CITY OF OREGON CITY
PLANNING COMMISSION HEARING
AGENDA

November 23, 2009, 07:00 P.M.
City Commission Chambers - City Hall

1. Call to Order

2. Public Comment on Items not on the Agenda

3. Adoption of Planning Commission Minutes
   Draft 2007 Planning Commission Minutes

4. Public Hearing
   L 08-01 (Review of Code Updates)

5. Adjourn

OREGON CITY

Community Development – Planning

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TO: Chair Powell and Planning Commission

FROM: Dan Drentlaw, Community Development Director
Christina Robertson-Gardiner, Associate Planner
Pete Walter, Associate Planner

DATE: November 16, 2009

RE: L 08-01 Code Amendments- 6 month update

The development regulation sections of the Municipal Code (primarily found in Chapters 12, 15, 16, and 17) are comprised of standards which govern zoning, site development, land division, street design, architectural review, parking, signs, hillside development, home occupations, variances and other similar topics.

These standards reflect the future vision for the development Oregon City, implement our Comprehensive Plan, and allow us to manage future growth effectively. The Municipal Code and associated zoning maps are periodically reviewed and updated. This was a collaborative process whereby we worked together to improve the economic health and livability of the City. After over a year of review by the public, Planning Commission, and elected officials, the code amendments were adopted on July 1, 2009 and became effective on July 31, 2009, with the passage of Ordinance 08—1014.

Ord. 08-1014 additionally setup a six-month update process to review the code language to determine if any sections needed revisions or tweaks that were unforeseen. At the end of the hearing adopting Ord. 08-1014, the City Commission also directed staff to study some outstanding issues and bring them back during the 6month review.

Enclosed you will find redline versions of proposed code revisions that have been revised to-date, as well as updates on outstanding issues to be completed as the 6-month review process moves forward.

Outstanding Issues

Temporary Structures

During the previous amendment process both the City Commission and Planning Commission directed staff to create code to severely limit or eliminate the ability to put up temporary fabric structures on private property. Before code language is proposed, staff would like to discuss the implementation, education and enforcement of this proposed change to the code. **A redline version will be available at the next hearing.**

Archeological Resources
The City Commission has directed staff to develop language for review of development within sensitive archeological areas which requires applicants to contact the Oregon State Historic Preservation Office (SHPO) prior to application for planning approval. SHPO will work with city staff to create a "buffer map" of known and potentially sensitive archeological areas. SHPO is tasked with enforcing the state statutes that regulate archeological sites. The municipal code amendment would allow SHPO to communicate with developers earlier on in the process, rather than as they are commencing excavation or grading. The sensitive areas map will be adopted by the city but will not be available online. It will be a public map that highlights sensitive areas without giving away the locations of specific sites. Only the State Historic Preservation Office and registered archeologists may have access to those records. **A redline version will be available at the next hearing. The sensitivity map will not be available till January 2010.**

Upzoning Commercial Land in The South End Area
This process will be separated from the code updates and will be noticed for Measure 56 individually. Christina Robertson-Gardiner met with the CIC in November to brief them on the issue and requested guidance on the public involvement process. Meetings with the affected Neighborhood Associations, open houses and an electronic survey will be pursued to see if the community is even interested in providing amenities in the South End Area. If there is a clear direction to provide further commercial amenities, a second phase will review what it should look like and what sites may be appropriate. This process is expected to last through the spring and the summer of 2010.

Sign Code Update
The Sign Code located in OCMC Chapter 15 can be revised outside of this process. Senior Planner Tony Konkol will be the project leader on these amendments and will provide an update on the proposed timeline and process.

Regulation of Trees on Private Property
Currently, protection of trees on private property is limited to situations were property is under development review. For property not under review, removal of trees is not regulated unless trees are designated heritage which is a voluntary process trees or tree groves within the Natural Resource Overlay District or Geologic Hazards Overlay District. Regulations requiring permits for tree removal on private property was presented at a City Commission work session, but consensus for support of such regulations were not provided, partially due to the additional costs and political impacts of such a program.

Differentiation Between Carport And Garage In The Zoning Chapter
Code Enforcement needs to be able to differentiate between carports and garages to allow them to cite people for storage of excess solid waste under carports. The Planning Division views carports and garages the same for the purposes of single family design standards. **A redline version will be available at the next hearing.**

Updates to the Natural Resource District
- Map updates to the NROD are being worked on by the GIS department. These include further refinement of the city stream layer based on improved LIDAR and data from Metro.

- Upcoming changes to OCMC 17.49 code language adjustments include:
    - Stipulating that applicants are responsible for applying separately for permits where jurisdictional wetland determinations are involved to the USACE (US Army Corps of Engineers) and DSL (Oregon Department of State Lands).
    - Simplified language for vegetation planting requirements.
    - Removal of the requirement to use only hand held equipment for soil testing, with requirement to reseed / replant.

A redline version will be available at the next hearing.

Redline Versions

Titles 12, 13 and 14 Jurisdiction and Management (Exhibit A)
These sections are proposed to be amended to provide clearer authority for the city to enforce permit standards. Additionally, when the street sections were moved to from Title 16 to title 12 there were adopted with incorrect numbering. The incorrect number does not affect their legal status, but are included in this version for clarity.

12.04.045 Street Design--Constrained Local Streets and/Or Rights-Of-Way. (Exhibit B)
This revision clears up language for approving constrained streets for Minor Partitions and small Subdivisions and provides staff with more flexibility to create Public ROW instead of flag lots.

17.52.090 Parking Lot Landscaping - B. Development Standards (Exhibit C)
This section needs to be revised to be in conformance with the soon- to-be-adopted Low Impact Development (LID) Storm Water standards.

17.62.035 Minor Site Plan and Design Review. **(Exhibit D)**
This section explicitly grants the Community Development Director the authority to require review of commercial additions for compliance with section commercial section of the OCMC 17.62 code. Previously it was implied.

17.62.050 Standards. LID Landscaping (Exhibit E)
This section needs to be revised to cross-reference the soon-to-be-adopted Low Impact Development (LID) Storm Water standards.

17.62.050A20 Screening Exemption For HVAC And Solar (Exhibit F)
This section removes some onerous language form the previous update and provide guidance for solar and wind installation.

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

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

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

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

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

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

F. No person shall perform work in the City's public rights-of-way without first obtaining a Public Works right-of-way permit or being issued an approved overall public infrastructure construction plan.

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

12.04.~~015~~ 170 Street design--Purpose and general provisions.

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

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

12.04.~~020~~ 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.

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

12.04.~~025~~ 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

TABLE INSET:

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.

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

12.04.~~030~~ 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."
(Ord. No. 08-1014, 7-1-2009)

12.04.~~035~~ 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.
(Ord. No. 08-1014, 7-1-2009)

12.04.~~040~~ 195 Minimum street intersection spacing standards.
A. All new development and redevelopment shall meet the following public street intersection spacing standards:

Table 12.04.040--Public Street Intersection Spacing Standards

TABLE INSET:

	Distance in Feet between Streets of Various Classifications								
	Between Arterial and Arterial	Between Arterial and Collector	Between Arterial and Neighborhood Collector	Between Arterial and Local Street	Between Collector Street and Collector Street	Between Collector Street and Neighborhood Collector	Between Collector and Local Street	Between Neighborhood Collector and Local Street	Between two adjacent Local Streets
Measured along an Arterial Street	1320	800	600	300	600	300	150	150	150
Measured	800	800	600	300	600	300	150	150	150

along a Collector Street									
Measured along a Neighborhood Collector Street	800	600	300	300	300	150	150	150	150
Measured along a Local Street	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.									

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.

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

12.04.~~045~~ 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

TABLE INSET:

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

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

12.04.~~050~~ 205 Intersection level of service standards.

When reviewing new developments, 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 development. The minimum acceptable LOS standards are as follows:

A. For signalized intersection areas of the city that are located outside the Regional Center boundaries a LOS of "D" or better for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of critical movements.
B. For signalized intersections within the regional center boundaries a LOS "D" can be exceeded during the peak hour; however, during the second peak hour, LOS "D" or better will be required as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0.
C. For unsignalized intersection throughout the city a LOS "E" or better for the poorest approach and with no movement serving more than twenty peak hour vehicles operating at worse than LOS "F" will be tolerated for minor movements during a peak hour.
(Ord. No. 08-1014, 7-1-2009)

12.04.~~055~~ 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.
(Ord. No. 08-1014, 7-1-2009)

12.04.~~060~~ 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.
(Ord. No. 08-1014, 7-1-2009)

12.04.~~065~~ 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 [Section] 12.04.200 may be required to preserve the objectives of half streets.
(Ord. No. 08-1014, 7-1-2009)

12.04.~~070~~ 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 eyebrow 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.

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

12.04.~~075~~ 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.

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

12.04.~~080~~ 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.

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

12.04.~~085~~ 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.

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

12.04.~~090~~ 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.
(Ord. No. 08-1014, 7-1-2009)

12.04.~~095~~ 250 Street design--Curb cuts.
To assure public safety, reduce traffic hazards and promote the welfare of pedestrians, bicyclists and residents of the subject area, such as a cul-de-sac or dead-end street, the decision maker shall be authorized to minimize the number and size of curb cuts (including driveways) as far as practicable where any of the following conditions are necessary:
A. To provide adequate space for on-street parking;
B. To facilitate street tree planting requirements;
C. To assure pedestrian and vehicular safety by limiting vehicular access points; and
D. To assure that adequate sight distance requirements are met.
Where the decision maker determines any of these situations exist or may occur due to approval of a proposed development, single residential driveway curb cuts shall be limited to twelve feet in width adjacent to the sidewalk and property line and may extend to a maximum of eighteen feet abutting the street pavement to facilitate turning movements. Shared residential driveways shall be limited to twenty-four feet in width adjacent to the sidewalk and property line and may extend to a maximum of thirty feet abutting the street pavement to facilitate turning movements. Non-residential development driveway curb cuts in these situations shall be limited to the minimum required widths based on vehicle turning radii based on a professional engineer's design submittal and as approved by the decision maker.
(Ord. No. 08-1014, 7-1-2009)

12.04.~~100~~ 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.
(Ord. No. 08-1014, 7-1-2009)

12.04.~~105~~ 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.
(Ord. No. 08-1014, 7-1-2009)

12.04.~~110~~ 265 Street design--Planter strips.
All development shall include vegetative planter strips that are five feet in width or larger and located adjacent to the curb. This requirement may be waived or modified if the decision maker finds it is not practicable. The decision maker may permit constrained sites to place street trees on the abutting private property within ten feet of the public right-of-way if a covenant is recorded on the title of the property identifying the tree as a city street tree which is maintained

by the property owner. Development proposed along a collector, minor arterial, or major arterial street may use tree wells with root barriers located near the curb within a wider sidewalk in lieu of a planter strip, in which case each tree shall have a protected area to ensure proper root growth and reduce potential damage to sidewalks, curbs and gutters.

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

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

12.04.~~120~~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.

12.04.~~130~~280 Violation--Penalty.

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

Water Service System

13.04.030 Permits--Renewal--Change of service.

A. The City issues engineering permits for water line work in the right-of-way 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.

B.When permits for renewal or change of service are granted, the old service will be shut-off and disconnected at the main by employees of the city. The charge for same shall be the reasonable costs as determined by administrative policy.

13.04.340 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 Water Distribution System Design Standards provide other design details, in which case the requirements of this chapter and the Public Works Water Distribution System Design Standards shall be complied with.

Sewer Regulation

13.08.050 Engineer--Permits.

A. The City issues engineering permits for sewer line work in the right-of-way 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.

B. The engineer is authorized to grant such permits as he may deem necessary for allowing persons to tap the public sewers ~~or drains~~, and to make connections therewith; provided however, that the permit shall be granted on the express condition that the owner or tenant for whose benefit such connection shall be made, and each succeeding tenant shall in consideration of the privilege thereby granted, hold the city harmless for any loss or damage that may in any way result from or be occasioned by any such tap or connection.

13.08.230 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 Sanitary Sewer Design Standards provide other design details, in which case the requirements of this chapter and the Public Works Sanitary Sewer Design Standards shall be complied with.

Stormwater Management

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;

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

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

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

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

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

G. Have all stormwater facilities:

1. Designed in a manner to allow economical future maintenance,
2. If city owned 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;

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

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

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

K. Minimize increases in nonpoint source pollution; and

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.

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.

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.

12.04.045 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
STREET DESIGN STANDARDS FOR LOCAL CONSTRAINED STREETS

	Minimum	Required
Type of Street	Right-of-Way	Pavement Width
Constrained local street	~~30~~ 20 to 40 feet	20 to less than 32 feet

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Code References

Chapter 13.12 – provides primary policy direction for use of LID.

17.52.090 Parking Lot Landscaping - B. Development Standards

Existing language

4. Interior Parking Lot Landscaping. In addition to perimeter parking lot landscaping, surface parking lots shall have a minimum ten percent of the interior of the gross area of the parking lot devoted to landscaping to improve the water quality, reduce storm water runoff, and provide pavement shade. Pedestrian walkways or any impervious surface in the landscaped areas are not to be counted in the percentage. In addition, the perimeter parking lot landscaping shall not be included in the ten percent requirement.

5. Alternative Landscaping Plan. The city encourages alternative designs that utilize innovative "green" designs for water quality management of parking lot storm water. An applicant may prepare an alternative landscaping plan and specifications that meet the intent of the requirements in subsections (C)(1) through (C)(5) above and the intent of the zoning district and shall be approved by the community development director.

Proposed language:

Subsection 4 will be revised to reference LID standards.

Subsection 5 will be revised to reference LID standards – not as an alternative.

17.62.050 Site Plan and Design Review Standards A.1. & A.5.

Proposed additional language

Vegetative Landscaping approved pursuant to the City's adopted Stormwater and Low Impact Development Design Standards shall count 100% toward any required on-site landscaping in any development undergoing site plan review. (Includes vegetated portions of open swales, flow-through planters, infiltration planters, turf pavement, green or ecoroofs, etc).

50% of the square footage of any pervious hardscaped landscape material that is designed and approved pursuant to the City's adopted Stormwater and Low Impact Development Design Standards may be counted toward minimum landscaping requirements for the site. (This includes porous pavement detention, open celled block pavers, porous asphalt, porous concrete pavement, porous turf, porous gravel, etc).

A.5 Drainage of sites shall be designed in accordance with the City's drainage master plan, Chapter 13.12 and the Public Works Stormwater and Low Impact Development Design Standards.

17.62.035 Minor site plan and design review.

C. Development Standards for Minor Site Plan and Design Review.

1. All development shall comply with Section 17.62.050(1-6 and 8-15, and 20-21) when deemed applicable by the Community Development Director. Additionally, the commercial and institutional standards of Section 17.62.055 may be applied. The Community Development Director may add conditions of approval to ensure the proposed modification meets the requirements and standards of site plan and design review.

17.62.050 Standards.

A. All development shall comply with the following standards:

1. Landscaping~~.~~.

a. A minimum of fifteen percent of the lot area being developed shall be landscaped. Natural landscaping comprised of native species shall be retained to meet the landscaping requirement. All invasive species, such as Himalayan Blackberry and English Ivy shall be removed on-site prior to building final occupancy. Except as allowed elsewhere in the zoning and land division chapters of this Code, all areas to be credited towards landscaping must be installed with growing plant materials. Pursuant to Chapter 17.49 Natural Resource Overlay District (NROD), landscaping requirements within the ~~natural resource overlay district~~NROD, other than landscaping required for parking lots, may be met by preserving, restoring and permanently protecting native vegetation and habitat on development sites.

b. Landscaping for Low Impact Development. Vegetative landscaping approved pursuant to the City's adopted Stormwater and Low Impact Development Design Standards shall count 100% toward any required on-site landscaping in any development undergoing site plan review. (Includes vegetated portions of open swales, flow-through planters, infiltration planters, turf pavement, green or ecoroofs, etc). 50% of the square footage of any pervious hardscape landscape material that is designed and approved pursuant to the City's adopted Stormwater and Low Impact Development Design Standards may be counted toward minimum landscaping requirements for the site. (This includes porous pavement detention, open celled block pavers, porous asphalt, porous concrete pavement, porous turf, porous gravel, etc).

c. The landscaping plan shall be prepared by a registered landscape architect and include a mix of vertical (trees and shrubs) and horizontal elements (grass, groundcover, etc.) that within three years will cover one hundred percent of the landscaped area. No mulch, bark chips, or similar materials shall be allowed at the time of landscape installation except under the canopy of shrubs and within two feet of the base of trees. The community development department shall maintain a list of trees, shrubs and vegetation acceptable for landscaping. For properties within the downtown design district, and for major remodeling in all zones subject to this chapter, landscaping shall be required to the extent practicable up to the fifteen percent requirement. Landscaping also shall be visible from public thoroughfares to the extent practicable. Interior parking lot landscaping shall not be counted toward the fifteen percent minimum.

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17.62.050A20

20. Screening of Mechanical Equipment:

a. Rooftop mechanical equipment, including HVAC equipment and utility equipment that serves the structure, shall be screened. Screening shall be accomplished through the use of parapet walls or a sight-obscuring enclosure around the equipment constructed of one of the primary materials used on the primary facades of the structure, and that is an integral part of the building's architectural design. The parapet or screen shall completely surround the rooftop mechanical equipment to an elevation equal to or greater than the highest portion of the rooftop mechanical equipment being screened. In the event such parapet wall does not fully screen all rooftop equipment, then the rooftop equipment shall be enclosed by a screen constructed of one of the primary materials used on the primary facade of the building so as to achieve complete screening.

b. Wall-mounted mechanical equipment shall not be placed on the front facade of a building or on a facade that faces a right-of-way. Wall-mounted mechanical equipment, including air conditioning or HVAC equipment and groups of multiple utility meters, that extends six inches or more from the outer building wall shall be screened from view from streets; from residential, public, and institutional properties; and from public areas of the site or adjacent sites through the use of (a) sight-obscuring enclosures constructed of one of the primary materials used on the primary facade of the structure, (b) sight-obscuring fences, or (c) trees or shrubs that block at least 80 percent of the equipment from view or (d) panting the units to match the building. Wall-mounted mechanical equipment that extends six inches or less from the outer building wall shall be designed to blend in with the color and architectural design of the subject building.

c. Ground-mounted above-grade mechanical equipment shall be screened by ornamental fences, screening enclosures, trees, or shrubs that block at least 80 percent of the view. ~~Such equipment and fixtures shall not be installed within 100 feet of the intersection of two public streets to the maximum extent practicable as determined by the Community Development Director. When this standard is deemed impracticable and placement is permitted within 100 feet of an intersection by the Community Development Director, such equipment and fixtures shall be fully screened with landscaping, fence or wall.~~ Placement and type of screening shall be determined by the Community Development Director.

d. All mechanical equipment shall comply with the standards in this section. If mechanical equipment is installed outside of the Site Plan and Design Review process, planning staff shall review the plans to determine if additional screening is required. If the proposed screening meets this section, no additional Planning review is required.

~~d.~~e. This section shall not apply to the installation of solar energy panels, photovoltaic equipment, or wind power generating equipment.