

**CITY OF OREGON CITY
PLANNING COMMISSION HEARING**

January 11, 2010, 07:00 P.M.
City Commission Chambers - City Hall

AGENDA

CALL TO ORDER

PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA

PLANNING COMMISSION HEARING

Legislative (L 08-01). Oregon City Code Amendments: 6-month update.
Staff recommended that the Planning Commission open the hearing,
hear staff presentation and any public comments and continue the
hearing to the January 25 2010 Planning Commission meeting.

January 11, 2010 PC Memo

Exhibit A

Exhibit B

Exhibit C

Exhibit D

COMMUNICATIONS

ADJOURN



TO: Chair Powell and Planning Commission

FROM: Tony Konkol, Community Development Director
Christina Robertson-Gardiner, Associate Planner
Pete Walter, Associate Planner
Laura Butler, Assistant Planner

DATE: January 4, 2010

RE: L 08-01 Code Amendments- 6th Month Update

Enclosed are redline versions of proposed code revisions that are to be reviewed and entered into the record at the January 11, 2010 Hearing. Updates to some of the outstanding issues identified in the November 14, 2009 memo are found at the end of the document. Additional redlines and updates will be provided at the January 26, 2010 Hearing.

Background

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 6th month review. The Planning Commission met on November 23, 2009 and December 14, 2009 to review the initial batch of amendments.

Staff recommends that the Planning Commission open the hearing, hear staff presentation and any public comments and continue the hearing to the January 25, 2010 Planning Commission meeting

The L 08-01 Code Update- 6th Month Review Project website has been added to the planning page and provides background information and the record to date. The page will be updates throughout the process.

Proposed Amendments

OCMC 17.50 Administrative and Procedures (Exhibit A)

The information for Neighborhood Association meeting requirements was given its own section. It was previously imbedded in another section and was often missed by applicants.

OCMC 17.49 Natural Resources Overlay District (Exhibit B)- *newly amended sections are highlighted in yellow*

- Renumbered sections.
- Clarified explanation of the “Map as Reference” so that applicants are fully aware that they are required to delineate and verify the true location of natural features when the property is flagged as NROD.
- Under “Exempt Uses”, removed the requirement that soil and subsurface testing can only be done using hand-held equipment – i.e. the use of testing equipment such as a truck mounted motorized drill rig does not have to be reviewed by planning provided that disturbed areas are restored to pre-existing conditions as approved by the Community Development Director.
- Under “Exempt Uses”, Site Plan and Design Review applications that show all development outside of the NROD boundary and protect the NROD area with a conservation easement are exempt from review.
- Added a new section for processing of Subdivisions and Partitions that are not “Highly constrained”.
 - New subdivisions are permitted provided that all building footprints are located outside of the NROD and the NROD is required to be placed in a separate Tract.
 - New partitions are permitted provided that all building footprints are located outside of the NROD and the NROD may be placed in either a separate Tract or else protected by Conservation Easement.
- New Utility Lines. Utility Lines must be placed in the ROW unless “deemed infeasible”. Staff would like the Planning Commission’s feedback on this section and will elaborate on the specific issues at the hearing. The City Commission expressed concerns that new utility lines be designed aesthetically if they cross over creeks and drainages.
- DSL / Corps of Engineers approval is required for work within the Ordinary High Water Mark.
- Standards for roads expanded to include private, not just public rights-of-way.
- Added permitted modification (reductions) to lot size, depth and width in order to accommodate transfer of density in land divisions.
- Revised Mitigation Planting Standard to match Metro requirements (shrub and tree numbers have been altered to require a proportionally larger number of shrubs to trees).
- Alternative mitigation plan is required to designate the condition of the existing vegetative corridor as good, marginal , or degraded (based on % canopy cover and presence of invasive).

OCMC 17.52 Off Street Parking and Loading (Exhibit C)

- The off street parking and loading section was reordered for readability.
- The alternative landscape and parking plans were separated into two sections and updated for LID standards. A bonus for pervious pavement was added in the alternative landscape plan
- A change in use in existing spaces within the MUD Downtown Design District (5th -12th streets) are not triggered for additional required parking.
- 17.52.020. deleted – Off-street parking for dwellings shall be located on the same lot with the dwelling.
- 17.52.040 Change to clarify that all uses other than single-and two family dwellings shall comply with bicycle parking standards. Before it specified specific uses.
- Deleted repetitive language
- 17.52.040.C clarified that indoor bicycle areas need signage on to inform the public of the location.

- Language modified to address flexibility

OCMC 17.04 Definitions (Exhibit D)

Vanpool and carpool definitions were removed from OCMC 17.52.040 and placed in OCMC 17.04 Definitions

Outstanding Issues**Membrane Structures**

Staff is still working with Carrie Richter on this issue and will be ready with code provisions at the January 26, 2010 meeting.

Archaeological Resources

Staff is still working with SHPO staff to create an archeological sensitivity map. At the January 12, 2010 City Commission worksession, Susan White, Assistant Archaeologist from the Oregon State Historic Preservation Office will provide background information on the Archeological Division and will present a potential process for earlier communication between developers and SHPO through the adoption of an Archeological Sensitivity Map. If the City Commission gives direction to move forward with this proposal, the map and code amendments will be processed as part of the L 08-01 6 –Code Update 6th month review process currently being reviewed at the Planning Commission level.

OCMC 17.50.050 Preapplication Conference and Neighborhood Meeting.

~~A. Neighborhood Association Meeting. The purpose of the meeting with the recognized neighborhood association is to inform the affected neighborhood association about the proposed development and to receive the preliminary responses and suggestions from the neighborhood association and the member residents. Conditional use, subdivision, or site plan and design review (excluding minor site plan and design review) applications shall schedule and attend a meeting with the city-recognized neighborhood association in whose territory the application is proposed. Although not required for other projects than those identified above, a meeting with the neighborhood association is highly recommended. The applicant shall send, by certified mail, return receipt requested, a letter to the chairperson of the neighborhood association and the Citizen Involvement Committee describing the proposed project. A meeting shall be scheduled within 30 days of the notice. If the neighborhood association does not want to, or cannot meet within 30 days, the applicant shall hold their own meeting after 6pm or on the weekend, with notice to the neighborhood association, Citizen Involvement Committee, and all property owners within 300 feet. If the applicant holds their own meeting, a copy of the certified letter shall be required for a complete application. The meeting shall be held within the boundaries of the neighborhood association or in a City facility.~~

AB. Preapplication Conference. Prior to submitting an application for any form of permit, the applicant shall schedule and attend a preapplication conference with City staff to discuss the proposal. To schedule a preapplication conference, the applicant shall contact the Planning Division, submit the required materials, and pay the appropriate conference fee. At a minimum, an applicant should submit a short narrative describing the proposal and a proposed site plan, drawn to a scale acceptable to the City, which identifies the proposed land uses, traffic circulation, and public rights-of-way and all other required plans. The purpose of the preapplication conference is to provide an opportunity for staff to provide the applicant with information on the likely impacts, limitations, requirements, approval standards, fees and other information that may affect the proposal. The Planning Division shall provide the applicant(s) with the identity and contact persons for all affected neighborhood associations as well as a written summary of the preapplication conference. Notwithstanding any representations by City staff at a preapplication conference, staff is not authorized to waive any requirements of this code, and any omission or failure by staff to recite to an applicant all relevant applicable land use requirements shall not constitute a waiver by the City of any standard or requirement.

BE. A preapplication conference shall be valid for a period of six months from the date it is held. If no application is filed within six months of the conference or meeting, the applicant must schedule and attend another conference before the City will accept a permit application. The Community Development Director may waive the preapplication requirement if, in the Director's opinion, the development does not warrant this step.

17.50.055 Neighborhood Association Meeting

A. Neighborhood Association Meeting. The purpose of the meeting with the recognized neighborhood association is to inform the affected neighborhood association about the proposed development and to receive the preliminary responses and suggestions from the neighborhood association and the member residents. Conditional use, subdivision, or site plan and design review (excluding minor site plan and design review) applications shall schedule and attend a meeting with the city-recognized neighborhood association in whose territory the application is proposed. Although not required for other projects than those identified above, a meeting with the neighborhood association is highly recommended. The applicant shall send, by certified mail, return receipt requested, a letter to the

chairperson of the neighborhood association and the Citizen Involvement Committee describing the proposed project. A meeting shall be scheduled within 30 days of the notice. If the neighborhood association does not want to, or cannot meet within 30 days, the applicant shall hold their own meeting after 6pm or on the weekend, with notice to the neighborhood association, Citizen Involvement Committee, and all property owners within 300 feet. If the applicant holds their own meeting, a copy of the certified letter shall be required for a complete application. The meeting shall be held within the boundaries of the neighborhood association or in a City facility.

Oregon City Municipal Code

Chapter 17.49 - Natural Resource Overlay District

17.49.010 Purpose

This overlay zone designation provides a framework for protection of Metro Titles 3 and 13 lands, and Statewide Planning Goal 5 resources within Oregon City. The Natural Resource Overlay District (NROD) implements the Oregon City Comprehensive Plan Natural Resource Goals and Policies, as well as Federal Clean Water Act requirements for shading of streams and reduction of water temperatures, and the recommendations of the Metro ESEE Analysis. It is intended to resolve conflicts between development and conservation of habitat, stream corridors, wetlands, and floodplains identified in the City's maps. The NROD contributes to the following functional values:

- A. Protect and restore streams and riparian areas for their ecologic functions and as an open space amenity for the community.
- B. Protect floodplains and wetlands, and restore them for improved hydrology, flood protection, aquifer recharge, and habitat functions.
- C. Protect upland habitats, and enhance connections between upland and riparian habitat.
- D. Maintain and enhance water quality and control erosion and sedimentation through the revegetation of disturbed sites and by placing limits on construction, impervious surfaces, and pollutant discharges.
- E. Conserve scenic, recreational, and educational values of significant natural resources.

The NROD ecological functions listed above are planned for integration with existing neighborhoods and new residential and commercial developments. The long-term goal of the NROD is to restore and enhance stream corridors, wetlands, and forests to more natural vegetated conditions, recognizing that existing homes and other existing uses will continue in the district.

General

17.49.020 How the NROD Works

A. The NROD protects as one connected system; the habitats and associated functions of the streams, riparian corridors, wetlands and the regulated upland habitats found in Oregon City. These habitats and functions are described in the following documents upon which the NROD is based:

1. The 1999 Oregon City Local Wetland Inventory
2. The Oregon City Water Quality Resource Area Map (Ord. 99-1013)
3. 2004 Oregon City slope data and mapping (LIDAR)
4. Metro Regionally Significant Habitat Map (Aerial Photos taken 2002)
5. National Wetland Inventory (published 1992).
7. Beaver Creek Road Concept Plan (adopted September 2008).
8. Park Place Concept Plan (adopted April 2008).

The NROD provisions apply only to properties within the NROD as shown on the NROD Map, as amended.

Formatted: Numbered + Level: 1
+ Numbering Style: A, B, C, ... +
Start at: 1 + Alignment: Left +
Aligned at: 0" + Indent at:
0.25"

Properties on the NROD map which are smaller than two acres and which are completely surrounded by the NROD shall be included within the NROD and subject to review under this code.

Formatted: Font: 11 pt

Formatted: Font: 11 pt

The intent of these regulations is to provide applicants with a clear and objective review process, as well as discretionary review process. The NROD provisions do not affect existing uses and development, or the normal maintenance of existing structures, driveways/parking areas, public facilities, farmland and landscaped areas. New public facilities such as recreation trails, planned road and utility line crossings and stormwater facilities, are allowed within the overlay district under prescribed conditions as described in Section 17.49.090. In addition, provisions to allow a limited portion of the NROD to be developed on existing lots of record that are entirely or mostly covered by the NROD (“highly constrained”) are -described in Section 17.49.120.

Formatted: Highlight

17.49.030 Map as Reference

This chapter applies to all development within the Natural Resources Overlay District as shown on the NROD Map, which is a regulatory boundary mapped 10’ beyond the required vegetated corridor width specified in section 17.49.110. The mapped NROD boundary is based on a GIS-supported application of the adopted documents, plans and maps listed in 17.49.020(A)(1)-(8), however the adopted map may not indicate the true location of protected features. Notwithstanding changing field conditions or updated mapping approved by the City (and processed as a Type I Verification per OCMC 17.49.255), the applicant may choose to either accept the adopted NROD boundary or provide a verifiable delineation of the true location of the natural resource feature pursuant to the Type I or Type II procedure in accordance with this Chapter. The NROD boundary shall be shown on all development permit applications and its location shall be verified in the field before development activity (including grading) commences. The official NROD map can only be amended by the City Commission. Verification of the map shall be processed pursuant to Section 17.49.250.

Formatted: Highlight

17.49.035 Addition of Wetlands to Map following Adoption

The NROD boundary shall be expanded to include a wetland identified during the course of a development permit review if it is within or partially within the mapped NROD boundary and meets the State of Oregon’s definition of a “Locally Significant Wetland”. In such cases the entire wetland and its required vegetated corridor as defined in Table 17.49.110 shall be regulated pursuant to the standards of this Chapter. The NROD boundary shall be added to the NROD map by the Community Development Director after the development permit becomes final.

17.49.040 NROD Permit

An NROD permit is required for those uses regulated under Section 17.49.90, Uses Allowed under Prescribed Conditions. An NROD permit shall be processed under the Type II development permit procedure, unless an adjustment of standards pursuant to Section 17.49.87 200 is requested or the application is being processed in conjunction with a concurrent application or action requiring a Type III or Type IV development permit. Applications for development on properties affected by the NROD shall delineate or verify the exact location of the NROD as part of a Type I or II development review process unless exempted pursuant to section 17.40.080.

17.49.050 Emergencies

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

emergency shall mean any man-made or natural event or circumstance causing or Threatening loss of life, injury to person or property, and includes, but is not limited to fire, explosion, flood, severe weather, drought, earthquake, volcanic activity, spills or releases of oil or hazardous material, contamination, utility or transportation disruptions, and disease.

17.49.060 Consistency and Relationship to Other Regulations

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

Formatted: Highlight

B. Compliance with Federal and State Requirements.

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

Formatted: Indent: Left: 0.5", Hanging: 0.19"

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

Formatted: Indent: Left: 0.5", Hanging: 0.19"

Prohibited, Exempted and Regulated Uses

17.49.070 Prohibited Uses

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

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

activity that results in the removal of more than ten percent of the existing native vegetation on any lot ~~the removal of native vegetation~~ within the NROD is prohibited, unless part of an approved development activity.

17.49.080 Uses Allowed Outright (Exempted)

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

- A. Stream, wetland, riparian, and upland restoration or enhancement projects as authorized by the City.
- B. Farming practices as defined in ORS 215.203 and farm uses, excluding buildings and structures, as defined in ORS 215.203.
- C. Utility service using a single utility pole or where no more than 100 square feet of ground surface is disturbed outside of the top-of-bank of water bodies and where the disturbed area is restored to the pre-construction conditions.
- D. Boundary and topographic surveys leaving no cut scars greater than three inches in diameter on live parts of native plants listed in the Oregon City Native Plant List.
- E. Soil tests, borings, test pits, monitor well installations, and other minor excavations necessary for geotechnical, geological or environmental investigation, provided that disturbed areas are restored to pre-existing conditions as approved by the Community Development Director. ~~Soil tests performed with hand held equipment, provided that excavations do not exceed a depth of five feet, combined diameters of all excavations do not exceed five feet, and all excavations are refilled with native soil, except as necessary for environmental review.~~
- F. Trails meeting all of the following:
 - 1. Construction shall take place between May 1 and October 30 with hand held equipment;
 - 2. Widths shall not exceed 48 inches and trail grade shall not exceed 20 percent;
 - 3. Construction shall leave no scars greater than three inches in diameter on live parts of native plants;
 - 4. Located no closer than 25 feet to a wetland or the top of banks of water bodies;
 - 5. No impervious surfaces; and
 - 6. No native trees greater than one (1) inch in diameter may be removed or cut, unless replaced with an equal number of native trees of at least 3-inch diameter and planted within 10 feet of the trail.
- G. Land divisions provided they meet the following standards, and indicate the following on the final plat:
 - 1. Lots shall have their building sites (or buildable areas) entirely located at least 5 feet from the NROD boundary shown on the City's adopted NROD map. For the purpose of this subparagraph, "building site" means an area of at least 3,500 square feet with minimum dimensions of 40 feet wide by 40 feet deep;
 - 2. All public and private utilities (including water lines, sewer lines or drain fields, and stormwater disposal facilities) where none of these utilities are in the NROD;
 - 3. Streets, driveways and parking areas where all pavement shall be located at least 10 feet from the NROD; and
 - 4. The NROD portions of all lots are protected by a conservation easement; or
 - 5. A lot or tract created and dedicated solely for unimproved open space or conservation purposes.
- H. Site Plan and Design Review applications where all new construction is located outside of the NROD boundary shown on the City's adopted NROD map, where the NROD are is protected by a conservation easement approved in form by the City.

Formatted: Font: 11 pt

Formatted: Default, Indent:
Left: 0", First line: 0", Tab
Left: 0.5"

Formatted: Font: 11 pt

- ~~I~~H. Routine repair and maintenance of existing structures, roadways, driveways and utilities.
- ~~J~~. Replacement, additions, alterations and rehabilitation of existing structures, roadways, utilities, etc., where the ground level impervious surface area is not increased.
- ~~J~~~~K~~. Measures mandated by the City of Oregon City to remove or abate nuisances or hazardous conditions.
- ~~K~~~~L~~. Planting of native vegetation and the removal of non-native, invasive vegetation (as identified on the Oregon City Native Plant List), and removal of refuse and fill, provided that:
 1. All work is done using hand-held equipment;
 2. No existing native vegetation is disturbed or removed; and
 3. All work occurs outside of wetlands and the tops-of-bank of streams.

17.49.090 Uses Allowed Under Prescribed Conditions

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

- A. Alteration to existing structures within the NROD when not exempted by Section 17.49.080, subject to Section 17.49.130.
- B. A residence on a highly constrained vacant lot of record that has less than 5,000 square feet of buildable area, with minimum dimensions of 50 feet by 50 feet, remaining outside the NROD portion of the property, subject to the maximum disturbance allowance prescribed in subsection 17.49.120.A.
- C. A land division that would create a new lot for an existing residence currently within the NROD, subject to Section 17.49.160.
- ~~D~~. Land divisions when not exempted by Section 17.49.080, subject to the applicable standards of Section 17.49.160.
- ~~D~~~~E~~. Trails/pedestrian paths when not exempted by Section 17.49.080, subject to Section 17.49.170 (for trails) or Section 17.49.150 (for paved pedestrian paths).
- ~~E~~~~F~~. New roadways, bridges/creek crossings, utilities or alterations to such facilities when not exempted by Section 17.49.080, subject to Section 17.49.150 (for roads, bridges/creek crossings) or Section 17.49.140 (for utility lines) or Section 17.49.100 (for stormwater detention or pre-treatment facilities).
- ~~F~~~~G~~. Institutional, Industrial or Commercial development on a vacant lot of record situated in an area designated for such use that has more than 75% of its area covered by the NROD, subject to subsection 17.49.120(B).
- ~~G~~~~H~~. City, county and state capital improvement projects, including sanitary sewer, water and storm water facilities, water stations, and parks and recreation projects.

Development Standards

17.49.100 General Development Standards

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

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

Formatted: Highlight

Formatted: Highlight

Formatted: Default, Indent: Left: 0", First line: 0"

Formatted: Font: 11 pt,

Formatted: Font: 11 pt,

Formatted: Highlight

Formatted: Font: 11 pt,

Formatted: Highlight

Formatted: Font: 11 pt,

Formatted: Highlight

Formatted: Highlight

- B. The Community Development Director may allow the landscaping requirements of the base zone, other than landscaping required for parking lots, to be met by preserving, restoring and permanently protecting habitat on development sites in the Natural Resource Overlay District.
- C. All vegetation planted in the NROD shall be native and listed on the Oregon City Native Plant List;
- D. Grading is subject to installation of erosion control measures required by the City of Oregon;
- E. The minimum front, street, or garage setbacks of the base zone may be reduced to any distance between the base zone minimum and zero in order to minimize the disturbance area within the NROD portion of the lot;
- F. Any maximum required setback in any zone, such as for multi-family, commercial or institutional development, may be increased to any distance between the maximum and the distance necessary to minimize the disturbance area within the NROD portion of the lot;
- G. Fences are allowed only within the disturbance area;
- H. Incandescent lights exceeding 200 watts (or other light types exceeding the brightness of a 200 watt incandescent light) shall be placed or shielded so that they do not shine directly into resource areas;
- I. If development will occur within the 100 yr. floodplain, the FEMA floodplain standards of Chapter 17.42 shall be met; and
- J. Mitigation is required, subject to Section 17.49.180 or 17.49.190.

17.49.110 Width of Vegetated Corridor

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

Table 17.49.110

Protected Feature Type (See Definitions)	Anadromous Fish-bearing Stream	All Other Features			
		Intermittent Stream < 25%, drains < 100 acres	All Other Streams (Intermittent or Perennial)		Delineated Wetland
			Intermittent	Perennial	
Minimum Required Width	200'	15'	50'	200'	50'
Slope Adjacent to Feature	Any	< 25 %	> 25 % for less than 150 feet (see Note 2)	> 25 % for 150 feet or more (see Note 2)	Any
Starting Point for Measurements from Feature	Top of Bank	Top of Bank	Top of Bank	Top of bank to break in > 25 % slope (See Note 3) + 50'	Delineated Edge of Title 3 Wetland
Maximum Disturbance Allowance	See Section 17.49.120				
Mitigation Requirements	See Section 17.49.180 or 17.49.190				

Formatted: Highlight

Formatted: Highlight

Formatted: Centered

Notes:

1. Vegetated corridors in excess of fifty feet apply on steep slopes only in the uphill direction from the protected water feature.
2. Where the protected water feature is confined by a ravine or gully, the top of the ravine is the break in the ≥ 25 percent slope.

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

17.49.120 Maximum Disturbance Allowance for Highly Constrained Lots of Record

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

- A. Standard for Residential Development. In the NROD where the underlying zone district is zoned Residential (R-10, R-8, R-6, R-5, R-3.5): the maximum disturbance area allowed for new residential development within the NROD area of the lot is 2,500 square feet.
- B. Standard for all developments not located in R-10, R-8, R-6, R-5, and R-3.5. For all other underlying zone districts, including R-2 multifamily, the maximum disturbance area allowed for a vacant, constrained lot of record development within the NROD is that square footage which when added to the square footage of the lot lying outside the NROD portion equals 25% of the total lot area.

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

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

- C. In all areas of Oregon City, the disturbance area of a vacant, highly constrained lot of record within the NROD shall be set back at least 100 feet from the top of bank on Abernethy Creek, Newell Creek, or Livesay Creek or 50 feet from the top of bank of any tributary of the aforementioned Creeks, other water body, or from the delineated edge of a wetland located within the NROD area.

17.49.130 Existing Development Standards

In addition to the General Development Standards of Section 17.49.100, the following standards apply to alterations of existing development within the NROD, except for trails, rights of way, utility lines, land divisions and mitigation projects:

- A. One of the following shall be met:
1. The disturbance area shall not exceed 2,500 square feet of subsection 17.49.120 and the disturbance area shall not be expanded toward the protected feature; or
 2. If the existing disturbance area now exceed 2,500 square feet, a permanent disturbance

area shall be delineated that includes all existing buildings, parking and loading areas, paved or graveled areas, patios and decks, and contains the proposed development. The same delineated disturbance area shall be shown on every subsequent proposal for alterations meeting this standard.

- B. The proposed development shall be set back at least 25 feet from the top-of-bank of any stream, waterbody, or from the delineated edge of any wetland located within the NROD area.

17.49.140 Standards for Utility Lines

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

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

Formatted: Not Highlight

Formatted: Highlight

Formatted: Highlight

17.49.150 Standards for **Private and Public Roads, Bridges and Stream Crossings****Rights of Ways**

Formatted: Highlight

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

Formatted: Highlight

- A. Stream crossings shall be limited to the minimum number **and width** necessary to ensure safe and convenient pedestrian, bicycle and vehicle connectivity, and shall cross the stream at an angle as close to perpendicular to the stream channel as practicable. Bridges shall be used instead of culverts wherever practicable.
- B. Where the right-of-way crosses a stream the crossing shall be by bridge or a bottomless culvert;
- C. No fill or excavation shall occur within the ordinary high water mark of a stream;
- D. If the Oregon Department of State Lands (DSL) has jurisdiction over any work that requires excavation or fill in a wetland, required permits or authorization shall be obtained from DSL prior to release of a grading permit;

Formatted: Highlight

- E. Any work that will take place within the banks of a stream shall be conducted between June 1 and August 31, or shall be approved by the Oregon Department of Fish and Wildlife; and
- F. Mitigation is required, subject to Section 17.49.180 or 17.49.190.

17.49.155 Standards for Stormwater Facilities

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

- A. The forest canopy within the driplines of existing trees shall not be disturbed.
- B. Only vegetation from the Oregon City Native Plant List shall be planted within these facilities.
- C. Mitigation is required, subject to Section 17.49.180 or 17.49.190.
- D. The Community Development Director may allow landscaping requirements of the base zone, other than landscaping required for parking lots, to be met by preserving, restoring and permanently protecting habitat on development sites within the Natural Resource Overlay District.

17.49.160 Standards for Land Divisions

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

A. For a lot for an existing residence currently within the NROD. This ~~the only~~-type of lot is allowed within the NROD ~~is a lot created~~ for a residence that existed before the NROD was applied to a subject property. A new lot for an existing house may be created when all of the following are met:

- ~~A1.~~ There is an existing house on the site that is entirely within the NROD area; and
- ~~B2.~~ The existing house will remain; and
- ~~C3.~~ The new lot is no larger than required to contain the house, minimum required side setbacks, garage, driveway and a 20-foot deep rear yard, with the remaining NROD area beyond that point protected by a conservation easement, or by dedicating a conservation tract or public open space.

B. Subdivisions.

1. New subdivisions shall delineate and show the NROD area as either a separate tract or part of a larger tract that meets the requirements of subsection (3) of this section.
2. Prior to preliminary plat approval, the NROD area shall be shown either as a separate tract or part of a larger tract that meets the requirements of subsection (3) of this section, which shall not be a part of any parcel used for construction of a dwelling unit.
3. Prior to final plat approval, ownership of the NROD tract shall be identified to distinguish it from lots intended for sale. The tract may be identified as any one of the following:
 - a. Private open space held by the owner or a homeowners association; or
 - b. For residential land divisions, private open space subject to an easement conveying stormwater and surface water management rights to the city and preventing the owner of the tract from activities and uses inconsistent with the purpose of this document; or
 - c. At the owners option, public open space where the tract has been dedicated to the city or other governmental unit; or
 - d. Any other ownership proposed by the owner and approved by the city.
 - e. Tracts shall be exempt from minimum frontage requirements.

Formatted: Default, Indent:
Left: 0", First line: 0"

Formatted: Font: 11 pt

C. Partitions

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

17.49.170 Standards for Trails

The following standards apply to trails within the NROD:

- A. All trails that are not exempt pursuant to Section 17.49.76(F), shall be setback at least 50 feet from the tops of banks of streams or the delineated boundary of a wetland, except as designated in the Oregon City Parks, Open Space and Trails Master Plans; and
- B. Mitigation is required, subject to Section 17.49.180 or 17.49.190.

17.49.180 Mitigation Standards

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

- A. Mitigation shall occur at a 2:1 ratio of mitigation area to proposed disturbance area;
- B. Mitigation shall occur on the site where the disturbance occurs, except as follows:
 1. The mitigation is required for disturbance associated with a right-of-way or utility in the right-of-way;
 2. The mitigation shall occur first on the same stream tributary, secondly in the Abernethy, Newell or Livesay Creek or a tributary thereof, or thirdly as close to the impact area as possible within the NROD; and
 3. An easement that allows access to the mitigation site for monitoring and maintenance shall be provided as part of the mitigation plan.
- C. Mitigation shall occur within the NROD area of a site unless it is demonstrated that this is not feasible because of a lack of available and appropriate area. In such cases, the proposed mitigation area shall be contiguous to the existing NROD area so the NROD boundary can be easily extended in the future to include the new resource site.
- D. Invasive and nuisance vegetation shall be removed within the mitigation area;

Formatted: CM2, Indent: Left: 0", Hanging: 0.25"

Formatted: Font: 11 pt

Formatted: Font: 11 pt

Formatted: Font: 11 pt

Formatted: Font: 11 pt

Formatted: Font: 11 pt

Formatted: Font: 11 pt

Formatted: Font color: Auto

Formatted: Indent: Left: 0.25", Hanging: 0.25"

Formatted: Font: 11 pt, Font

Formatted: Font color: Auto

Formatted: Font color: Auto

Formatted: Font: 11 pt, Font

Formatted: Font: 11 pt, Font

Formatted: Font color: Auto

Formatted: Font: 11 pt, Font

Formatted: Font color: Auto

Formatted: Font color: Auto

Formatted: Font: 11 pt, Font

Formatted: Font color: Auto

Formatted: Font: 11 pt, Font

Formatted: Font color: Auto

Formatted: Font color: Auto

Formatted: Font color: Auto

Formatted: Font: 11 pt, Font

Formatted: Font color: Auto

Formatted: Font: 12 pt

Formatted: Default, Indent: Left: 0", First line: 0"

E. Required Mitigation Planting. An applicant shall meet Mitigation Planting Option 1 or 2 below, whichever option results in more tree plantings, except that where the disturbance area is one acre or more, Mitigation Option 2 shall be required. All trees, shrubs and ground cover shall be selected from the Oregon City Native Plant List.

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

1. Mitigation Planting Option 1.

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

Table 17.49.180(E)(1)(a) – Required Planting Option 1

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

- b. Option 1 - Plant Size. Replacement trees shall be at least one-half inch in caliper on average, measured at 6 inches above the ground level for field grown trees or above the soil line for container grown trees. Oak, madrone, ash or alder may be one gallon size. Conifers shall be a minimum of six (6') in height. Shrubs must be in at least 1-gallon container size or the equivalent in ball and burlap, and shall be at least 12 inches in height at the time of planting. All other species shall be a minimum of four-inch pots;
- c. Option 1 - Plant Spacing. Except for the outer edges of mitigation areas, trees and shrubs shall be planted in a non-linear fashion. Plant spacing for new species shall be measured from the driplines of existing trees when present. Trees shall be planted on average between 8 and 12 feet on center, and shrubs shall be planted on average between 4 and 5 feet on center, or clustered in single species groups of no more than four (4) plants, with each cluster planted on average between 8 and 10 feet on center.
- d. Option 1 - Mulching and Irrigation. Mulch new plantings a minimum of three inches in depth and 18 inches in diamters. Water new plantings one inch per week from June 30th to September 15th, for the three years following planting.
- e. Option 1 – Plant Diversity. Shrubs shall consist of at least two (2) different species. If 10 trees or more are planted, no more than one-half of the trees may be of the same genus.

2. Mitigation Planting Option 2.

- a. Option 2 - Planting Quantity. In this option, the mitigation requirement is calculated based on the size of the disturbance area within the NROD. Native trees and shrubs are required to be planted at a rate of five (5) trees and twenty-five (25) shrubs per every 500 square feet of disturbance area (calculated by dividing the number of square feet of disturbance area by 500, and then multiplying that result times five trees and 25 shrubs, and rounding all fractions to the nearest whole number of trees and shrubs; for example,

~~if there will be 330 square feet of disturbance area, then 330 divided by 500 equals .66, and .66 times five equals 3.3, so three trees must be planted, and .66 times 25 equals 16.5, so 17 shrubs must be planted). Bare ground must be planted or seeded with native grasses or herbs. Non-native sterile wheat grass may also be planted or seeded, in equal or lesser proportion to the native grasses or herbs. In this option the required number of plantings is calculated based on the size of the disturbance area within the NROD. The ratio of native trees and shrubs to be planted is 820 trees and 820 shrubs per acre for every acre of HCA disturbance. This amount shall be adjusted for smaller disturbance areas. For example, 410 trees and 410 shrubs shall be planted per acre for every half acre of HCA disturbance. Bare ground shall be planted or seeded with native grasses and ground cover species.~~

- b. Option 2 - Plant Size. Plantings may vary in size dependent on whether they are live cuttings, bare root stock or container stock, however, no initial plantings may be shorter than 12 inches in height.
- c. Option 2 - Plant Spacing. Trees shall be planted at average intervals of seven (7) feet on center. Shrubs may be planted in single-species groups of no more than four (4) plants, with clusters planted on average between 8 and 10 feet on center.
- d. Option 2 – Mulching and Irrigation shall be applied in the amounts necessary to ensure 80% survival at the end of the required 5-year monitoring period.
- e. Option 2 – Plant Diversity. Shrubs shall consist of at least three (3) different species. If 20 trees or more are planted, no more than one-third of the trees may be of the same genus.

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

- F. Monitoring and Maintenance. The mitigation plan shall provide for a 5-year monitoring and maintenance plan with annual reports in a form approved by the Director of Community Development. Monitoring of the mitigation site is the on-going responsibility of the property owner, assign, or designee, who shall submit said annual report to the City's Planning Division, documenting plant survival rates of shrubs and trees on the mitigation site. Photographs shall accompany the report that indicate the progress of the mitigation. A minimum of 80% survival of trees and shrubs of those species planted is required at the end of the 5-year maintenance and monitoring period. Any invasive species shall be removed and plants that die shall be replaced in kind. Bare spots and areas of invasive vegetation larger than ten (10) square feet that remain at the end the 5 year monitoring period shall be replanted or reseeded with native grasses and ground cover species.
- G. Covenant or Conservation Easement. Applicant shall record a restrictive covenant or conservation easement, in a form provided by the City, requiring the owners and assigns of properties subject to this section to comply with the applicable mitigation requirements of this section. Said covenant shall run with the land, and permit the City to complete mitigation work in the event of default by the responsible party. Costs borne by the City for such mitigation shall be borne by the owner.
- H. Financial Guarantee. A financial guarantee for establishment of the mitigation area, in a form approved by the City, shall be submitted before development within the NROD disturbance area commences. The City will release the guarantee at the end of the five-year monitoring period, or before, upon its determination that the mitigation plan has been satisfactorily implemented pursuant to this section.

17.49.190 Alternative Mitigation Standards

In lieu of the above mitigation standards of Section 17.49.180, the following standards may be used. Compliance with these standards shall be demonstrated in a mitigation plan report prepared by an environmental professional with experience and academic credentials in one or more natural resource areas such as ecology, wildlife biology, botany, hydrology or forestry. At the applicant's expense, the City may require the report to be reviewed by an environmental consultant.

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

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

Formatted: Indent: Left: 0",
First line: 0"

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

BC. The proposed mitigation shall result in a significant improvement of at least one functional value listed in section 17.49.10, as determined by a qualified environmental professional;

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

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

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

17.49.200 Adjustment from Standards

If a regulated NROD use listed in Section 17.49.90 cannot meet one or more of the applicable NROD standards then an adjustment may be issued if all of the following criteria are met. Compliance with these criteria shall be demonstrated by the applicant in a written report prepared by an environmental professional with experience and academic credentials in one or more natural resource areas such as ecology, wildlife biology, botany, hydrology or forestry. At the applicant's expense, the City may require the report to be reviewed by an environmental consultant. Such requests shall be processed under the Type III development permit procedure. The applicant shall demonstrate:

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

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

- C. The proposed use or activity proposes the minimum intrusion into the NROD area that is necessary to meet development objectives;
- D. Fish and wildlife passage will not be impeded; and
- E. With the exception of the standard(s) subject to the adjustment request, all other applicable NROD standards can be met.

Application Requirements

17.49.210 Type II Development Permit Application

Unless otherwise directed by the NROD standards, proposed development within the NROD shall be processed as a Type II development permit application. All applications shall include the items required for a complete application by Sections 17.49.220-230, and Section 17.50.080 of the Oregon City Municipal Code as well as a discussion of how the proposal meets all of the applicable NROD development standards 17.49.100-170.

17.49.220 Required Site Plans

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

- A. For the entire subject property (NROD and non-NROD areas):
 - 1. The NROD district boundary. This may be scaled in relation to property lines from the NROD Map;
 - 2. 100 year floodplain and floodway boundary (if determined by FEMA);
 - 3. Creeks and other waterbodies;
 - 4. Any wetlands, with the boundary of the wetland that will be adjacent to the proposed development determined in a wetlands delineation report prepared by a professional wetland specialist and following the Oregon Division of State Lands wetlands delineation procedures;
 - 5. Topography shown by contour lines of 2 or 1 foot intervals for slopes less than 15% and by 10 foot intervals for slopes 15% or greater;
 - 6. Existing improvements such as structures or buildings, utility lines, fences, driveways, parking areas, etc.
 - 7. Extent of the required Vegetated Corridor required by Table 17.49.110.
- B. Within the NROD area of the subject property:
 - 1. The distribution outline of shrubs and ground covers, with a list of most abundant species;
 - 2. Trees 6 inches or greater in diameter, identified by species. When trees are located in clusters they may be described by the approximate number of trees, the diameter range, and a listing of dominant species;
 - 3. An outline of the disturbance area that identifies the vegetation that will be removed. All trees to be removed with a diameter of 6 inches or greater shall be specifically identified as to number, trunk diameters and species;
 - 4. If grading will occur within the NROD, a grading plan showing the proposed alteration of the ground at 2 foot vertical contours in areas of slopes less than 15% and at 5 foot vertical contours of slopes 15% or greater.
- C. A construction management plan including:
 - 1. Location of site access and egress that construction equipment will use;
 - 2. Equipment and material staging and stockpile areas;
 - 3. Erosion control measures that conform to City of Oregon City erosion control standards;
 - 4. Measures to protect trees and other vegetation located outside the disturbance area.
- D. A mitigation site plan demonstrating compliance with Section 17.49.180 or 17.49.190,

including:

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

17.49.230 Mitigation Plan Report

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

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

Miscellaneous

17.49.240 Density Transfer

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

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

- A. Density may be transferred from the NROD to non-NROD portions of the same property or of contiguous properties within the same development site;
- B. The residential transfer credit shall be as follows: **for new residential partitions and subdivisions, 1/3 of the area of the NROD tract or conservation easement area gross density of the underlying zone district within the NROD tract may be is permitted to be transferred added to the net developable area outside of the tract or conservation easement area within the boundary of the development site in order to calculate the allowable number of lots.;**
- C. **Permitted Modifications to Residential Dimensional Standards. In order to allow for a transfer of density pursuant to (B) above, the dimensional standards of the base zone may be modified in order minimize disturbance to the NROD. The permissible reductions are**

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

specified in Table 17.49.240(C).

Table 17.49.240(C)

ZONE	Min. Lot Size (%)	Min. Lot Width	Min. Lot Depth
R-10	50%	50'	65'
R-8	45%	45'	60'
R-6	40%	35'	55'
R-5	35%	30'	50'
R-3.5	30%	20'	45'

D. For transfers to the Mixed Use Commercial (MUC-2), Mixed Use Employment (MUE) Employment, or Mixed Use Downtown (MUD), the transfer credit is 10,000 sq. ft. (FAR) per acre of land within the NROD;

E. The area of land contained in the NROD area may be excluded from the calculations for determining compliance with minimum density requirements of the land division code.

F. The owner of the transferring property shall execute a covenant with the City that records the transfer of ~~units~~ density. The covenant shall be found to meet the requirements of this section and be recorded before building permits are issued; and

G. All other applicable development standards, including setbacks and building heights, ~~maximum lot coverage~~ shall continue to apply when a density transfer occurs.

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

Formatted: Highlight

17.49.250 Verification of NROD Boundary

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

17.49.255 Type I Verification.

- A. Applicants for a determination under this section shall submit a site plan meeting the requirements of 17.49.220, as applicable.
- B. Alternatively, an applicant may request a Type I Verification determination by the Community Development Director by making an application therefore and paying to the City a fee as set by resolution of the City Commission. Such requests may be approved provided that there is evidence substantiating that all the requirements of this chapter relative to the proposed use are satisfied and demonstrates that the property also satisfies the following criteria, as applicable:
 1. No soil, vegetation, hydrologic features have been disturbed;
 2. No hydrologic features have been changed;

3. There are no man-made drainage features, water marks, swash lines, drift lines present on trees or shrubs, sediment deposits on plants, or any other evidence of sustained inundation.
4. The property does not contain a wetland as identified by the City's local wetland inventory or water quality and flood management areas map.
5. There is no evidence of a perennial or intermittent stream system or other protected water feature. This does not include established irrigation ditches currently under active farm use, canals or manmade storm or surface water runoff structures or artificial water collection devices.
6. Evidence of prior land use approvals that conform to the City's existing Water Quality Resource Area Overlay District.
There is an existing physical barrier between the site and a protected water feature, including:
 - a. streets, driveways, alleys, parking lots or other approved impervious areas wider than 15 feet and which includes drainage improvements that are connected to the City storm sewer system, as approved by the City.
 - b. Walls, buildings, drainages, culverts or other structures and which form a physical barrier between the site and the protected water features, as approved by the City.
- C. If a the City is not able to clearly determine, through the Type I verification process that the applicable criteria (B)1-6 above are met the verification application shall be denied. An applicant may then opt to apply for an verification through the Type II process defined below.

17.49.260. Type II Verification

Verifications of the NROD which cannot be determined pursuant to the standards of 17.49.255 may be processed under the Type II permit procedure.

- A. Applicants for a determination under this section shall submit a site plan meeting the requirements of 17.49.220 as applicable.
- B. Such requests may be approved provided that there is evidence that demonstrates in an environmental report prepared by one or more qualified professionals with experience and credentials in natural resource areas, including wildlife biology, ecology, hydrology and forestry, that a resource function(s) and/or land feature(s) does not apply to a site-specific area. (C) Verification to remove a recently developed area from the NROD shall show that all of the following have been met:
 1. All approved development in the NROD has been completed;
 2. All mitigation required for the approved development, located within the NROD, has been successful; and
 3. The previously identified resources and functional values on the developed site no longer exist or have been subject to a significant detrimental impact.

17.49.265 Corrections to Violations

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

- A. No permanent loss of any type of resource or functional value listed in section 17.49.10, as determined by a qualified environmental professional;

- B. A significant improvement of at least one functional value listed in section 17.49.10, as determined by a qualified environmental professional; and
- C. There will be minimal loss of resources and functional values during the remediation action until it is fully established.

Oregon City Municipal Code

Chapter 17.52 Off-Street Parking and Loading

17.52.010 Applicability.

The construction of a new structure or parking lot, or alterations to the size or use of an existing structure, parking lot or property use shall require site plan review approval and compliance with this chapter. This chapter does not apply to single- and two-family residential dwellings.

17.52.020 Number of Automobile Spaces Required.

~~A. Number Required.~~ The number of parking spaces shall comply with the minimum and maximum standards listed in Table 17.52.020. The parking requirements are based on spaces per 1,000 square feet gross leasable area unless otherwise stated.

Table 17.52.020

LAND USE	PARKING REQUIREMENTS	
	MINIMUM	MAXIMUM
Single-Family Dwelling	1.00 per unit	1.5 per unit
Multi-Family: Studio	1.00 per unit	1.5 per unit
Multi-Family: 1 bedroom	1.25 per unit	2.00 per unit
Multi-Family: 2 bedroom	1.5 per unit	2.00 per unit
Multi-Family: 3 bedroom	1.75 per unit	2.50 per unit
Hotel/Motel	1.0 per guest room	1.25 per guest room
Welfare/Correctional Institution	1 per 7 beds	1 per 5 beds
Senior housing, including congregate care, residential care and assisted living facilities; nursing homes and other types of group homes;	1 per 7 beds	1 per 5 beds
Hospital	2	4
Religious Assembly Building	0.25 per seat	0.5 per seat
Preschool Nursery/Kindergarten	2	3
Elementary/Middle School	1 per classroom	1 per classroom + 1 per administrative employee + 0.25 per seat in auditorium/assembly room/stadium
High School/College/Commercial School for Adults	0.20 per # staff and students	0.30 per # staff and students
Auditorium/Meeting Room/Stadium	.25	0.5 per seat
Retail Store/Shopping Center/	4.10	5.00

Formatted: Font: Bold

Formatted: Highlight

Restaurants		
Office	2.70	3.33
Medical or Dental Clinic	2.7	3.33
Sports Club/ Recreation Facilities	Case Specific	5.40
Storage Warehouse/ Freight Terminal	0.30 per gross sq-ft	0.40 per gross sq-ft
Manufacturing/ Wholesale Establishment	1.60 per gross sq-ft	1.67 per gross sq-ft
Light Industrial/ Industrial Park	1.3	1.60

1. Multiple Uses. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.
2. Requirements for types of buildings and uses not specifically listed herein shall be determined by the Community Development Director, based upon the requirements of comparable uses listed.
3. Where calculation in accordance with the following list results in a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall require one space.
4. The minimum required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use. ~~Off street parking for dwellings shall be located on the same lot with the dwelling.~~
- 4.5. A Change in Use within an existing building located in the MUD Downtown Design District is exempt from additional parking requirements. Additions to an existing building or new construction in the District, however, are required to meet Table 17.52.020.

B. Reduction of the Number of Automobile Spaces Required. The required number of parking stalls may be reduced if one or more of the following is met:

- ~~A~~1. Transit Oriented Development. The Community Development Director may reduce the required number of parking stalls up to 10% when it is determined that a commercial business center or multi-family project is adjacent to or within 1,000 feet of an existing or planned public transit. Also, if a commercial center is within 1,000 feet of a multi-family project, with over 80 units and pedestrian access, the parking requirements may be reduced by ten percent.
- ~~B~~2. Transportation Demand Management. The Community Development Director may reduce the required number of parking stalls up to 10% when a parking-traffic study prepared by a traffic engineer demonstrates:
 - a. Alternative modes of transportation, including transit, bicycles, and walking, and/or special characteristics of the customer, client, employee or resident population will reduce expected vehicle use and parking space demand for this development, as compared to standard Institute of Transportation Engineers vehicle trip generation rates and minimum city parking requirements.
 - b. A Transportation Demand Management (TDM) Program has been developed for approval by the City Engineer. The plan will contain strategies for reducing vehicle use and parking demand generated by the development and will be measured annually. If, at the

annual assessment, the City determines the plan is not successful, the plan may be revised. If the City determines that no good-faith effort has been made to implement the plan, the City may take enforcement actions.

3E. Shared Parking. The Community Development Director may reduce the required number of parking stalls up to 50% for:

a. Mixed uses. If more than one type of land use occupies a single structure or parcel of land, the total requirements for off-street automobile parking shall be the sum of the requirements for all uses, unless it can be shown that the peak parking demands are actually less (i.e., the uses operate on different days or at different times of the day). In that case, the total requirements shall be reduced accordingly, up to a maximum reduction of 50%, as determined by the Community Development Director.

b. Shared parking. Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlay (e.g., uses primarily of a daytime versus nighttime nature), that the shared parking facility is within 1,000 feet of the potential uses, and provided that the right of joint use is evidenced by a recorded deed, lease, contract, or similar written instrument establishing the joint use.

4. Reduction in Parking for Tree Preservation. The Community Development Director may grant an adjustment to any standard of this provided that the adjustment preserves a regulated tree or grove so that the reduction in the amount of required pavement can help preserve existing healthy trees in an undisturbed, natural condition. The amount of reduction can be determined only after taking into consideration any unique site conditions and the impact of the reduction on parking needs for the use, and must be approved by the Community Development Director. This reduction is discretionary and subject to the approval of the Community Development Director.

5D. On-Street Parking. On-street parking for commercial uses shall conform to the following standards:

1. Dimensions. The following constitutes one on-street parking space:
 - a. Parallel parking, each [22] feet of uninterrupted and available curb;
 - b. [45/60] degree diagonal, each with [12] feet of curb;
 - c. 90 degree (perpendicular) parking, each with [12] feet of curb.
2. Location. Parking may be counted toward the minimum standards in the Parking Requirement Table below when it is on the block face abutting the subject land use. An on-street parking space must not obstruct a required clear vision area and its must not violate any law or street standard.
3. Public Use Required for Credit. On-street parking spaces counted toward meeting the parking requirements of a specific use may not be used exclusively by that use, but shall be available for general public use at all times. Signs or other actions that limit general public use of on-street spaces are prohibited.

~~17.52.020 Administrative Provisions:~~

~~A. The provision and maintenance of off street parking and loading spaces are continuing obligations of the property owner.~~

~~B. Off street parking for dwellings shall be located on the same lot with the dwelling.~~

~~C. Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.~~

17.52.030 ~~Design Review~~Standards for Automobile Parking.

~~A. Development of or alterations to existing parking lots shall require site plan review.~~

A. Access. Ingress and egress locations on public thoroughfares shall be located in the interests of public traffic safety. Groups of more than four parking spaces shall be so located and served by driveways so that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley. No driveway with a slope of greater than fifteen percent shall be permitted without approval of the city engineer.

~~CB.~~ Surfacing. Required off-street parking spaces and access aisles shall have paved surfaces adequately maintained. The use of pervious asphalt/concrete and alternative designs that reduce storm water runoff and improve water quality pursuant to the city's Stormwater and Low Impact Development Design Standards are encouraged.

~~DC.~~ Drainage. Drainage shall be designed in accordance with the requirements of Chapter 13.12 and the city public works stormwater and grading design standards.

~~D. Dimensional Requirements~~Standards.

- Requirements for parking developed at varying angles are according to the table included in this section. A parking space shall not be less than seven feet in height when within a building or structure, and shall have access by an all-weather surface to a street or alley. Parking stalls in compliance with the American with Disabilities Act may vary in size in order to comply with the Building Division requirements. Up to 35% of the minimum required parking may be compact, while the remaining required parking stalls are designed to standard dimensions. The Community Development Director may approve alternative dimensions for parking stalls in excess of the minimum requirement which comply with the intent of this chapter.
- Alternative parking/~~landscaping~~ plan. ~~Any applicant may propose an alternative parking plan. Such plans are often proposed to address physically constrained or smaller sites, however innovative designs for larger sites may also be considered. In such situations, the Community Development Director may approve an alternative parking lot plan with variations to parking dimensions of this section. The city understands the physical constraints imposed upon small parking lots and encourages alternative designs for parking lots of less than 10 parking stalls. The Community Development Director may approve an alternative parking lot/landscaping plan with variations to the parking angle or space dimensions and landscaping standards for off-street parking. The alternative shall be consistent with the intent of this chapter and shall create a safe space for automobiles and pedestrians while retaining landscaping to the quantity and quality found within parking lot landscaping requirements. (Ord. 03-1014, Att. B3 (part), 2003; Ord. 99-1029 §9, 1999; prior code §11-5-3)~~

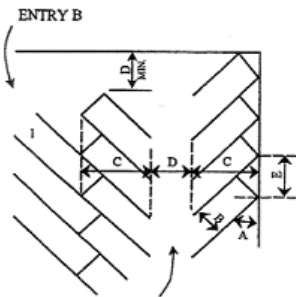
PARKING STANDARD
PARKING ANGLE SPACE DIMENSIONS

A Parking Angle		B Stall Width	C Stall to Curb	D Aisle Width	E Curb Length	F Overhang
0 degrees		8.5	9.0	12	20	0
30 degrees	Standard	9'	17.3'	11'	18'	
	Compact	8'	14.9'	11'	16'	
45 degrees	Standard	8.5	19.8'	13'	12.7'	1.4
	Compact	8.5	17.0'	13'	11.3'	

60 degrees	Standard Compact	9' 8'	21' 17.9'	18' 16'	10.4' 9.2'	1.7
90 degrees	Standard Compact	9' 8'	19.0' 16.0'	24' 22'	9' 8'	1.5

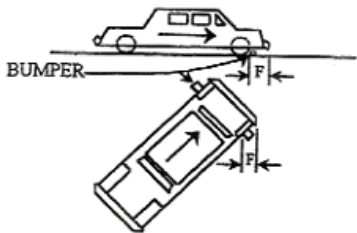
All dimensions are to the nearest tenth of a foot.

TYPICAL PARKING LAYOUT



ENTRY A

NOTE: SPACE 1 CONTINGENT UPON ENTRY B



OVERHANG

NOTE: Overhang dimensions are intended to indicate possible location from parking area edge for location of bumpers.

E.
17.52.040 Carpool and Vanpool Parking.
New, office and industrial developments with seventy-five or more parking spaces, and new hospitals, government offices, nursing and retirement homes, schools and transit park-and-ride facilities with fifty or more parking spaces, shall identify the spaces available for employee, student and commuter parking and designate at least five percent, but not fewer than two, of those spaces for exclusive carpool and vanpool parking. Carpool and vanpool parking spaces shall be located closer to the main employee, student or commuter entrance than all other employee, student or commuter parking spaces with the exception of handicapped parking spaces. The carpool/vanpool spaces shall be clearly marked "Reserved - Carpool/Vanpool Only."

Formatted: Normal

Formatted: Indent: Left: 0", First line: 0"

~~A. New, office and industrial developments with seventy five or more parking spaces, and new hospitals, government offices, nursing and retirement homes, schools and transit park and ride facilities with fifty or more parking spaces, shall identify the spaces available for employee, student and commuter parking and designate at least five percent, but not fewer than two, of those spaces for exclusive carpool and vanpool parking. Carpool and vanpool parking spaces shall be located closer to the main employee, student or commuter entrance than all other employee, student or commuter parking spaces with the exception of handicapped parking spaces. The carpool/vanpool spaces shall be clearly marked "Reserved—Carpool/Vanpool Only."~~
~~B. As used in this section, "carpool" means a group of two or more commuters, including the driver, who share the ride to and from work, school and other destination. "Vanpool" means a group of five or more commuters, including the driver, who share the ride to and from work, school or other destination on a regularly scheduled basis. (Ord. 95-1001 §2(part), 1995)~~

Formatted: Indent: Left: 0", First line: 0"

17.52.0450 Bicycle Parking Standards-

A. Purpose-Applicability. To encourage bicycle transportation to help reduce principal reliance on the automobile, and to ensure bicycle safety and security, bicycle parking shall be provided in conjunction with all of the following uses:

- ~~A. Multifamily housing of four or more units;~~
- ~~B. Retail and office development;~~
- ~~C. Industrial development;~~
- ~~D. Institutional development;~~
- ~~E. Transit transfer stations and park and ride lots;~~
- ~~F. Automobile parking lots and structures~~
- ~~G. Restaurants~~
- ~~H. Schools~~

~~Religious Institutions (Ord. 95-1001 §2(part), 1995)uses other than single-family dwellings or duplexes.~~

17.52.060B. Number of Bicycle Spaces Required. -Bicycle Parking Standards-

~~A. Bicycle parking spaces shall be provided for the uses described in Section 17.52.050, in the amounts specified in Table A.~~ For any use not specifically mentioned in Table A, the bicycle parking requirements shall be the same as the use which, as determined by the Community Development Director is most similar to the use not specifically mentioned. Calculation of the number of bicycle parking spaces required shall be determined in the manner established in Section 17.52.0240 for determining automobile parking space requirements.

<u>TABLE A Required Bicycle Parking Spaces*</u>	
<u>USE</u>	<u>BICYCLE PARKING</u>
<u>Residential</u>	
<u>Multiple family (three or more units)</u>	<u>1 per unit</u>
<u>Commercial Residential</u>	
<u>Hotel and Motel</u>	<u>1 per 10 guest rooms</u>
<u>Rooming or boarding houses</u>	<u>1 per 10 guest rooms</u>
<u>Bed and breakfast inns</u>	<u>1 per 10 guest rooms</u>
<u>Club/lodge</u>	<u>1 per 20 auto spaces</u>

<u>Institutional</u>	
<u>Welfare institution</u>	<u>not applicable</u>
<u>Correctional institution</u>	<u>1 per 30 auto spaces</u>
<u>Nursing home, care facility, sanitarium</u>	<u>1 per 30 auto spaces</u>
<u>Hospital</u>	<u>1 per 20 auto spaces</u>
<u>Park-and-ride lot</u>	<u>5 per acre, at least one of which is a locker</u>
<u>Transit center</u>	<u>5 per center, at least one of which is a locker</u>
<u>Parks and open space</u>	<u>1 per 10 auto spaces</u>
<u>Public parking lots</u>	<u>1 per 20 auto spaces</u>
<u>Automobile parking structures</u>	<u>1 per 20 auto spaces</u>
<u>Places of Public Assembly</u>	
<u>Religious institutions</u>	<u>1 per 20 auto spaces</u>
<u>Libraries, museums</u>	<u>1 per 10 auto spaces</u>
<u>Preschool, nursery, kindergarten</u>	<u>2 spaces</u>
<u>Elementary, junior high</u>	<u>4 per classroom</u>
<u>High school</u>	<u>2 per classroom</u>
<u>College, business/commercial schools</u>	<u>2 per classroom</u>
<u>Other auditorium/meeting room</u>	<u>1 per 20 auto spaces</u>
<u>Commercial Amusement</u>	
<u>Stadium, arena, theater</u>	<u>1 per 20 auto spaces</u>
<u>Bowling alley, skating rink, dance hall</u>	<u>1 per 15 auto spaces</u>
<u>Commercial</u>	
<u>Retail stores and shopping centers</u>	<u>1 per 20 auto spaces</u>
<u>Retail stores handling exclusively bulky merchandise such as automobile, boat or trailer sales or rental</u>	<u>1 per 40 auto spaces</u>
<u>Bank, office</u>	<u>1 per 20 auto spaces</u>
<u>Medical and dental clinic</u>	<u>1 per 20 auto spaces</u>
<u>Convenience food store</u>	<u>1 per 10 auto spaces</u>
<u>Furniture and appliance stores</u>	<u>1 per 40 auto spaces</u>
<u>Eating and drinking establishment,</u>	<u>1 per 20 auto spaces</u>
<u>Auto repair garage and gasoline service station</u>	<u>2 spaces</u>
<u>Mortuaries</u>	<u>not applicable</u>
<u>Swimming pools, gymnasiums, ball courts</u>	<u>1 per 10 auto spaces</u>

<u>Industrial</u>	
<u>Storage warehouse a</u>	<u>1 per 50 auto spaces</u>
<u>Manufacturing</u>	<u>1 per 40 auto spaces</u>

C. Location of Bicycle Parking

1. Bicycle parking shall be located on-site, in one or more convenient, secure and accessible ~~outdoor and indoor locations close to a main building entrance.~~ The City Engineer and the Community Development Director may permit the bicycle parking to be provided within the public right-of-way. If sites have more than one building, bicycle parking shall be distributed as appropriate to serve all buildings. If a building has two or more main building entrances, the review authority may require bicycle parking to be distributed to serve all main building entrances, as it deems appropriate.

2. Bicycle parking areas shall be clearly marked or visible. ~~Outdoor bicycle parking areas shall be visible from from~~ on-site buildings or the street. ~~If a bicycle parking area is not plainly visible from the street or main building entrance, a sign must be posted indicating the location of the bicycle parking area.~~ Indoor bicycle parking areas shall not require stairs to access the space, ~~except that bicycle parking may be allowed on upper stories within multi-story residential structures unless approved by the Community Development Director.~~

3. B. ~~All bicycle parking areas shall be located to avoid conflicts with pedestrian and motor vehicle movement.~~

a1. Bicycle parking areas shall be separated from motor vehicle parking and maneuvering areas and from arterial streets by a barrier or a minimum of five feet. ~~Areas set aside for required bicycle parking shall be clearly marked and reserved for bicycle parking only. If a bicycle parking area is not plainly visible from the street or main building entrance, then a sign must be posted indicating the location of the bicycle parking area.~~

b2. Bicycle parking areas shall not obstruct pedestrian walkways; provided, however, that the review authority may allow bicycle parking in the public sidewalk where this does not conflict with pedestrian accessibility.

4. Accessibility.

a. C. ~~Outdoor bicycle areas shall be connected to main building entrances by pedestrian accessible walks.~~

b. Outdoor bicycle parking areas also shall have direct access to public right-of-way ~~and to existing and proposed pedestrian/bicycle accessways and pedestrian walkways.~~

D. Bicycle parking facilities shall offer security in the form of either a lockable enclosure in which the bicycle can be stored or a stationary rack to which the bicycle can be locked. All bicycle racks and lockers shall be securely anchored to the ground or to a structure. Bicycle racks shall be designed so that bicycles may be securely locked to them without undue convenience.

17.52.070 Pedestrian Access in Off-Street Automobile Parking Areas:

~~Sidewalks and curbs shall be provided in accordance with the city's transportation master plan and development standards within Chapter 17.62.050.A.7 of the Oregon City Municipal Code.~~

TABLE A Required Bicycle Parking Spaces²⁶	
USE	BICYCLE PARKING

Residential	
Multiple family (three or more units)	1 per unit
Commercial Residential	
Hotel and Motel	1 per 10 guest rooms
Rooming or boarding houses	1 per 10 guest rooms
Bed and breakfast inns	1 per 10 guest rooms
Club/lodge	1 per 20 auto spaces
Institutional	
Welfare institution	not applicable
Correctional institution	1 per 30 auto spaces
Nursing home, care facility, sanitarium	1 per 30 auto spaces
Hospital	1 per 20 auto spaces
Park and ride lot	5 per acre, at least one of which is a locker
Transit center	5 per center, at least one of which is a locker
Parks and open space	1 per 10 auto spaces
Public parking lots	1 per 20 auto spaces
Automobile parking structures	1 per 20 auto spaces
Places of Public Assembly	
Religious institutions	1 per 20 auto spaces
Libraries, museums	1 per 10 auto spaces
Preschool, nursery, kindergarten	2 spaces
Elementary, junior high	4 per classroom
High school	2 per classroom
College, business/commercial schools	2 per classroom
Other auditorium/meeting room	1 per 20 auto spaces
Commercial Amusement	
Stadium, arena, theater	1 per 20 auto spaces
Bowling alley, skating rink, dance hall	1 per 15 auto spaces
Commercial	
Retail stores and shopping centers	1 per 20 auto spaces
Retail stores handling exclusively bulky merchandise such as automobile, boat or trailer sales or rental	1 per 40 auto spaces
Bank, office	1 per 20 auto spaces
Medical and dental clinic	1 per 20 auto spaces

Convenience food store	1 per 10 auto spaces
Furniture and appliance stores	1 per 40 auto spaces
Eating and drinking establishment,	1 per 20 auto spaces
Auto repair garage and gasoline service station	2 spaces
Mortuaries	not applicable
Swimming pools, gymnasiums, ball courts	1 per 10 auto spaces
Industrial	
Storage warehouse a	1 per 50 auto spaces
Manufacturing	1 per 40 auto spaces

17.52.0690 Parking Lot Landscaping.

~~A.~~ Purpose. The purpose of this code section includes the following:

1. To enhance and soften the appearance of parking lots;
2. To limit the visual impact of parking lots from sidewalks, streets and particularly from residential areas;
3. To shade and cool parking areas;
4. To reduce air and water pollution;
5. To reduce storm water impacts and improve water quality; and
6. To establish parking lots that are more inviting to pedestrians and bicyclists.

~~B.~~

A. Development Standards

1. The landscaping shall be located in defined landscaped areas that are uniformly distributed throughout the parking or loading area.
2. All areas in a parking lot not used for parking, maneuvering, or circulation shall be landscaped.
3. Parking lot trees shall be a mix of deciduous shade trees and coniferous trees. The trees shall be evenly distributed throughout the parking lot as both interior and perimeter landscaping to provide shade.
4. Required landscaping trees shall be of a minimum two-inch minimum caliper size (though it may not be standard for some tree types to be distinguished by caliper), planted according to American Nurseryman Standards, and selected from the Oregon City Street Tree List;
5. Landscaped areas shall include irrigation systems.
6. All plant materials, including trees, shrubbery and ground cover should be selected for their appropriateness to the site, drought tolerance, year-round greenery and coverage and staggered flowering periods. Species found on the Oregon City Native Plant List are strongly encouraged and species found on the Oregon City Nuisance Plant List are prohibited.
7. The landscaping in parking areas shall not obstruct lines of sight for safe traffic operation and shall comply with all requirements of Chapter 10.32, Traffic Sight Obstructions.
8. Landscaping shall incorporate design standards in accordance with Chapter 13.12, Stormwater Management.

~~B. Development Standards. Parking lot landscaping is required for all uses, except for single and two family residential dwellings.~~

~~4.~~ Perimeter Parking Lot Landscaping and Parking Lot Entryway/Right-of-Way Screening. Parking lots shall include a 5-foot wide landscaped buffer where the parking lot abuts the right-of-way and/or adjoining properties. In order to provide connectivity between non-single-family sites, the Community Development Director may approve an interruption in the perimeter parking lot landscaping for a single driveway where the parking lot abuts property designated as multi-family, commercial or industrial. Shared driveways and parking aisles that straddle a lot line do not need to meet perimeter landscaping requirements.

Formatted: Indent: Left: 0", Hanging: 0.25"

1. The perimeter parking lot are shall include:

Formatted: Indent: Left: 0.25", Hanging: 0.25"

- ~~a.~~ Trees spaced a maximum of thirty-five feet apart (minimum of one tree on either side of the entryway is required). When the parking lot is adjacent to a public right-of-way, the parking lot trees shall be offset from the street trees;
- ~~b.~~ Ground cover, such as wild flowers, spaced a maximum of 16-inches on center covering one hundred percent of the exposed ground within 3 years. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees; and
- ~~c.~~ An evergreen hedge screen of thirty to forty-two inches high or shrubs spaced no more than four feet apart on average. The hedge/shrubs shall be parallel to and not nearer than two feet from the right-of-way line. The required screening shall be designed to allow for free access to the site and sidewalk by pedestrians. Visual breaks, no more than five feet in width, shall be provided every thirty feet within evergreen hedges abutting public right-of-ways.

Formatted: Indent: Hanging: 0.25"

Formatted: Indent: Left: 0.5", Hanging: 0.25"

~~In order to provide connectivity between non single family sites, the Community Development Director may approve an interruption in the perimeter parking lot landscaping for a single driveway where the parking lot abuts property designated as multi family, commercial or industrial. Shared driveways and parking aisles that straddle a lot line do not need to meet perimeter landscaping requirements.~~

Formatted: Indent: Left: 0"

~~C. 2.~~ Parking Area/Building Buffer. Parking areas shall be separated from the exterior wall of a structure, exclusive of pedestrian entranceways or loading areas, by one of the following:

- ~~1.a.~~ Minimum five-foot wide landscaped planter strip (excluding areas for pedestrian connection) abutting either side of a parking lot sidewalk with:
 - ~~a.~~ Trees spaced a maximum of thirty-five feet apart;
 - ~~b.~~ Ground cover such as wild flowers, spaced a maximum of 16-inches on center covering one hundred percent of the exposed ground within three years. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees; and
 - ~~c.~~ An evergreen hedge of thirty to forty-two inches or shrubs placed no more than four feet apart on average; or
- ~~b.2.~~ Seven-foot sidewalks with shade trees spaced a maximum of thirty-five feet apart in three-foot by five-foot tree wells.

~~3.D.~~ Interior Parking Lot Landscaping. Surface parking lots shall have a minimum ten percent of the interior of the gross area of the parking lot devoted to landscaping to improve the water quality, reduce storm water runoff, and provide pavement shade. Interior parking lot landscaping shall not be counted toward the fifteen percent minimum total site landscaping required by Section 17.62.050(1). Pedestrian walkways or any impervious surface in the landscaped areas are not to be counted in the percentage. Interior parking lot landscaping shall include:

- a. A minimum of one tree per six parking spaces.
- b. Ground cover, such as wild flowers, spaced a maximum of 16-inches on center covering one hundred percent of the exposed ground within three years. No bark

mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees.

- c. Shrubs spaced no more than four feet apart on average.
- d. No more than eight contiguous parking spaces shall be created without providing an interior landscape strip between them. Landscape strips provided between rows of parking shall be a minimum of six feet in width to accommodate:
 - i. Pedestrian walkways shall have shade trees spaced a maximum of every thirty-five feet in a minimum three-foot by five-foot tree wells; or
 - ii. Trees spaced every thirty-five feet, shrubs spaced no more than four feet apart on average, and ground cover covering one hundred percent of the exposed ground.No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees.

~~Alternative parking/landscaping plan. The city understands the physical constraints imposed upon small parking lots and encourages alternative designs for parking lots of less than 10 parking stalls. The Community Development Director may approve an alternative parking lot/landscaping plan with variations to the parking dimensions and landscaping standards for off street parking. The alternative shall be consistent with the intent of this chapter and shall create a safe space for automobiles and pedestrians while retaining landscaping to the quantity and quality found within parking lot landscaping requirements. The landscaping plan shall be prepared by a licensed landscape architect.~~

~~4. The landscaping shall be located in defined landscaped areas that are uniformly distributed throughout the parking or loading area.~~

~~5. Parking lot trees shall be a mix of deciduous shade trees and coniferous trees. The trees shall be evenly distributed throughout the parking lot as both interior and perimeter landscaping to provide shade.~~

~~6. All areas in a parking lot not used for parking, maneuvering, or circulation shall be landscaped.~~

~~8. The landscaping in parking areas shall not obstruct lines of sight for safe traffic operation and shall comply with all requirements of Chapter 10.32, Traffic Sight Obstructions.~~

~~9. Landscaped areas shall include irrigation systems.~~

~~10. All plant materials, including trees, shrubbery and ground cover should be selected for their appropriateness to the site, drought tolerance, year round greenery and coverage and staggered flowering periods. Species found on the Oregon City Native Plant List are strongly encouraged and species found on the Oregon City Nuisance Plant List are prohibited.~~

~~11. Landscaping shall incorporate design standards in accordance with Chapter 13.12, Stormwater Management.~~

~~12. Required landscaping trees shall be of a minimum two inch minimum caliper size, planted according to American Nurseryman Standards, and selected from the Oregon City Street Tree List.~~

CE. Installation.

1. All landscaping shall be installed according to accepted planting procedures, according to American Nurseryman Standards.
2. The site, soils and proposed irrigation systems shall be appropriate for the healthy and long-term maintenance of the proposed plant species.
3. Certificates of occupancy shall not be issued unless the landscaping requirements have been met or other arrangements have been made and approved by the city, such as the posting of a surety.

17.52.070. Alternative landscaping plan.

Formatted: Font: Bold

Formatted: Font: Bold

Any applicant may propose an alternative landscaping plan. Such plans are often proposed to address physically constrained or smaller sites, however innovative designs for larger sites may also be considered. Alternative plans may include the use of low impact development techniques and minimized landscaping requirements. The city understands the physical constraints imposed upon small parking lots and encourages alternative designs for parking lots of less than 10 parking stalls. In such situations, (The Community Development Director may approve an alternative parking lot/landscaping plan with variations to the parking dimensions and landscaping standards for off-street parking of section 17.52.060.

A. General Review Standard. The alternative shall be meet or exceed consistent with the intent of this chapter and shall create a safe space for automobiles and pedestrians. -while retaining landscaping to the quantity and quality found within parking lot landscaping requirements. The alternative landscaping plan shall be prepared by a licensed landscape architect.

Formatted: Numbered + Level: 1 +
Numbering Style: A, B, C, ... + Start at: 1 +
Alignment: Left + Aligned at: 0.25" + Indent
at: 0.5"

B. Credit for Pervious / Low Impact Development. The Community Development Director may count up to 50% of the square footage of any pervious hardscaped landscape material within a parking lot that is designed and approved pursuant to the City's adopted Stormwater and Low Impact Development Design Standards 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).

Formatted: Numbered + Level: 1 +
Numbering Style: A, B, C, ... + Start at: 1 +
Alignment: Left + Aligned at: 0.25" + Indent
at: 0.5"

§17.52.080. Maintenance.

Formatted: Font: Bold

1. The owner, tenant and their agent, if any, shall be jointly and severally responsible for the maintenance of the site including but not limited to the off-street parking and loading spaces, bicycle parking and all landscaping which shall be maintained in good condition so as to present a healthy, neat and orderly appearance and shall be kept free from refuse and debris.

Formatted: Font: Bold

2. All plant growth in interior landscaped areas shall be controlled by pruning, trimming, or otherwise so that:

- a. It will not interfere with the maintenance or repair of any public utility;
- b. It will not restrict pedestrian or vehicular access; and
- c. It will not constitute a traffic hazard due to reduced visibility.

OCMC 17.04 Definitions

17.04.178

“carpool” means a group of two or more commuters, including the driver, who share the ride to and from work, school and other destination.

17.04.1458

“Vanpool” means a group of five or more commuters, including the driver, who share the ride to and from work, school or other destination on a regularly scheduled basis.