's credit, or to render it liable for any purpose or for any amount.
- 6.7 Reports and Audits. An annual financial statement consisting of a balance sheet and an income and expense statement for the preceding year shall be rendered by the Board of Directors to all Owners, and to all mortgagees who have requested the same, within 90 days after the end of each fiscal year. From time to time, the Board of Directors, at the expense of the Association, may obtain an audit of the books and records pertaining to the Association and furnish copies thereof to members. At any time any Owner or holder of a mortgagee may, at their own expense, cause an audit or inspection to be made of the books and records of the Association. Subject to ORS 94.670 (4) and its applications, if the Association has annual assessments exceeding 75,000 it shall cause the financial statement required herein to be reviewed within 180 days after the end of the fiscal year by an independent certified public accountant licensed by the State of Oregon.

## **ARTICLE 7.**

### **INSURANCE**

- 7.1 Types of Insurance. For the benefit of the Association and the Owners, the Board of



Directors shall obtain and maintain at all times, and shall pay for out of the Operations Fund, the following insurance.

**Property Damage Insurance.**

- (i) The Association shall maintain a policy or policies of insurance covering loss or damage from fire, with standard extended coverage and "all risk" endorsements, and such other coverage as the Association may deem desirable.
- (ii) The amount of the coverage shall be for not less than one hundred percent of the current replacement cost of the improvements on the Common Areas (exclusive of land, foundation, excavation and other items normally excluded from coverage), subject to a reasonable deductible.
- (iii) The policy or policies shall include all fixtures and building service equipment to the extent that they are part of the Common Areas and all personal property and supplies belonging to the Association.

**Liability Insurance**

- (i) The Association shall maintain comprehensive general liability insurance Coverage insuring the Declarant, the Association, the Board of Directors, and the managing agent, against liability to the public or to Owners and their invitees or tenants, incident to the operation, maintenance, ownership or use of the Common Area, including legal liability arising out of lawsuits related to employment contracts of the Association. There may be excluded from such policy or policies coverage of an Owner (other than as member of the Association or Board of Directors) for liability arising out of acts or omissions of such Owner and liability incident to the ownership/and or use of the part of the property as to which such Owner has the exclusive use or occupancy.
- (ii) Limits of liability under such insurance shall not be less than One Million Dollars on a combined single- limit basis.
- (iii) Such policy or policies shall be issued on a comprehensive liability basis and shall provide a cross-liability endorsement wherein the rights or named insureds under the policy or policies shall not be prejudiced as respects his, her or their action against another named insured.

**Workers Compensation Insurance.**

- (i) The Association shall maintain workers compensation insurance to the extent necessary to comply with any applicable laws.

### **Fidelity Insurance**

- (i) The Board of Directors may cause the Association to maintain blanket fidelity insurance for all officers, directors, trustee and employees of the Association and all other persons handling or responsible for funds of, or administered by, the Association. In the event that the Association has retained a management agent, the Board of Directors may require such agent to maintain fidelity bonds for its officers, employees and agents handling or responsible for funds of, or administered on behalf of, the Association. The cost of such insurance, if any, shall be borne by the Association.
- (ii) The total amount of fidelity insurance coverage required shall be based upon the best business judgment of the Board of Directors.
- (iii) Such fidelity insurance shall name the Association as obligee and shall contain waivers by the insurance issuers of all defenses based upon the exclusion of persons serving without compensation from the definition of "employees" or similar terms or expressions. The insurance shall provide that they may not be canceled or substantially modified (including cancellation for non payment of premium) without at least ten days prior written notice to the Association.

7.2 **Insurance by Lot Owners.** Each Owner shall be responsible for obtaining , at his or her own expense, homeowner's insurance covering the improvement on the Owner's Lot and liability resulting from use or ownership of the Lot, unless the Association agrees otherwise. The insurance coverage maintained by the Association shall not be brought into contribution with the insurance obtained under this Section by the Owners.

7.3 **Planned Community Act Requirements.** The insurance maintained by the Association shall comply with the requirements of the Oregon Planned Community Act, ORS 94.550 to 94.780.

## **ARTICLE 8.**

### **GENERAL PROVISION**

8.1 **Seal.** The Board of Directors may, by resolution, adopt a corporate seal.

8.2 **Notice.** All notices to the Association or to the Board of Directors shall be sent care of the managing agent or, if there is no managing agent, to the principal office of the Association or to such other address as the Board of Directors may hereafter designate from time to time. All notices to members shall be sent to the member's unit or to such other address as may have been designated by the member from time to time in writing to the Board of Directors.

- 8.3 **Waiver of Notice.** Whenever any notice to any member or director is required by law,  
The Declaration, the Articles of Incorporation, or these Bylaws, a waiver of notice in writing signed at any time by the person entitled to notice shall be equivalent to the giving of the notice.
- 8.4 **Action Without Meeting.** Any action that the law, the Declaration, the Articles of Incorporation or the bylaws require or permit the members or directors to take at any meeting may be taken without a meeting or ballot meeting if a consent in writing setting forth the action so taken is signed by all of the members or directors entitled to vote on the matter. The consent, which shall have the same effect as a unanimous vote of the members of directors, shall be filed in the records of minutes of the Association.
- 8.5 **Conflicts.** These Bylaws are intended to comply with the Oregon Planned Community Act, the Oregon Non Profit Corporation Law, the Declaration and the Articles of Incorporation. In case of any irreconcilable conflict, such statutes and documents shall control over these Bylaws.

## ARTICLE 9.

### **AMENDMENTS TO BYLAWS**

- 9.1 How Proposed. Amendments to these Bylaws shall be proposed by either a majority of the Board of Directors or by members holding at least thirty percent of the voting rights entitled to be cast for such amendment. The proposed amendments must be reduced to writing and shall be included in the notice of any meeting at which action is to be taken thereon or be attached to any request for consent to the amendment.
- 9.2 Adoption. (a) A resolution adopting a proposed amendment may be proposed by either the Board of Directors or by the members and may be approved by the membership at a meeting called for such purpose, by a ballot meeting pursuant to Section 3.13, or by written consent of the members. Members not present at the meeting considering such amendment may express their approval in writing or by proxy. Any resolution must be approved by members holding a majority of the voting rights, together with the written consent of the Class B member, if any, Amendment or repeal of any provision of these Bylaws that is also contained in the Declaration must be approved by the same voting requirement for amendment of such provision of the Declaration. (b) Notwithstanding the provision of the preceding paragraph, until the Turnover Meeting has occurred, Declarant shall have the right to amend these Bylaws in order to comply with the requirements of the Federal Housing Administration, the United States Department of Veterans Affairs, the Farmers Home Administration of the United States, the Federal National Mortgage Association, the Government National Mortgage Association, the Federal Home Mortgage Loan

Corporation, any department bureau, board commission or agency of the United States or the State of Oregon, or any corporation wholly owned, direct or indirectly, by the United States or the State of Oregon that insure, guarantees or provides financing for planned community or lots in a planned community. After the Turnover Meeting, any such amendment shall require the approval of a majority of the voting rights of the Association, , voting in person, by proxy, or by ballot, at a meeting or ballot meeting of the Association at which a quorum is represented.

### 9.3 Execution and Recording.

**REPLINGER & ASSOCIATES LLC**  
TRANSPORTATION ENGINEERING

May 20, 2013

Ms. Kelly Moosbrugger  
City of Oregon City  
PO Box 3040  
Oregon City, OR 97045

**SUBJECT:            REVIEW OF TRANSPORTATION ANALYSIS LETTER – KINSLIE HEIGHTS  
                         SUBDIVISION – TP13-02**

Dear Ms. Moosbrugger:

In response to your request, I have reviewed the Transportation Analysis Letter (TAL) submitted for the proposed 10-lot Kinslie Heights subdivision at 14270 SE Canyon Ridge Drive. The site is located on the south side of Canyon Ridge Drive to the west of Highway 213. The TAL, dated February 15, 2013, was prepared under the direction of Brent T. Ahrend, PE of Group Mackenzie.

The proposal would create a new 10-lot subdivision by infilling within developed areas. The subdivision consists of a cul-de-sac intersecting Canyon Ridge Drive approximately 275 feet west of Highway 213 and 90 feet west of Candice Lane.

**Overall**

I find the TAL addresses the city's requirements and provides an adequate basis to evaluate impacts of the proposed street extension.

**Comments**

- 1. Trip Generation.** The TAL presents information on trip generation from the construction of 10 single family dwellings on a site currently occupied by one. The trip generation rates were taken from the Institute of Transportation Engineers' *Trip Generation*. The subdivision is predicted to produce 8 new AM peak hour trips; 10 new PM peak hour trips; and 95 new weekday trips.
- 2. Access Locations.** As explained in the TAL, all ten lots have frontage on the cul-de-sac. Two also have access on both the new cul-de-sac and on Canyon Ridge Drive.
- 3. Driveway Width.** The TAL does not indicate any impediments to meeting driveway width standards.
- 4. Intersection Spacing.** The proposal will result in a new intersection where the proposed cul-de-sac will intersect with Canyon Ridge Drive. The proposed intersection would be located approximately 275 feet west of the intersection of Canyon Ridge Drive and Highway 213 and about 90 feet west of the intersection of Canyon Ridge Drive and Candice Lane. The engineer states that the proposed intersection is the only appropriate location and provides justification including a safety analysis of the proposed intersection location. The explanation includes an

analysis of potential queuing due to interference between left-turn traffic and on-coming traffic at the proposed location. He states that the volumes from this development will not significantly interfere with the volumes using Candice Lane. I concur with the engineer that the proposed location is acceptable and does not cause safety issues due to the proximity of the intersection with existing intersections.

5. **Sight Distance.** The engineer measured sight distance at the proposed intersection of the cul-de-sac with Canyon Ridge Drive. He found this location provided sight distance allowing clear sight lines along Canyon Ridge Drive including the intersections with Highway 213, Candice Lane and Canyon Ridge Circle. He did not recommend mitigation and I concur.
6. **Safety Issues.** The engineer states that no safety issues arise due to the subdivision of the site. Due to the minimal number of trips, the impact on operations and safety is expected to be minimal. I concur with the engineer's conclusion with respect to safety issues.
7. **Consistency with the Transportation System Plan (TSP).** Based on the materials submitted it appears that the cul-de-sac would be developed in accordance with city standards and would be consistent with the TSP. The TAL did not address the improvements proposed for Canyon Ridge Drive or the frontage on Highway 213.

## Conclusion and Recommendations

I find that the TAL meets city requirements and provides an adequate basis upon which impacts can be assessed. The subdivision will result in minimal additional traffic. There are no transportation-related issues associated with this subdivision requiring mitigation.

If you have any questions or need any further information concerning this review, please contact me at [replinger-associates@comcast.net](mailto:replinger-associates@comcast.net).

Sincerely,



John Replinger, PE  
Principal

**From:** [KOIKE Sandra Y](#)  
**To:** [Kelly Moosbrugger;](#)  
**Subject:** RE: File # ZC 13-01 and TP 13-02  
**Date:** Monday, May 20, 2013 2:29:42 PM

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Kelly,

Thank you for sending along the report. I will have one of our traffic engineers take a look at the report to see if we (ODOT) have an interest in this case.

Thanks,

Sandra

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**From:** Kelly Moosbrugger [mailto:kmoosbrugger@ci.oregon-city.or.us]  
**Sent:** Monday, May 20, 2013 2:26 PM  
**To:** KOIKE Sandra Y  
**Subject:** RE: File # ZC 13-01 and TP 13-02

Hi Sandra,

The traffic report is attached. We are having it reviewed by Replinger and Associates.

Thanks,

Kelly

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**From:** KOIKE Sandra Y [mailto:Sandra.Y.KOIKE@odot.state.or.us]  
**Sent:** Monday, May 20, 2013 2:12 PM  
**To:** Kelly Moosbrugger  
**Subject:** File # ZC 13-01 and TP 13-02

Kelly,

I'm with ODOT planning and recieved the notice for a zone change and 10-lot subdivision at 14270 Canyon Ridge Dr, Oregon City. Can you tell me if there was a traffic study conducted for this site. If so, could you please send me the results?

Thanks,

Sandra Koike



Assistant Planner

Oregon Department of Transportation, Region 1

[sandra.y.koike@odot.state.or.us](mailto:sandra.y.koike@odot.state.or.us)

(503) 731-8282

**CITY OF OREGON CITY**

**ENGINEERING POLICY 00-01  
Guidelines for Development**

**EFFECTIVE: April 10, 2000**

**PREPARED BY**

**PUBLIC WORKS DEPARTMENT**

**625 Center Street**

**Post Office Box 3040**

**Oregon City, Oregon 97045-0304**

**Telephone: (503) 657-0891**

**Development Services Division**

**Applicability.** This policy applies to applicants for land use decisions and site plan reviews with regard to providing public improvements and submittal of documentation. The following sections outline some of the important requirements and helpful hints for those unfamiliar with providing public improvements as required by the Oregon City Municipal Code and Oregon City Public Works Standards. This is not an all-inclusive list of City requirements and does not relieve the applicant from meeting [the Conditions of Approval](#) and all applicable City Code and Public Works Standards.

**Availability of Codes and Standards.** Copies of these City Codes and Standards are available [online at www.orcity.org](#) and at City Hall in hard copy or CD-ROM for a nominal price. Some engineering firms in the local metropolitan area already own these Codes and Standards to enable them to properly plan, design, and construct City projects.

## General

- Applicants shall design and construct all required public works improvements to City Standards. These Standards include the latest version in effect at the time of application of the following list of documents: Oregon City Municipal Code, Water Master Plan, Transportation System Plan, Sanitary Sewer Master Plan, Drainage Master Plan, [and any adopted individual Drainage Basin Plans](#). It includes the Public Works Design Standards, which is comprised of Sanitary Sewer, Water Distribution System, Stormwater and Grading, and Erosion Control. This list also includes the Street Work Drawings and the Site Traffic Impact Study Procedures. It may also include the City of Oregon City Review Checklist of Subdivision and Partition Plats when the development is a Subdivision, Partition, or Planned Unit Development.

## Water (Water Distribution System Design Standards)

- The applicant shall provide water facilities for their development. This includes water mains, valves, fire hydrants, blow-offs, service laterals, and meters.
- All required public water system improvements shall be designed and constructed to City standards.
- The Fire Marshall shall determine the number of fire hydrants and their locations. All hydrants to be completed, installed, and operational before beginning structural framing. Hydrants shall be painted with Rodda All-Purpose Equipment Enamel (1625 Safety Orange Paint) and all chains shall be removed from the fire hydrants.
- Backflow prevention assemblies are required on all domestic lines for commercial buildings, all fire service lines, and all irrigation lines [and require a plumbing permit issued by the City's Building Division](#). Backflow prevention assemblies are also required on residential domestic lines greater than or equal to 2-inch diameter. These assemblies are also required where internal plumbing is greater than 32 feet above the water main. The type of backflow prevention device required is dependent on the degree of hazard. City Water Department personnel, certified as cross connection inspectors, shall determine the type of device to be installed in any specific instance. All backflow prevention devices shall be located on the applicant's property and are the property owner's responsibility to test and maintain in accordance with manufacturer's recommendations and Oregon statutes.
- The applicant shall verify that there are no wells on site, or if any wells are on the site prior to connecting to the public water system; the applicant shall:
  - Abandon the well per Oregon State requirements and provide copies of the final approval of well abandonment to the City; or

- Disconnect the well from the home and only use the well for irrigation. In this case, the applicant shall [obtain a plumbing permit from the City's Building Division](#) to install a back flow preventor on the public service line. The applicant shall also coordinate with the City water department to provide a cross connection inspection before connecting to the public water system.
- [New water line system must be flushed, filled to test for bacteria and pressure tested; and City Water Division will obtain two bacteriological testing results within 24 hours, and contractor shall obtain City Water Division approval before final connection to existing water line system.](#)

### **Sanitary Sewer (Sanitary Sewer Design Standards)**

- The applicant shall provide sanitary sewer facilities to their development. This includes gravity mains, manholes, stub outs, and service laterals.
- All required public sanitary sewer system improvements shall be designed and constructed to City standards.
- Applicant must process and obtain sanitary sewer system design approval from DEQ.
- Any existing septic system on site shall be abandoned and certification documentation provided from Clackamas County [to the City Development Services Division](#) before recording the plat or obtaining a certificate of occupancy.
- If the Land Use application involves a restaurant, deli, or the like, it will require a private grease interceptor installation which can be quite costly. The Applicant should look into this with their engineer/architect for proper location, installation, and cost estimate as part of their due diligence in deciding to do the project. There are also periodic maintenance costs as well.

### **Stormwater (Stormwater and Grading Design Standards)**

- The applicant shall provide stormwater and detention facilities for their development. This includes the stormwater mains, inlets, manholes, service laterals for roof and foundation drains, detention system if necessary, control structure if necessary, inflow and outflow devices if necessary, energy dissipaters if necessary, and landscaping when directed by the Public Works Stormwater and Grading Standards.
- [The applicant must design, construct, and complete the entire stormwater system, including the pond and it's landscaping prior to recording of the plat or obtaining a certificate of occupancy permit. The City will not accept a surety for the pond landscaping unless Staff determines that an adequate planting season is not available prior to submission of the final plat. Even if this is the case, Staff will still require a minimum of an adequate application of hydro seeding/erosion blanket, sod, or other means to ensure the pond performs adequately to meet turbidity regulations within the City's Erosion Control regulations.](#)
- The applicant shall design and construct required public stormwater system improvements to City standards and it shall be completed before building permits are issued. Each project is to coordinate with the City Drainage Master Plan, the Public Works Stormwater and Grading Standards, and the appropriate individual Basin Master Plan (as adopted) and incorporate recommendations from them as directed.
- The applicant shall design the stormwater system to detain any increased runoff created through the development of the site, as well as convey any existing off-site surface water entering the site from other properties.

- The applicant shall submit hydrology/detention calculations to the City Development Services Division for review and approval before approval of construction plans. The applicant shall provide documentation to verify the hydrology and detention calculations. The applicant shall show the 100-year overflow path and shall not design the flow to cross any developed properties.

### Dedications and Easements

- The applicant shall obtain and record all off-site easements required for the project before City approval of construction plans.

### Streets

- The applicant shall provide street facilities to their site including within the site and on the perimeter of the site where it borders on existing public streets. This includes half- and full-street width pavement as directed, curbs, gutters, planter strips or tree wells as directed, street trees, sidewalks, and bicycle lanes (when required by the type of street classification). This also includes city utilities (water, sanitary and storm drainage facilities), [handicap access ramps at intersections and mid-block as directed](#), traffic control devices, centerline/[intersection](#) monumentation in monument boxes, and street lights in compliance with the City Code for Oregon City and its various Master Plans. Half-street improvements include an additional 10-foot wide pavement past the centerline subject to City review of existing conditions. [This provides the required improvement on the applicant's portion of the roadway, and allows the opposing travel way to have safe passage on the new gradient.](#)
- All street names shall be reviewed and approved by the City ([Planning and Building Divisions 722-3789](#)) prior to approval of the final plat to ensure [names meet current Planning Division Street Name criteria and that](#) no duplicate names are proposed in Oregon City or the 9-1-1 Service Area.
- All street improvements shall be completed and street name and traffic control signs shall be installed before issuance of building permits.
- The applicant is responsible for all sidewalks in their development. The applicant may transfer the responsibility for the sidewalks adjacent to the right-of-way as part of the requirement for an individual building permit on local streets. However, failure to do so does not waive the applicant's requirement to construct the sidewalks. Applicant shall complete sidewalks on each residential or industrial/commercial lot in accordance with the Land Division (or Project) Compliance Agreement for the project (e.g.; subdivision, partition, or Planned Unit Development) or prior to the final sign off of a building permit.
- Applicant shall install sidewalks along any tracts within their development, any pedestrian/bicycle accessways within their development, along existing homes or industrial/commercial buildings within the development's property boundaries, and all handicap access ramps required in their development [at the time of street construction](#).
- Street lights shall typically be owned by the City of Oregon City under PGE [Option "B"](#) and installed at the expense of the applicant. The applicant shall submit a street light plan, subject to City and PGE approval, prepared by a qualified electrical contractor. Streetlights shall be placed at street intersections and along streets at property lines. The required lights shall be installed by a qualified electrical contractor.
- Streetlights are to be spaced and installed per recommendations of the Illuminating Engineering Society of North America as published in their current issue of IES, RP-8 to provide adequate lighting for safety of drivers, pedestrians, and other modes of transportation. Streetlights for local streets shall be 100-watt high-pressure sodium fixtures

mounted on [direct-bury](#) fiberglass poles with a 25-foot mounting height unless otherwise specified. Streetlights for arterial, collector, and neighborhood collector streets shall be [200-watt](#) high-pressure sodium fixtures mounted on [base-mounted](#) brushed aluminum poles with a 30-foot mounting height unless otherwise specified. The applicant shall dedicate any necessary electrical easements on the final plat. All streetlight fixtures, mastheads, and poles shall be constructed of material approved by PGE for maintenance by PGE.

- [Street lights along certain designated traffic corridors such as Molalla Avenue require specially-approved non PGE approved lights. These systems are owned and operated by the City and require design by an Oregon-licensed Professional Electrical Engineer who shall stamp the appropriate street light plans. The design shall include the provision of either extending power from an existing City light system or providing a new meter for the power. Provisions to extend these light systems shall be provided.](#)

### **Grading And Erosion Control**

- The applicant's engineer shall submit rough grading plan with construction plans. The engineer shall certify completed rough grading elevations to +/- 0.1 feet. For single family residential developments, a final residential lot-grading plan shall be based on these certified grading elevations and approved by the City Engineer before issuance of a building permit. If significant grading is required for the residential lots due to its location or the nature of the site, rough grading shall be required of the developer before the acceptance of the public improvements. (See Geotechnical section for cut and fill certification issues on building lots or parcels) There shall not be more than a maximum grade differential of two (2) feet at all site boundaries. Final grading shall in no way create any water traps, or create other ponding situations.
- Applicants shall obtain a DEQ 1200c permit when their site clearing effort is over one (1) acre, as modified by DEQ. Applicant shall provide a copy of their DEQ 1200c permit to the City before any clearing efforts are started.
- An Erosion Prevention and Sedimentation Control Plan shall be submitted for City approval. Applicant shall obtain an Erosion Control permit before any work on site.
  - Dewatering excavations shall not be allowed unless the discharge water meets turbidity standards (see next bullet) or is adequately clarified before it enters on-site wetlands, drainage courses, and before it leaves the site. Discharge from man-made, natural, temporary, or permanent ponds shall meet the same standard.
  - Construction activities shall not result in greater than 10 percent turbidity increase between points located upstream and downstream of construction activities.
  - Effective erosion control shall be maintained after site work is complete and throughout building permit issuance.
  - Plans shall document erosion prevention and control measures that will remain effective and be maintained until all construction is complete and permanent vegetation has been established on the site.
  - Responsible party (site steward) for erosion control maintenance throughout construction process shall be shown on the Erosion Control Plan.
  - Staff encourages applicant to select high performance erosion control alternatives to minimize the potential for water quality and fish habitat degradation in receiving waters.

### **Geotechnical**

- Any structural fill to accommodate public improvements shall be overseen and directed by a geotechnical engineer. The geotechnical engineer shall provide test reports and certification that all structural fill has been placed as specified and provide a final summary report to the City certifying all structural fill on the site before City approval and acceptance of public improvements.
- Any cut or fill in building lots or parcels beyond the rough grading shall be subject to the Building Division's requirements for certification under the building permit.

### Engineering Requirements

- Design engineer shall schedule a pre-design meeting with the City of Oregon City Development Services Division before submitting engineering plans for review.
- Street Name/Traffic Control Signs. Approved street name signs are required at all street intersections with any traffic control signs/signals/stripping.
- Bench Marks. At least one benchmark based on the City's datum shall be located within a subdivision.
- Other Public Utilities. The applicant shall make necessary arrangements with utility companies for the installation of underground lines and facilities. The City Engineer may require the applicant to pay these utility companies to use trenchless methods to install their utilities in order to save designated and marked trees when the utility crosses within a dripline of a tree marked, or identified, to be saved. Applicant to bear any additional costs that this may incur.
- Technical Plan Check and Inspection Fees. The current Technical Plan Check and Inspection Fee shall be paid before approval of the final engineering plans for the required site improvements. The fee is the established percentage of a City-approved engineer's cost estimate or actual construction bids as submitted by the applicant. Half of the fee is due upon submitting plans [to Development Services](#); the other half is due upon approval of the final plans.
- It is the City's policy that the City will only provide spot check inspection for non public-funded improvements, and the applicant's engineer shall provide inspection and surveying services necessary to stake and construct the project and prepare the record (as-built) drawings when the project is complete.
- [The Applicant's inspector and contractor shall follow the City's Minimum Guidelines for Public Works Construction \(available on the City website\).](#)
- Applicant shall submit two (2) sets of final engineering plans for initial review by the City Development Services Division to include the drainage report (wet signed by the responsible engineer), and the cost estimate with half of the Technical Plan Check fee. The engineering plans shall be blackline copies, 22" x 34" or 24" x 36". Blueline copies are not acceptable.
- For projects such as subdivisions, partitions, and Planned Unit Developments, the applicant shall submit a completed copy of the City's latest final subdivision and partition plat checklist, the plat review fee, and a paper copy of the preliminary plat.
- Two (2) copies of any revised documents (in response to redlined comments) will be required for subsequent reviews, if necessary.
- The applicant shall submit, for the final City approval, seven (7) copies of the plans with two full sets wet signed in blue over the engineer's Professional Engineer Oregon stamp.
- Minimum Improvement Requirements. Applicant shall provide a surety on developments for uncompleted work including landscaping before a plat is recorded or a building sign off as required by a Compliance Agreement (available in hard copy or electronic version from City Development Services or on the City website). This occurs if the



applicant wishes to record the final plat before completion of all required improvements or occupy the new development prior to completion of the public improvements including landscaping. Surety shall be an escrow account, construction set-aside, performance guaranty, or in a form that is acceptable to the City Attorney (no bonds are allowed).

- Upon conditional acceptance of the public improvements by the City, the applicant shall provide a two-year maintenance guarantee as described in the Compliance Agreement. This Maintenance Guarantee shall be for fifteen (15) percent of the engineer's cost estimate or actual bids for the complete public improvements.
- The applicant shall submit a paper copy of the record (as-built) drawings, of field measured facilities, to the City Engineer for review before building permits are issued beyond the legal limit. Upon approval of the paper copy by the City Engineer, applicant shall submit a bond copy set and two 4-mil mylar record drawings sets as directed.
- The applicant shall submit one full set of the record (as-built) drawings, of field measured facilities, on AutoCAD files on CD-ROM, in a format acceptable to the City Engineer, and include all field changes.
- One AutoCAD file of the preliminary plat, if applicable, shall be furnished by the applicant to the City Addressing staff (in the Building Division) for addressing purposes. A sample of this format may be obtained from the City Geographical Information System Division. This information, and documents, shall be prepared at the applicant's cost.
- The applicant's surveyor shall also submit, at the time of recordation, a copy of the plat on a CD-ROM to the City in a format that is acceptable to the City's Geographic Information System Division.
- The City reserves the right to accept, or reject, record drawings that the City Engineer deems incomplete or unreadable that are submitted to meet this requirement. The applicant shall be responsible for all costs associated with meeting this condition. The applicant shall ensure their engineer submits the record drawings before the City will release final surety funds or residential building permits beyond the legal limit.
- Final Plat Requirements, if applicable. The final plat shall comply with ORS 92.010 through 92.190, and City Code. In addition the following requirements shall be required:
  - The applicant, and their surveyor, shall conform to the City's submittal and review procedures for the review and approval of plats, easements, agreements, and other legal documents associated with the division of this parcel.
  - Show the City Planning File Number on the final plat, preferably just below the title block.
  - A blackline copy of the final plat illustrating maximum building envelopes shall be submitted to the Planning Division concurrently with submittal of the plat to ensure setbacks and easements do not conflict.
  - Use recorded City control surveys for street centerline control, if applicable.
  - Show state plane coordinates on the Point of Beginning.
- The civil construction drawings, once approved by the City Development Services Division, shall have an approval period of one year in which to commence with construction. The plans and drawings shall be valid, once the City Engineer holds the preconstruction conference and construction activity proceeds, for as long as the construction takes. If the construction drawings expire before construction commences, the applicant shall ensure the civil construction documents and plans conform to the latest Standards, Specifications, and City Codes that are in place at the time of the update. The applicant shall bear the cost associated with bringing them into conformance, including additional technical plan check and review costs. [The applicant is reminded that the City Code requires that the final plat be submitted to the Development Services Division within two years after land use decision.](#)

- The applicant shall include a statement in proposed Conditions, Covenants, and Restrictions (CC & R's), plat restrictions, or some other means acceptable to the City Attorney for:
  - Maintaining surface runoff patterns established for each lot,
  - Maintaining any proposed private storm lines or detention, and
  - Conformance by individual lot owner to the City's erosion control standards when establishing or renovating landscaping.
  - The applicant shall submit the proposed method and statement to the Planning staff for review and approval, before final plat approval.
- Construction vehicles and other vehicles associated with the development shall only use the entrance as approved by the City Development Services Division to enter their site and these vehicles shall park or wait on the construction site. The applicant should provide a specified area of off street parking for the site's construction workers which meets the erosion/sedimentation control measures. Supplier vehicles and trailers (hauling vehicles) and actual construction vehicles shall not park, or wait, in such a manner that would block or hinder access for emergency vehicles. This includes private vehicles belonging to construction workers, supplier vehicles and trailers, and actual construction vehicles.
- Site construction activity is to only occur between 7:00 AM and 6:00 PM on Monday through Friday; between 9:00 AM and 6:00 PM on Saturday. No site improvement construction activity is allowed on Sunday. Construction activity includes all field maintenance of equipment, refueling, and pick up and delivery of equipment as well as actual construction activity.
- The applicant shall ensure that all applicable outside agencies are contacted and any appropriate approvals obtained for the construction of the project. The applicant shall supply copies of approvals to the City. Failure to do so shall be a justification for the City to prevent the issuance of a construction or building permit or to revoke an issued permit for this project.
- The applicant shall be responsible for paying all fees associated with the recording of documents such as non-remonstrance agreements, easements, and dedications.
- Should the applicant, or any assigns or heirs, fail to comply with any of the conditions set forth here, the City may take the appropriate legal action to ensure compliance. The applicant shall be responsible for any City legal fees and staff time associated with enforcing these conditions of approval.

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**From:** [Ed Christensen](#)  
**To:** [Kelly Moosbrugger](#);  
**Subject:** RE: Kinslie Heights subdivision question  
**Date:** Thursday, May 23, 2013 3:54:42 PM

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See below



GREAT RESULTS ONE PROJECT AT A TIME  
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**From:** Kelly Moosbrugger [<mailto:kmoosbrugger@ci.oregon-city.or.us>]  
**Sent:** Thursday, May 23, 2013 2:28 PM  
**To:** Ed Christensen  
**Subject:** Kinslie Heights subdivision question

Hi Ed,

I have a few questions for you as I review your submittal for Kinslie Heights:

1. What is the net developable area (total site area minus the square footage of the public ROW)? Your narrative only gives 89,919 sf, which is the total sf of the site.

Response: 67,762 sf

2. What is the total frontage length including both Kinslie Ct. and Canyon

Ridge Dr?

Response: 923 If

3. In your existing tree inventory, are there a total of 34 trees or do some of the items on the list include multiple trees? For example, what does 8/10/11" Ash mean? Are there three ash trees in that location?

Response: Correct, each tree has multiple trunks. Talked to an Arborist about them and he said usually they just add up the multiple trunks. So the 8/10/11 would have a total diameter of 29", but that didn't seem right to me.

Thanks,

**Kelly Moosbrugger**

Assistant Planner

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