



CITY OF OREGON CITY

CITY COMMISSION REGULAR MEETING

AGENDA

City Hall Commission Chambers, 625 Center Street, Oregon City
Wednesday, November 18, 2020 at 7:00 PM

EXECUTIVE SESSION: To immediately follow the regular meeting of the City Commission.

- i. Pursuant to ORS 192.660(2)(h): To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

REGULAR MEETING OF THE CITY COMMISSION

The public is strongly encouraged to relay concerns and comments to the Commission in one of three ways:

- *Email at any time up to 12 p.m. the day of the meeting to recorderteam@orc.org.*
- *Phone call (Monday – Friday, 8 am – 5 pm) to 503-496-1505, all messages will be relayed and/or citizens can sign-up to be called during the meeting to provide over-the-phone testimony.*
- *Mail to City of Oregon City, Attn: City Recorder, P.O. Box 3040, Oregon City, OR 97045*

1. CONVENE MEETING AND ROLL CALL

2. FLAG SALUTE

3. CEREMONIES, PROCLAMATIONS, AND PRESENTATIONS

[3a.](#) Proclamation Honoring Oregon City's Fallen Officers Robert Libke and George Hanlon

4. CITIZEN COMMENTS

Citizens are allowed up to 3 minutes to present information relevant to the City but not listed as an item on the agenda. Prior to speaking, citizens shall complete a comment form and deliver it to the City Recorder. The City Commission does not generally engage in dialog with those making comments but may refer the issue to the City Manager. Complaints shall first be addressed at the department level prior to addressing the City Commission.

5. ADOPTION OF THE AGENDA

6. PUBLIC HEARINGS

[6a.](#) Public Works Code Amendments GLUA 20-00033 LEG-20-00001

7. GENERAL BUSINESS

[7a.](#) Second Reading of Ordinance No. 20-1010, Designating Property Adjacent to Waterboard Park as Part of Waterboard Park and Designating the Area as a Park Under Oregon City Charter Chapter X

7b. Update on City Operations Regarding COVID-19 with the Two Week Freeze

7c. Recall Election Update and Next Steps

7d. Debt Relief Program

8. CONSENT AGENDA

This section allows the City Commission to consider routine items that require no discussion and can be approved in one comprehensive motion. An item may only be discussed if it is pulled from the consent agenda.

[8a.](#) Personal Services Agreement with Lango Hansen Landscape Architects for the Development of Filbert Run Park

[8b.](#) Resolution No. 20-35, Budget Adjustment and Supplemental Budget for the 2019-21 Biennium

[8c.](#) Resolution No. 20-36, Modifying the Public Works Engineering Fee Schedule

[8d.](#) Minutes of the August 11, 2020 Work Session

9. COMMUNICATIONS

City Manager

[9a.](#) Community Conversation: Severely Rent Burdened

Commissioners

Mayor

10. ADJOURNMENT

PUBLIC COMMENT GUIDELINES

Complete a Comment Card prior to the meeting and submit it to the City Recorder. When the Mayor calls your name, proceed to the speaker table, and state your name and city of residence into the microphone. Each speaker is given three (3) minutes to speak. To assist in tracking your speaking time, refer to the timer on the table.

As a general practice, the City Commission does not engage in discussion with those making comments.

Electronic presentations are permitted but shall be delivered to the City Recorder 48 hours in advance of the meeting.

ADA NOTICE

The location is ADA accessible. Hearing devices may be requested from the City Recorder prior to the meeting. Individuals requiring other assistance must make their request known 48 hours preceding the meeting by contacting the City Recorder's Office at 503 657 0891

Agenda Posted at City Hall, Pioneer Community Center, Library, City Web site.

Video Streaming & Broadcasts: The meeting is streamed live on Internet on the Oregon City's Web site at www.orcity.org and available on demand following the meeting. The meeting can be viewed live on Willamette Falls Television on channel 28 for Oregon City area residents. The meetings are also rebroadcast on WFMC. Please contact WFMC at 503 650 0275 for a programming schedule

PROCLAMATION

TO RECOGNIZE AND HONOR THE SERVICE AND SACRIFICE OF THOSE LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY WHILE PROTECTING THE OREGON CITY COMMUNITY

Whereas, Law Enforcement is an honorable, hard-working profession that diligently seeks to make our community more livable and safe; and

Whereas, there is no greater sacrifice an Officer can make for their community than to give their life; and

Whereas, the death of a Police Officer shocks the very soul of a community, our Government, and the very freedoms the Officers have sworn to protect; and

Whereas, the impact of this tragedy upon the Officer's family, friends, department and community is immeasurable; and

Whereas, our hearts and thoughts go out to the many killed in action while serving to protect our community.

Now, Therefore, I, Dan Holladay, Mayor of the City of Oregon City, along with the City Commission, and the Citizens of Oregon City, Oregon extend heartfelt condolences to the families of the following Officers:

Reserve Police Officer, Robert Libke, lost on November 3, 2013
Police Officer, George J. Hanlon, lost on April 23, 1906

These officers have been lost, but will never be forgotten. This community will be forever grateful. We ask for a moment of silence as we remember Oregon City's valuable public servants and pray for healing and hope into the future.

In Witness Whereof, I have hereunto set my hand this 18th day of November 2020.

DAN HOLLADAY, Mayor



CITY OF OREGON CITY

Staff Report

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

To: City Commission **Agenda Date:** 11/18/2020
From: Community Development Director Laura Terway

SUBJECT:

Public Works Code Amendments GLUA 20-00033 LEG-20-00001

STAFF RECOMMENDATION:

Continuance of GLUA 20-00033: LEG-20-00001 Public Works Code Amendments to the December 2, 2020 City Commission meeting. This is the initial presentation to the City Commission, no action required.

EXECUTIVE SUMMARY:

Proposed Code revisions to the Geologic Hazards Overlay District and other ancillary Public Works related development code & standards such as: refinements to Public Utility Easements (PUE), requirements for undergrounding utilities, sanitary sewer standards, and the adoption of policies relating to sidewalk obstructions and undergrounding of utilities.

BACKGROUND:

The City of Oregon City Public Works Department is implementing a number of projects which all require various changes to the City Code. Those projects are an enhanced Geologic Hazard Code, an Inflow/Infiltration Reduction Pilot Project, a new policy on Undergrounding Existing Overhead Utilities, and policy on Sidewalk Seating and Obstructions of a Sidewalk. Please refer to the Detailed Summary of Proposed Changes and the GLUA 20-0003 Draft Code Revised August 18, 2020 and the Summary of Code Changes- Revised November 10, 2020 attached to the staff report for additional detail. Revision to the draft code that occur during the hearings process will be incorporated in updated versions of these two documents.

The proposed code revisions generally address the need for clarifications in technical development review and to address new policy direction on obstructions in the Right of Way. Larger policy questions may be addressed during the existing Oregon City Comprehensive Plan Update (www.oc2040.com), which looks at broader community

policy within a robust public outreach framework, which could result in additional code revisions in the future.

The Planning Commission voted 7-0 to recommend approval of Planning file GLUA 20-00033: LEG-20-00001 to the City Commission on November 9, 2020. This meeting is intended to present the code revisions and provide an opportunity for the City Commission to ask questions or direct staff to make changes. The majority of the proposed amendments were presented to the City Commission at a series of work sessions over the summer. Staff is prepared to return on December 2, 2020 to request a first reading of the Legislative file, however the number of hearings is at the discretion of the City Commissions.

The Planning Commission discussed the proposal at the September 28th and November 9th hearings and directed staff to make revisions to the following.

“Right of Entry” Lateral Sewer Access -*Chapter 13.04*- Revise language to clarify that access is allowed to lateral sewer pipes through the main city line in the street by a camera and not through physical access onto the property by city staff unless consent is given.

Public Utility Easement (PUE) *OCMC 16.12*- Review proposed revisions to PUE language based on public comment from Eric Underwood, Portland General Electric, to verify that the city is meeting state and federal requirements. City responded that they believed they meet all state and federal spacing requirements with the option to allow the 10 foot PUE to straddle five feet in the sidewalk and five feet onto private property in the more urban areas of the city.

Driveways- *OCMC 16.12*. While reviewing the code, staff identified that the driveway access standards needed additional clarity, addressed missing middle housing needs, and were more aligned with the region’s standards.

Geologic Hazard *OCMC 17.44* -Review the Geologic Hazards waiver process based on existing public comment and provide revisions as warranted. In response to public comment and direction from the Assistant City Attorney, staff removed the waiver program from Geologic Hazards Review. As proposed, all projects located within the Geologic Hazards Overlay, will require a Type II noticed review unless the project falls into an exemption category. While smaller and simpler projects may require less submittal requirements, the review criteria will be the same for all Type II reviews.

No Change in Policy

Grammar and clarifying edits were also made to the following section.

- OCMC 17.44.060(F)1- retaining wall height
- OCMC 17.44.025- exemptions – tree canopy
- OCMC 17.62.050(J)- utility pole location

Reduced Rates – City Commission Policy Requested.

The Planning Commission also recommended the City Commission review OCMC 13.08.159 - Reduced rates and financial assistance to see if it should be extended to other missing middle housing types. The $\frac{3}{4}$ inch rate is associated with a single-family residential use.

OPTIONS:

1. Continuation of the GLUA 20-00033: LEG-20-00001 Public Works Code Amendments to the December 2, 2020 City Commission meeting.

Date/Name	Topic	Issue / Comment / Concern	Staff Comment	Has this been Addressed? How?
Christine Kosinski - September 9, 2020 Email Christine Kosinski – September 23, 2020 Email Sept 28, 3202 Planning Commission Hearing Testimony- Response to Josh Wheeler Email Josh Wheeler – September 9, 2020 Email response to Christine Kosinski Josh Wheeler – September 23, 2020 Email response Christine Kosinski	Geo Hazard	<i>“Preparing for Landslide Hazards: A Land Use Guide for Oregon Communities” (Exhibit 9) should be added or referenced in the code.</i> <i>The text of Oregon Land Use Goal 7 should be added or referenced in the code.</i>	The Guide will be added as a reference document in OCMC 17.44 Geologic Hazards this document should not be seen as a prescriptive path or regulatory document with approval criteria. Oregon City Development Services, does, however, see value in referencing the document in the Geologic Hazards code as a background educational document for the public, applicants, and consultants to better understand the context of geologic hazards in development review. Goal 7, Areas Subject to Natural Hazards (Oregon DLCD, is one of the 19 Oregon Statewide Planning Goals.) It contains both requirements and guidelines that are intended to be implemented by local governments as part of their comprehensive plan and zoning efforts. As part of this planning effort, Goal 7 objectives must be balanced against the other goals and implemented in a way that makes sense for Oregon City. Evaluating and balancing the policy objectives set forth in the Goals is done on a city-wide legislative basis rather than as part of individual quasi-judicial development reviews as a means to streamline review as well as avoid ad hoc decision-making. Rather than adopt Goal 7 as a code criterion, the City has elected to	Planning Commission recommended approval of proposed revisions, including the removal of the Type I Waiver Program.

			rely on the joint DLCD and DOGAMI created Guide, discussed above, which provides more specific guidance on how to best implement the requirements of Goal 7. In fact, DLCD and DOGAMI staff have never raised any concerns that the current Geologic Hazards code does not meet Goal 7 requirements.	
		<i>Clackamas County Multi-Jurisdictional Natural Hazard Mitigation Plan should be added to Comprehensive Plan as part of this project.</i>	In 2019, Clackamas County updated this Multi-Jurisdictional Natural Hazards Mitigation Plan (NHMP) to prepare for the long-term effects resulting from hazards. As part of this process, Oregon City also created an updated addendum that is incorporated as part of that Plan. The relevant substance of the updated Plan and addendum will be considered in the upcoming Comprehensive Plan update process, and specific sections may be added or referenced as part of that review.	
		<i>Holly Lane should be removed from Transportation System Plan, and a grade-separated interchange should be added to the intersection of highway 213 and Beavercreek Road based on geohazard of Holly Lane area.</i>	As part of the 2013 Transportation Plan update, the City removed the grade-separated interchange at 213 and Beavercreek Road as a transportation project. Any discussion about Transportation Plan projects and their relationship with natural hazards can and should occur during the upcoming Comprehensive Plan update process, where these larger policy questions can be discussed with the context of all the State Land Use Goals and Oregon City Comprehensive Plan policies.	

9.9.20 Paul Edgar Email 9.14 Paul Edgar Email to Scott Burns Paul Edgar Email 1- Sept 29- waiver concerns Paul Edgar Email 2 – Sept 29 waiver concerns 9.30 Paul Edgar Email 1- Maps Josh Wheeler – September 2, 2020 Email response to Paul Edgar	Geo Hazard	<i>OCMC 17.44 Geologic Hazard Overlay should further restrict development. Oregon City is not doing enough, especially in very high-risk areas, and reductions in density should not be based on lots of record; they should be based on the area of the historic landslide.</i>	Any large-scale changes in the Geologic Hazards code that affect larger policy questions, such as striking the best balance between housing needs, hazard risk, and property rights, will be addressed during the existing Oregon City Comprehensive Plan Update (www.oc2040.com), which looks at broader community policy within a robust public outreach framework and could result in additional code revisions in the future.	Planning Commission recommended approval of proposed revisions, including the removal of the Type I Waiver Program.
		<i>How do we trust the staff with the probability of risk based on existing data?</i>	Acknowledging that there is always some risk with any development anywhere, City staff and its licensed consultants are the most qualified to evaluate this risk. They are educated, trained, hold professional engineering licenses and years of experience,. City staff also have geotechnical consultants available through on-call contracts to seek advice and analysis when a second opinion is appropriate. . Staff also rely on the Lidar data provided through DOGAMI and have relationships with DLCD and DOGAMI when needed, additional advisement is warranted.	
		<i>Need to ensure an active discovery process during construction and not rely on applicant consultants.</i>	The City does not rely solely on an applicant consultant. Rather, in addition to staff qualification, the City has four geotechnical consultants available for on-call services. These consultants all have professional engineers, geologists, and structural engineers who can design, analyze, and advise on development or properties that are proposing to do work within a mapped geologic hazard.	

		<i>Geo Hazard Waiver Process does not allow for proper comment or ability to appeal.</i>	Staff has proposed to remove the waiver process from the proposed code.	
December 19, 2020 AKS Engineering Email	Sanitary Sewer Design Standards	Recommended revisions to specifications	Staff agreed with comments as they provided additional direction for constrained areas and incorporated them into the proposed document.	Added to proposed redlines.
September 24, 2020 Email Eric Underwood, Portland General Electric	Public Utility Easements	PGE supports requiring the conveyance of public utility easements but is requesting the Commission consider adopting a minimum 10' easement, versus the minimum 5' easement proposed in the current draft. As a regulated public utility, PGE is bound to follow the clearance requirements and other parts of the National Electrical Safety Code ("NESC") in its provisioning of electric service to its customers. See OAR 860-024-0010.3 Additionally, PGE must adhere to the Public Utility Commission of Oregon's ("OPUC") safety standards (a/k/a the Commission Safety Rules), which rules include the NESC and the expectation for PGE to comply. See OAR 860-024-0001(1)4. If fact, the NESC is periodically adopted, in its entirety, and incorporated into the PUC's regulations. See ORS 757.035(3).	Per October 30, memo from Josh Wheeler: No revision was proposed to Code 16.12 based on comments made by PGE. The City believes the provision to allow a portion of franchise utilities within the right of way in the event the allowed PUE is only 5 feet will still meet NESC code and therefore meet OAR and ORS. There is also a provision for a modification that can be requested in the event the 5 feet area does not meet NESC.	Planning Commission recommended approval of staff's recommendation that they believed they meet all state and federal spacing requirements with the option to allow the 10 foot PUE to straddle five feet in the sidewalk and five feet onto private property in the more urban areas of the city.
September 28, 2020 Letter from Meridee Pabst	Communica tion	For consistency with the FCC Order and regulations, AT&T suggests the City use "small wireless facility," a defined term in 47 C.F.R. §1.6002(l), rather than "small cell wireless telecommunication facility" in proposed revised OCMC 17.80.[0]30.	Per October 30, memo from Josh Wheeler: Revision was made to 17.80.30.B.9. replacing the text 'small cell wirelsss telecommunication facility' with 'small wireless facility'. This revision was requested by AT&T. The requested has been verified as acceptable by the Public Works Right of Way manager.	Added to proposed redlines.

Mike Mitchell October 10, 2020 Email Public Works October 13, 2020 Response	All sections	Provided specific line items questions to staff on various sections of the proposed code.	Staff provided responses to each of the questions	Questions were addressed at the November 9, 2020 Planning Commission meeting and several grammar and clarity edits were included in approval package.
September 23, 2020 Geohazard forum/webinar Questions from participants		The Community Forum consisted of a panel of speakers to speak about geologic hazards in general, as well as the recommended code revisions. The meeting also contained a Question & Answer session. <u>Geologic Hazard Community Forum Information:</u> Panel Members and Speaking Topics : - Dr. Scott Burns, PhD - Portland State University, Department of Geology Slopes and when to be concerned. History of Oregon City. - George Freitag, CEG, LEG, LHG - GRI, Principal Rainfall relationship to geologic hazards - Tim Pfeiffer, PE, GE - Foundation Engineering, Senior Geotechnical Engineer Geologic and Geotechnical Basis for the City of Oregon City Geologic Hazards Code - Tricia Sears, Natural Hazards Planner - Dept. Of Land Conservation and Development (DLCD) Geologic Hazards Planning in Oregon - Josh Wheeler, PE - City of Oregon City, Assistant City Engineer Proposed Code Updates to OCMC 17.44 The Community Forum started with short presentations by each panel member, and an audience		The Planning Commission anted to ensure that the presentation materials and Q&A were added to the public comment matrix.

		Question & Answer session followed. The Community Forum was recorded and has been added to the City's YouTube page for future viewing : https://www.youtube.com/watch?v=JCjlmCQ7FNs .		
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From: britenshin@aol.com
To: [Josh Wheeler](#); [recorderteam](#); [Christina Robertson-Gardiner](#); [Kristin Brown](#)
Cc: [John M. Lewis](#); [Dayna Webb](#); britenshin@aol.com
Subject: Sept 28th Planning Commission Hearing Testimony
Date: Monday, September 28, 2020 3:20:17 PM
Attachments: [image002.png](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Recorderteam, Josh Wheeler, Planning Commission,

Please find my responses below to the answers received from Josh Wheeler. I ask that this entire e-mail, and my responses, be entered into the City Record (as testimony from Christine Kosinski) for Planning Commission Hearing on September 28th, 2020 for Agenda Item #1 - Proposed Code Revisions to the Geologic Hazards Overlay District.

Thank You

-----Original Message-----

From: Josh Wheeler <jwheeler@orccity.org>
 To: britenshin@aol.com <britenshin@aol.com>; [recorderteam](mailto:recorderteam@orccity.org) <recorderteam@orccity.org>; Christina Robertson-Gardiner <crobertson@orccity.org>; Kristin Brown <kbrown@orccity.org>
 Cc: John M. Lewis <jmlewis@orccity.org>; Dayna Webb <dwebb@orccity.org>
 Sent: Wed, Sep 23, 2020 12:37 pm
 Subject: RE: Questions for Geologic Hazards Forum - September 23rd

Hello Ms. Kosinski,

You are correct. We will not be able to address all of these questions in the Forum tonight; however, Christina can add your comments to the Legislative file for LEG 20-00001 which includes proposed revisions to the Geologic Hazards Code.

In an effort to answer your questions, I have provided short responses below in red.



Josh Wheeler, PE
Assistant City Engineer
Public Works Department
City of Oregon City
 625 Center Street
 Oregon City, Oregon 97045
 Email: jwheeler@orccity.org
 971.322.9745 Cell

PLEASE NOTE THAT MY PHONE NUMBER HAS CHANGED TO A CELL PHONE WHILE WE ARE WORKING FROM HOME.

From: britenshin@aol.com <britenshin@aol.com>
Sent: Wednesday, September 23, 2020 12:10 PM

To: recorderteam <recorderteam@orcity.org>; Christina Robertson-Gardiner <croberson@orcity.org>; Josh Wheeler <jwheeler@orcity.org>; Kristin Brown <kbrown@orcity.org>
Cc: britenshin@aol.com
Subject: Questions for Geologic Hazards Forum - September 23rd

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Here are my questions and main concerns for the City and Panel. I realize all of these questions cannot be addressed tonight, perhaps only the first 1-2. I would ask that all of my questions and concerns be sent to the Planning Commission where they can be addressed in the upcoming Planning Commission Hearing on September 28th.

1. In the Oregon City Addendum to the Clackamas County Multi-Jurisdictional Natural Hazard Mitigation Plan (NHMP), on Pg OC-16, the City lists 17 streets they consider to be vulnerable hazards. In 2013, the City added Holly Lane to its TSP, a street with High to Very High Susceptibility and lined with many deep seated landslides. The City has planned at least 50 or more streets in its TSP to directly access Holly Lane since it is the only North/South street connecting Beaver Creek Rd with Redland Rd to the transportation highway. This will put property owners and their properties at very high risk and put them directly in harm's way. The Mitigation Plan Mission for the NHMP states the plan is to "Promote sound public policy designed to protect citizens, critical facilities, infrastructure, private property, and the environment from natural hazards". My question is....how does the City promote sound public policy designed to protect citizens when it plans to use streets that are not stable enough to handle the large amounts of proposed traffic, approximately 40,000-50,000 ADT's per day down Holly Ln? How does the City propose to meet its own guidelines of the NHMP which the City Commission and FEMA have approved?

When the City builds or expands any road within its City limits, it is required to meet the requirements of an Overlay District. Infrastructure is required by code to be properly designed and geologic hazards properly addressed. While the road remains a County Road, you would need to speak to the County as to any existing conditions.

Response from Christine Kosinski - I ask the Planning Commission to consider my concerns regarding Holly Lane.

First, the City put Holly Ln into its TSP in 2013, why has it not been listed as a Vulnerable Street?

Second, I ask the Planning Commission to take into consideration the huge amounts of traffic being proposed for Holly Ln when it is a very hazardous street. Explain why this is promoting sound public policy designed to protect citizens and doesn't this jeopardize your Mitigation Plan Mission for the NHMP where the City has stated consistently that its goals are to Protect Life and Property and that projects should be carefully engineered to do exactly this as well as to be sure there are no adverse impacts on other properties and to limit construction in known landslide areas. (Oregon City NHMP Page OC-53)

2. I have done some research into the Specialty Zoning for areas of landslides and most other local communities allow much less density on landslide areas than Oregon City does. Oregon City states for Slopes less than 25%, between grade breaks, the allowed density shall be that permitted by the underlying zoning district. I do not agree since I did a study two years ago of the landslides

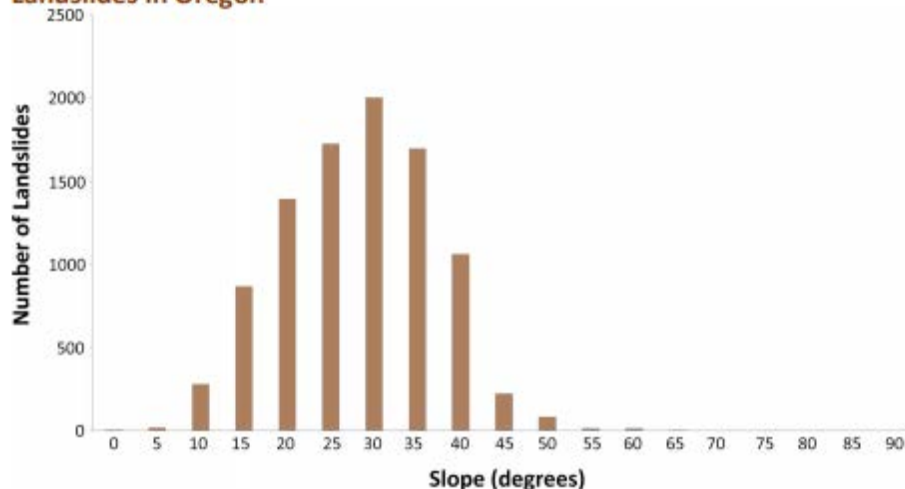
on Holly Lane and within the proposed Park Place Concept Plan. These studies were turned into the City with testimony. The research, following DOGAMI Lidar Mapping, shows 32 slides in the Park Place area to be on **slopes of 5-10-15-20%**. **The slides on Holly Lane are from 11-15-10%** and last re-activated in 1995-96-97. I question the planning of the City which currently allows zoning in these landslide areas to the underlying zoning district when some zones can be as little as R-2, R4.5, R6, much too dense of zoning for the City to meet the Mission of the NHMP where protecting the citizens from natural hazards cannot be achieved in such dense zones. (If you would like a copy of this research, let me know and I will be glad to provide copies.) Additionally, on Page 53 of the Oregon City NHMP, the City states under Implementation "limit construction in known landslide areas." I am asking the City to consider Specialty Zoning for landslide and hazardous areas, this is what most other local governments have already done.

The City established two criteria in its Geologic Hazard Overlay : Slope and Existing Landslide Deposits/Historical Landslides(also called ancient landslides). You are correct that City Code uses 25% slope as the minimum to establish an overlay area. Different cities use different criteria based on the geologic makeup of their area as the type of rock, soil, and history inform what is best for their area.

The DLCD/DOGAMI Landslide Guide

(https://www.oregon.gov/lcd/Publications/Landslide_Hazards_Land_Use_Guide_2019.pdf) has the following graph :

Figure 4-5. Number of Landslides and Corresponding Slope Angles for 10,335 Deep Landslides in Oregon



Source: Burns, Calhoun, Franczyk, Koss, & Bortal (2017)

This data helps inform us how we should establish our code and then we must consider other factors when deciding on a criteria.

If there is time and a related question, we repeat this answer on slope at the Forum tonight.

Response from Christine Kosinski - I ask the Planning Commission to answer, Yes % of slopes need to be considered, but as well, the history of Holly Lane as well as other streets like Maplelane, Thayer which are terribly constrained by landslides must be considered. These are streets that cannot take heavy stresses. John Lewis has already stated he wants to widen Holly Lane which means grading and cutting. Unfortunately, grading and cutting, if not done correctly, often causes slides to re-activate. Oregon City's Comprehensive Plan states it well, landslides can re-activate from heavy traffic and in grading and cutting into the street. The Oregon City NHMP states it very well, "limit

construction in known landslide areas", most other local communities call for these restrictions, why doesn't Oregon City, especially when they are proposing to "protect life and property"? Lastly, who will pay for the landslides? I do not believe the City will pay for landslides on private property. It is the City that is asking the people to take Huge Risks and also to pay for all losses. Terribly unfair!

3. The NHMP speaks to the need for the City to outreach to the citizens and begin an education program helping the people to understand landslides and the fact that landslide insurance is generally not available to cover losses due to landslides. I have asked the City several times to please offer this program. I believe the last community event was in about 2008 and was very successful in getting information to the people about landslides, earthquakes, disaster preparedness, and insurance. I am hopeful the City will once again consider such programs to the community where I believe probably more than 90% of the people do not understand the many hazards that living in a landslide area can bring. I believe the City is putting the people in harm's way in certain areas of the City, especially where I live on Holly Ln. There are thousands of citizens living here with virtually NO services, only one medium market and one gas station. In a landslide or earthquake, people will not be able to get batteries, supplies, food, medicines should a large event occur. Also, understand Hwy 213 and Holly Ln are both filled with landslides and if these roads go down, the people will virtually be cut off the help they will need. Education of the people should be a priority.

This Geologic Hazard Forum is one way that we are providing the outreach. We also requested DLCD/DOGAMI present to City Commission last October and have since met with the Development Stakeholders Group and Natural Resources Committees of the City. Our website has also been updated with new information.

Response from Christine Kosinski - I want to Thank the City for this Geologic Hazard Forum. I am hoping the City will take the advice I have given over the years, please have more ways to reach out to your people. They must understand Landslides and that insurance will pay nothing due to losses from landslides. The public must understand how to be prepared and how to build an emergency kit because one day there will be more landslides, just like the recent fires took so many by surprise and they were not ready for such devastation. I testified last year, that I researched "The Trail News", and in more than 25 years I could only find two small articles about landslides and neither article even spoke about preparedness. More must be done, the City is willing to build in awful challenging hazardous areas, therefore it must be willing to teach it's people how to be better prepared and how to watch for signs of landslides on their properties. I would even say it would be good for the City to begin a Landslide or Natural Hazard committee and that educating the public would be their main work.

- 4) In looking at the Landslide Regulations and Comprehensive Plans of other communities, in comparison to those of Oregon City, I have noticed most communities are now putting the entire Land Use Goal 7 into both their landslide regulations as well as their comprehensive plans. Some communities also are putting their NHMP and the Oregon State Landslide TRG, this way being fully covered. Will Oregon City be placing Land Use Goal 7 and their NHMP into their Landslide regulations and Comprehensive Plans?

Goal 7 will be addressed in more detail with the Comprehensive Plan update which has just begin and is underway.

Response from Christine Kosinski - On Page 46 of the Oregon City Addendum to the Clackamas County Multi-Jurisdictional Hazard Mitigation Plan, it is stated under

Implementation, "Use the mitigation plan to help the City's Comprehensive Land Use Plan meet State Land Use Planning Goal 7, designed to protect life and property from natural disasters and hazards through planning strategies that restrict development in areas of known hazards". I realize Goal 7 will come up in future hearings where the Comprehensive Plan will be updated. After I had checked with several other communities regarding Goal 7, I noted that they have put Goal 7 into both their Hazard Regulations as well as into the Comprehensive Plans, and I personally, felt this was a very good plan since Landslide Insurance really does not exist and the people do not understand the seriousness and severe damages that can come from landslides.

Thank You for this opportunity to actively participate in the Geologic Hazards upgrade.

Christine Kosinski
Holly Lane

From: britenshin@aol.com
To: Josh Wheeler; Christina Robertson-Gardiner
Cc: britenshin@aol.com
Subject: September 9th Landslide Regulation Meeting on Zoom
Date: Wednesday, September 9, 2020 10:56:30 AM

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I have two family members in Level 2 Evacuation. Hoping and praying for NO level 3. If I cannot sign into the meeting, it will be either the fires that keep me away or the fact that I'm using a new I-Pad and never have used Zoom. I'll do my best

Wow, I left for vacation out of State awhile ago and came home to the horrific fires, smoke and winds. Now that I have electricity again, for awhile at least, I would like to get my concerns and suggestions to you in case of any further electrical shutdowns where I would be unable to attend by Zoom or by phone.

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Thank you for allowing me to attend tonight's meeting and for your consideration of the points I have made above. Landslides are serious, they can injure, take people's lives, leave them financially bankrupt. Just because we have not yet had the "big one" and the incidence of landslides have been less the past few years, the City cannot afford to be complacent, rather it must be diligent and understand that being well prepared will help the City and it's people to overcome huge losses.

Christine Kosinski

From: britenshin@aol.com
To: [recorderteam](#); [Christina Robertson-Gardiner](#); [Josh Wheeler](#); [Kristin Brown](#)
Cc: britenshin@aol.com
Subject: Questions for Geologic Hazards Forum - September 23rd
Date: Wednesday, September 23, 2020 12:09:55 PM

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Here are my questions and main concerns for the City and Panel. I realize all of these questions cannot be addressed tonight, perhaps only the first 1-2. I would ask that all of my questions and concerns be sent to the Planning Commission where they can be addressed in the upcoming Planning Commission Hearing on September 28th.

1) In the Oregon City Addendum to the Clackamas County Multi-Jurisdictional Natural Hazard Mitigation Plan (NHMP), on Pg OC-16, the City lists 17 streets they consider to be vulnerable hazards. In 2013, the City added Holly Lane to it's TSP, a street with High to Very High Susceptibility and lined with many deep seated landslides. The City has planned at least 50 or more streets in it's TSP to directly access Holly Lane since it is the only North/South street connecting Beaver Creek Rd with Redland Rd to the transportation highway. This will put property owners and their properties at very high risk and put them directly in harm's way. The Mitigation Plan Mission for the NHMP states the plan is to "Promote sound public policy designed to protect citizens, critical facilities, infrastructure, private property, and the environment from natural hazards". My question is....how does the City promote sound public policy designed to protect citizens when it plans to use streets that are not stable enough to handle the large amounts of proposed traffic, approximately 40,000-50,000 ADT's per day down Holly Ln? How does the City propose to meet it's own guidelines of the NHMP which the City Commission and FEMA have approved?

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3) The NHMP speaks to the need for the City to outreach to the citizens and begin an education program helping the people to understand landslides and the fact that landslide insurance is generally not available to cover losses due to landslides. I have asked the City several times to please offer this program. I believe the last community event was in about 2008 and was very successful in getting information to the people about landslides, earthquakes, disaster preparedness, and insurance. I am hopeful the City will once again consider such programs to the community where I believe probably more than 90% of the people do not understand the many hazards that living in a landslide area can bring. I believe the City is putting the people in harm's way in certain areas of the City, especially where I live on Holly Ln. There are thousands of citizens living here with virtually NO services, only one medium market and one gas station. In a landslide or earthquake, people will not be able to get batteries, supplies, food, medicines should a large event occur. Also, understand Hwy 213 and Holly Ln are both filled with

landslides and if these roads go down, the people will virtually be cut off the help they will need. Education of the people should be a priority.

4) In looking at the Landslide Regulations and Comprehensive Plans of other communities, in comparison to those of Oregon City, I have noticed most communities are now putting the entire Land Use Goal 7 into both their landslide regulations as well as their comprehensive plans. Some communities also are putting their NHMP and the Oregon State Landslide TRG, this way being fully covered. Will Oregon City be placing Land Use Goal 7 and their NHMP into their Landslide regulations and Comprehensive Plans?

Thank You for this opportunity to actively participate in the Geologic Hazards upgrade.

Christine Kosinski
Holly Lane

From: [Josh Wheeler](#)
To: [Christina Robertson-Gardiner](#)
Subject: FW: September 9th Landslide Regulation Meeting on Zoom
Date: Friday, September 25, 2020 2:44:41 PM



Josh Wheeler, PE
Assistant City Engineer
Public Works Department
City of Oregon City
625 Center Street
Oregon City, Oregon 97045
Email: jwheeler@orccity.org
971.322.9745 Cell

PLEASE NOTE THAT MY PHONE NUMBER HAS CHANGED TO A CELL PHONE WHILE WE ARE WORKING FROM HOME.

From: Josh Wheeler
Sent: Wednesday, September 9, 2020 11:02 AM
To: britenshin@aol.com; Christina Robertson-Gardiner <crobertson@orccity.org>
Subject: RE: September 9th Landslide Regulation Meeting on Zoom

Hello,

The comprehensive plan update is separate from public works code updates. The public works updates are more than just geologic hazard related code.

We started the code updates in late 2019 and were slowed by Covid this spring. We have so far made presentations to 4 different groups, and will be back at Planning Commission on September 28. The Commission will determine how many meetings they would like to use to review code and what level of detail.

We have a large amount of detail on the following webpage :
<https://www.orccity.org/planning/project/glua-20-00033-leg-20-00001-public-works-code-amendments>

I can tell you that we will be recording the meeting tonight, so if you cannot make it, it will still be available for view at :
<https://www.orccity.org/publicworks/geologic-hazards>

Christina or someone at Planning can give you information on where the City is at with the Comprehensive Plan.

Thank you for your interest.



Josh Wheeler, PE
Assistant City Engineer
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625 Center Street
Oregon City, Oregon 97045
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Sent: Wednesday, September 9, 2020 10:56 AM
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Christine Kosinski

From: [Josh Wheeler](#)
To: britenshin@aol.com; [recorderteam](#); [Christina Robertson-Gardiner](#); [Kristin Brown](#)
Cc: [John M. Lewis](#); [Dayna Webb](#)
Subject: RE: Questions for Geologic Hazards Forum - September 23rd
Date: Wednesday, September 23, 2020 12:37:34 PM
Attachments: [image002.png](#)

Hello Ms. Kosinski,

You are correct. We will not be able to address all of these questions in the Forum tonight; however, Christina can add your comments to the Legislative file for LEG 20-00001 which includes proposed revisions to the Geologic Hazards Code.

In an effort to answer your questions, I have provided short responses below in red.



Josh Wheeler, PE
Assistant City Engineer
Public Works Department
City of Oregon City
625 Center Street
Oregon City, Oregon 97045
Email: jwheeler@orccity.org
971.322.9745 Cell

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From: britenshin@aol.com <britenshin@aol.com>
Sent: Wednesday, September 23, 2020 12:10 PM
To: [recorderteam](mailto:recorderteam@orccity.org) <recorderteam@orccity.org>; [Christina Robertson-Gardiner](#) <crobertson@orccity.org>; [Josh Wheeler](#) <jwheeler@orccity.org>; [Kristin Brown](#) <kbrown@orccity.org>
Cc: britenshin@aol.com
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When the City builds or expands any road within its City limits, it is required to meet the requirements of an Overlay District. Infrastructure is required by code to be properly designed and geologic hazards properly addressed. While the road remains a County Road, you would need to speak to the County as to any existing conditions.

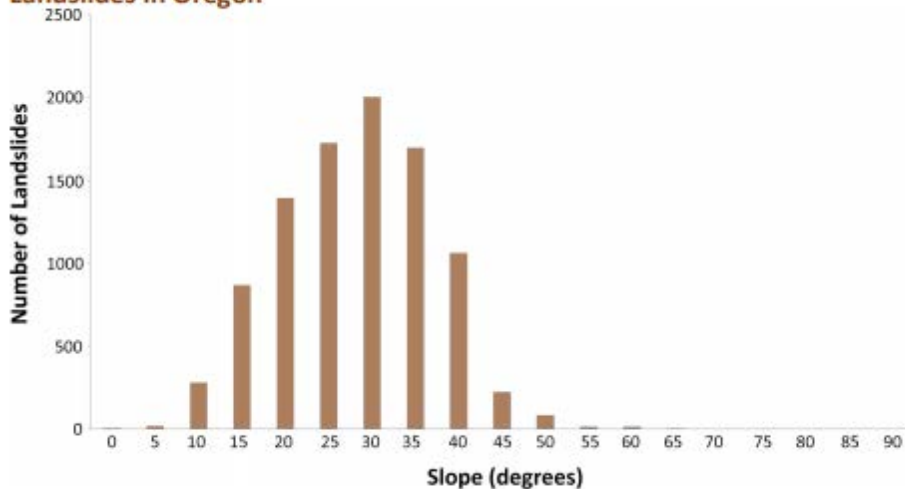
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The City established two criteria in its Geologic Hazard Overlay : Slope and Existing Landslide Deposits/Historical Landslides(also called ancient landslides). You are correct that City Code uses 25% slope as the minimum to establish an overlay area. Different cities use different criteria based on the geologic makeup of their area as the type of rock, soil, and history inform what is best for their area.

The DLCD/DOGAMI Landslide Guide

(https://www.oregon.gov/lcd/Publications/Landslide_Hazards_Land_Use_Guide_2019.pdf) has the following graph :

Figure 4-5. Number of Landslides and Corresponding Slope Angles for 10,335 Deep Landslides in Oregon



Source: Burns, Calhoun, Franczyk, Koss, & Bordal (2017)

This data helps inform us how we should establish our code and then we must consider other factors when deciding on a criteria.

If there is time and a related question, we repeat this answer on slope at the Forum tonight.

3. The NHMP speaks to the need for the City to outreach to the citizens and begin an education program helping the people to understand landslides and the fact that landslide insurance is generally not available to cover losses due to landslides. I have asked the City several times to please offer this program. I believe the last community event was in about 2008 and was very successful in getting information to the people about landslides, earthquakes, disaster preparedness, and insurance. I am hopeful the City will once again consider such programs to the community where I believe probably more than 90% of the people do not understand the many hazards that living in a landslide area can bring. I believe the City is putting the people in harm's way in certain areas of the City, especially where I live on Holly Ln. There are thousands of citizens living here with virtually NO services, only one medium market and one gas station. In a landslide or earthquake, people will not be able to get batteries, supplies, food, medicines should a large event occur. Also, understand Hwy 213 and Holly Ln are both filled with landslides and if these roads go down, the people will virtually be cut off the help they will need. Education of the people should be a priority.

This Geologic Hazard Community Forum is one way that we are providing the outreach. We also requested DLCD/DOGAMI present to City Commission last October and have since met with the Development Stakeholders Group and Natural Resources Committees of the City. Our website has also been updated with new information.

- 4) In looking at the Landslide Regulations and Comprehensive Plans of other communities, in comparison to those of Oregon City, I have noticed most communities are now putting the entire Land Use Goal 7 into both their landslide regulations as well as their comprehensive plans. Some communities also are putting their NHMP and the Oregon State Landslide TRG, this way being fully covered. Will Oregon City be placing Land Use Goal 7 and their NHMP into their Landslide regulations and Comprehensive Plans?

Goal 7 will be addressed in more detail with the Comprehensive Plan update which has just begin and is underway.

Thank You for this opportunity to actively participate in the Geologic Hazards upgrade.

Christine Kosinski
Holly Lane

From: [Paul Edgar](#)
To: [recorderteam](#); [Christina Robertson-Gardiner](#)
Subject: Question for the panel as part of the September 9th, 2020 Landslide Regulation Meeting "Geologic Hazard Forum"
Date: Wednesday, September 9, 2020 4:59:58 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

As we go into this next meeting on Geologic Hazards Code Revisions of OCMC 17.44 it was stated that within the September 9th meeting there would be an opportunity to ask questions.

So the following are questions to those with far greater knowledge (expertise) than I have, on decision making and what level of importance should be given to each decision making criteria = Value Points in level of importance.

I may well repeat myself, but the intent is understand what the educated Pro's know. We the citizens want to have confidence that our Codes represent the best thinking and will provide us with guidance in future decision making.

1. Saving Lives and Property: State of Oregon, Goal 7 Areas are subject to National Disasters and Hazards Apply to Oregon City. Goal 7 requires local Comprehensive Plans to address Oregon's natural hazards. "Protecting people and property from natural hazards requires knowledge, planning, coordination and education."

As we examine the City of Oregon City's Value Structure within Decision Making, can a list of critical decision making criteria get created and this list get "Weighted Level of Importance". In a "Probability Analysis" what are considered as most important - best indicators of the possibility of future landslides ??, and what of these indicators would you consider critical and highly problematic and should not be waived ??, in a Geo-Tech process and why ??

Example is what is the level of importance that should be given in weight value, when there is knowledge of the existence of previous landslides, Mapped by DOGAMI on the property being reviewed.

2. Probability Analysis of Future Landslides: Landslides can occur on slopes of less than 10% slope factor, if there are preexisting conditions, like where DOGAMI Slido Landslide Maps reveal/shows that there is and has been a landslide on a location, what is the level of importance of that knowledge ??

3. Oregon City with its OCMC 17.44 Code only evaluates slopes of 25% or Greater Slopes for Geo Hazards and Landslides: The City of Oregon City uses Top-of-Graphical Maps of the slope of an individual lot, to determine the percentage of slope by three (3) categories of under 25%, over 25% to 35% and over 35% of ground surface in determining susceptibility to future Landslides, is that adequate ?? and how should a review occur, in context to the adjoining lots of a legal area/block or acre ?? The City of Oregon City state: that DOGAMI Slido Landslide Maps that "does not apply" and as applied to it could well be one of the most critical value points in Critical Thinking and

Decision Making, that which is referenced in our OCMC 17.44.050.A.1 code ??

4. Current OCMC 17.44.050.A.1.a & d: Reference using DOGAMI Geological assessments and geotechnical reports: "What information", is most relevant or "critical criteria" ?? and what "subjectively" should never be "Waived" within and analysis of future Landslide probability ??

5. Current OCMC 17.44.060.H (density shall be determined as follows): Density code determinations are to be determined by evaluating the "Area" not an individual "Lot".

1. With area's with slopes of less than 25% between Grade Breaks, the allowed Density is determined by zoning is permitted. The question is if in this legal "Area/Block/Acre" there are identified area's of property with Slope Grades of greater than 25% and even greater than 35% Slope Grades, who has grandfathered rights to develop their individual lots of record within the Legal Block of Record ??

2. For "Area's" with slope over 25% to 35% the Density shall not exceed two (2) Dwelling per "Acre" commonly recognized as 40,000 Sq. Ft. or one (1) Block, except as provided by if there was an existing lot of record as of January 1, 1994.

3. For "Area's" with slopes over 35% grade breaks, development shall be prohibited between grade breaks, except as provided in OCMC 17.44.060.I.4 where the review authority may allow development upon such portions of land and upon demonstration by the applicant that the failure to permit development that would deprive the property owner economically beneficial use of the property. When State Wide Goal 7 is applied as in "Saving Lives and Property" and with the knowledge of the fact that DOGAMI has determined "Existence of Landslides in this Area, that created a much high probability of future landslides, what subjectivity parameters should be applied to just saying NO to Development, as when there are too many (quantify subjectivity) preexisting conditions creating a high probability or future landslides.

How is the property owner of property reimbursed, when a determination is made to prohibit development on a Lot of Record. ?? This section of OCMC 17.44.60. H needs more work to prevent the permitting development that could endanger lives and property under State Wide Goal 7 ??

6. Current OCMC 17.44.100.B Construction Standards: The current Code does not mandate an on-going audit of any and all phases of land development subject too these provisions. When there is a "High Probability" in area's that are applicable to OCMC 17.44 Codes, considerations and the need of compliance requires an active discovery process and this should be mandated and added to any code revisions.

When in OCMC 17.44.100.B, "NO grading, clearing or excavation on any land shall be initiated prior to approval of the grading plan (and after the plan has been approved) ?? Efforts have to be made to enforce, "Conditions of Approval" with a on-going discovery process of new conditions and compliance.

7. Current OCMC 17.44.100.I Construction Standards: The applicant's geotechnical engineer shall provide special inspections during construction to confirm that the subsurface conditions and assumptions during construction to confirm that the subsurface conditions and assumptions made as part of their geotechnical

evaluation/investigation are appropriate. This is like asking the person paid to arrive at a determination to self audit his own work, and report any failure in the how their determinations were made. This is not going to happen ??

Subject: Re: Question for the panel as part of the September 9th, 2020 Landslide Regulation Meeting

From: Paul Edgar <pauloedgar@q.com>

Date: 9/14/2020, 11:07 AM

To: Scott Burns <burnss@pdx.edu>

CC: Christine Kosinski <britenshin@aol.com>

X-Mozilla-Status: 0001

X-Mozilla-Status2: 00800000

Reply-To: pauloedgar@q.com

References: <BY5PR09MB469021C8C464672A0F471552BA260@BY5PR09MB4690.namprd09.prod.outlook.com>
<56eebd4d-d430-66c4-d699-53eeb0c36210@q.com> <817C21F9-3962-4DE2-AF7F-6A30385BE746@orcity.org>
<b506f3fb-5750-6efd-38c8-73a61dc82292@q.com>

<CAGDKDZJ4oayqAa8YJejdhMwYdCWZbX1=RdvOfs6NAXSm0fjvjl@mail.gmail.com>

Message-ID: <8cca2a2d-6100-cad8-d762-f39244e613fb@q.com>

User-Agent: Mozilla/5.0 (Windows NT 10.0; WOW64; rv:68.0) Gecko/20100101 Thunderbird/68.12.0

MIME-Version: 1.0

In-Reply-To: <CAGDKDZJ4oayqAa8YJejdhMwYdCWZbX1=RdvOfs6NAXSm0fjvjl@mail.gmail.com>

Content-Type: multipart/alternative; boundary="-----42715E99B6323B4885CEF0E9"

Content-Language: en-US

ENTERED INTO THE RECORD

DATE RECEIVED: 9/28/20

SUBMITTED BY: P. EDGAR

SUBJECT: CODE AMENDMENTS

Thank you so much !! We just want good and workable codes, where pragmatism and critical thinking is not buried in politics and good old boy influence.

This ability to "waive" critical criteria, that has "High Weighted Value" is very, very scary, but those of us without your knowledge and credentials have virtually NO standing.

Paul

On 9/13/2020 6:12 PM, Scott Burns wrote:

Paul - I will have an answer when we have the event on the 23rd! Great questions!

Scott

On Thu, Sep 10, 2020 at 10:48 AM Paul Edgar <pauloedgar@q.com> wrote:

Can my comments and Christine Kosinski comments get sent to all of the Panelist in advance, where they are given an opportunity to comment in writing, if the care too. There is a need to gather information on how to create the most honest and workable Geologic Hazard Code revisions, that provide clarity with everyone, in saving lives and property in Geologic Hazard Places.

If we have experts that are willing to participate in this process, I would sure like to have and hear their opinions and I am sure Christine and others would like it too.

In "Critical Thinking Process" in the Harvard Business School model that I was educated on, they asked us to identify the critical criteria within the decision making process and they referred to that as Value Points. They went on to ask us to Value Out each of the criteria and place a "Weighted Point Value" or Level of Importance of each of them. That is why I am asking questions of those who know far more than I do, about susceptibility to Landslides and Natural Hazard Conditions and Slopes.

We know that far to many of these Landslides take place are on slopes of between 10% to 24% and we are not even looking at these slopes currently ?? So what are the reasons for those Landslides on those slopes that are less than 25% grade and how do we provide the necessary "Weighted Point Value" to some Critical

Thinking Criteria and make sure that Critical Criteria is not within the ability to be "Waived" and excluded from the decision making process ??

These question are to learn how these pro's, like Dr. Scott Burns and others go about making these decisions. What is on their list of "Critical Decision Making Points" and what "Weighted Point Value" do they apply to each of the decision criteria ?? I remember that they told us that Newell Creek Canyon had very high susceptibility to Landslides and politically their process was rejected. That violates Statewide Goal 7 and we are now paying the price.

Paul

On 9/9/2020 5:42 PM, Christina Robertson-Gardiner wrote:

Hi Paul,

The panel is rescheduled to 23rd and will remain a virtual meeting/panel. Any questions that are unable to be answered that night because of time or complexity will be followed up after the meeting with an email if simple or through the land use process if complex.

Hope this explanation helps.

On Sep 9, 2020, at 5:03 PM, Paul Edgar <pauloedgar@q.com> wrote:

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Is the meeting going to be held in the City Commission Chamber and If so could I just come over and watch and comment from there.

Paul

On 9/9/2020 1:19 PM, Josh Wheeler wrote:

Hello Paul,

In an effort to share time with others as we only have 30 minutes for Q&A, I recommend you ask one question during the Forum. I recommend determining which one is of most interest to you and ask it there.

You also may provide public comment to the legislative file. Christina can assist you with that if that is of interest to you.

Josh Wheeler, PE

<image001.jpg>

Assistant City Engineer

Public Works Department

City of Oregon City
625 Center Street
Oregon City, Oregon 97045
Email: jwheeler@orccity.org

971.322.9745 Cell

PLEASE NOTE THAT MY PHONE NUMBER HAS CHANGED TO A CELL PHONE WHILE WE ARE WORKING FROM HOME.

From: Paul Edgar <pauloedgar@q.com>

Sent: Wednesday, September 9, 2020 1:03 PM

To: Josh Wheeler <jwheeler@orccity.org>; Christina Robertson-Gardiner <crobertson@orccity.org>;
Laura Terway <lterway@orccity.org>; John M. Lewis <jmlewis@orccity.org>

Subject: Question for the panel as part of th September 9th, 2020 Landslide Regulation Meeting

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Dr Scott Burns

Professor Emeritus of Engineering Geology Portland State University

President IAEG (International Association of Engineering Geologist and the Environment)

email: BurnsS@pdx.edu

telephone: (503) 725-3389

website: <http://dr-scott-burns.com>

Item 6a.

From: [Laura Terway](#)
To: [Christina Robertson-Gardiner](#); [Josh Wheeler](#)
Subject: FW: Density and Disturbance Calculations for your property (Making this available in color to the Planning Commission)
Date: Tuesday, September 29, 2020 9:39:58 AM
Attachments: [211 5th Avenue.pdf](#)
[5th and Ganong.pdf](#)

From: Paul Edgar <pauloedgar@q.com>
Sent: Tuesday, September 29, 2020 9:31 AM
To: Laura Terway <lterway@orccity.org>
Subject: Density and Disturbance Calculations for your property (Making this available in color to the Planning Commission)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

From Josh Wheeler to Paul Edgar, explaining my properties and adjoining properties on the same block #17 of the Canemah Plat. Note: that there is a complete disregard for anything below 25% in Grade Slopes, and where there is the existence of DOGAMI identified Landslides, where the probability/susceptibility of future Landslides is very high. Within unimproved Ganong Street ROW there is the existence of a shallow Landslide, starting on the bank below my house at 211 5th Avenue and that makes these lots in Block 17 within 200 Feet of a Landslide. The PDF attachment should be printed to fully visualize the property and the context of slicing and dicing property by contour lines in a NROD Overlay with a DOGAMI identified Landslide under them. **Waivers are not necessary when you do not apply all decision making criteria and even look at slopes below 25% Grade.**

Paul Edgar

Hello Paul,

The analysis below is for geologic hazards only. The properties may be further restricted for other reasons.

We have calculated the areas of slope on the properties attached.

For 211 5th Avenue, there are two taxlots :

- 3-2E-06BB-00200
- 3-2E-06BB-00100

The other site contains two taxlots :

- 3-2E-06BB-00302
- 3-2E-06BB-00301

Density : These are R-6 zoning. R-6 zoning has a minimum lot size of 6,000 square feet and a maximum building coverage of 40%.

This zoning applies to any property with slopes less than 25%

The following shows the square footage of the lot :

- 3-2E-06BB-00200 10,413 sf (0-25%), 1,203 sf (25-35%), 8,383 sf (>35%) for a total of 20,000 sf
- 3-2E-06BB-00100 14,093 sf (0-25%), 2,332 sf (25-35%), 3,576 sf (>35%) for a total of 20,000 sf
- 3-2E-06BB-00302 4,135 sf (0-25%), 865 sf (25-35%) – total of 5,000 sf
- 3-2E-06BB-00301 3,178 sf (0-25%), 1,822 sf (25-35%) – total of 5,000 sf

Density : If these lots did not have a mapped geologic hazard on them, 20,000/6,000 means you could have 3.33 lots and we round down, so 3 lots would be allowed. Each of those lots could be covered by 40% which means 2,400 square feet of building would be allowed in area.

Density : Since they do contain a mapped geologic hazard..

Lot 200 :

- 10,413 sf follows existing zoning which means $10,413/6,000 = 1.74$ lots allowed OR rounding down = **1 lot allowed**.
- When the entire site is less than ½ acre in size (when the lot is fully encapsulated by a mapped geologic hazard), the density shall be a single dwelling. Since the lot has economic benefit by having a house in the less than 25% slope area, no additional lot would be allowed

Lot 100

- 14,093 sf follows existing zoning which means $14,093/6,000 = 2.35$ lots allowed OR rounding down = **2 lots allowed**.
- When the entire site is less than ½ acre in size (when the lot is fully encapsulated by a mapped geologic hazard, the density shall be a single dwelling. Since the lot already has economic benefit by having 2 lots, a 3rd lot would not be allowed due to the geologic hazards.

Lot 302 and Lot 301

- The lot is less than the allowed lot size for R-6 individually; therefore, would have to be developed as a 10,000 sf lot
- With regular zoning, 1.67 lots would be allowed which rounds down = **1 lot allowed**
- Geologic Hazard code would not change that.

Disturbance :

- A typical R-6 lot can be disturbed as much as you like, 40% building coverage, if creating 5,000 sf of impervious surface, stormwater management is required, but generally, you can disturb as much as you wish
- A lot with a mapped geologic hazard shall have no more than 50% of the 25-35% sloped area disturbed or 4,000 sf of it disturbed, whichever is less.
- A lot with a mapped geologic hazard with 35% or greater slopes shall have none of it disturbed unless it makes the property have no economic benefit, then the disturbance shall be the minimum necessary with additional stability assessments and requirements

Lot 200 :

- 10,413 sf may be disturbed outright
- 25-35% area is 1,203 and so 50% of that is allowed to be disturbed which is 601.
- 8,383 sf is on slopes greater than 35% and none of it may be disturbed.
- Therefore a total is $10,413 + 601 = 11,014$ sf may be disturbed.

Lot 100 :

- 14,093 may be disturbed outright
- 25-35% area is 2,332 and so 50% of that is allowed to be disturbed which is 1166.
- 3,576 sf is on slopes greater than 35% and none of it may be disturbed.
- Therefore a total is $14,093 + 1,166 = 15,259$ sf may be disturbed.

Lot 302*

- 4,135 may be disturbed outright
- 25-35% area is 865 and so 50% of that is allowed to be disturbed which is 432.
- 0 sf is on slopes greater than 35% and none of it may be disturbed.
- Therefore a total is $4,135 + 432 = 4,567$ sf may be disturbed.

Lot 301*

- 3,178 may be disturbed outright
- 25-35% area is 1,822 and so 50% of that is allowed to be disturbed which is 911.
- 0 sf is on slopes greater than 35% and none of it may be disturbed.
- Therefore a total is $3,178 + 911 = 4,089$ sf may be disturbed.

*Combining Lots 301 and 302 which would be required of zoning makes it so that :

- 7,313 sf may be disturbed outright
- 1,343 sf of the area 25-35% may be disturbed
- Total allowed disturbance is 8,656 sf

Hopefully this addresses your question. If not, please let me know how I can assist.



Josh Wheeler, PE
Assistant City Engineer
Public Works Department
City of Oregon City
625 Center Street
Oregon City, Oregon 97045
Email: jwheeler@orc.org
971.322.9745 Cell

PLEASE NOTE THAT MY PHONE NUMBER HAS CHANGED TO A CELL PHONE DURING THIS PHASED WORKING SCHEDULE. YOU MAY STILL USE 503-496-1548 BUT THERE MAY BE A DELAY IN REPLIES.

Website: www.orc.org | webmaps.orc.org | Follow us on: [Facebook!](#) | [Twitter](#)
Think **GREEN** before you print.

The City of Oregon City is open for business and continues to offer services and programs online and virtually. Some City facilities are open to the public, find current openings [here](#), we encourage visitors to wear a mask, practice physical distancing, and reschedule in-person visits if you are feeling unwell.

The City has installed additional shielding and is providing hand sanitizer as well as occupancy limits to ensure our staff and visitors have a safe, no touch experience. Our goal is to be responsive to our community throughout this pandemic; we appreciate your understanding and cooperation.

Engineering Development Services Public Counter Hours at City Hall at 625 Center Street are 9:00 AM to 4:00 PM Monday through Thursday. We are available for in-person discussions on Friday by appointment only.

PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the State Retention Schedule and may be made available to the public.

From: [Laura Terway](#)
To: [Christina Robertson-Gardiner](#); [Josh Wheeler](#)
Subject: FW: SLIDO: Statewide Landslide Information Layer for Oregon (Making this available in color to the Planning Commission)
Date: Tuesday, September 29, 2020 9:40:25 AM

From: Paul Edgar <pauloedgar@q.com>
Sent: Tuesday, September 29, 2020 8:58 AM
To: Laura Terway <lterway@orc.org>
Subject: Re: SLIDO: Statewide Landslide Information Layer for Oregon (Making this available in color to the Planning Commission)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

On 8/27/2020 5:07 PM, Paul Edgar wrote to Dr. Scott Burns:

After talking with Christine and learning that you were going to be on the Committee Reviewing Oregon City's Code Revisions of OCMC 17.44, I decided to include you in discussions.

We have real concerns that the City will somehow prevent Code 17.44 Revisions from being effective as they could or should be. In this last couple of years I have witnessed Geo-Tech approvals like one on a 35+ slope that had soil sloughing lines visually running across this parcel located in Canemah between 3rd and 4th Avenues and unimproved Miller Street. Two houses constructed 10 years ago across Miller Street on the same slope have had troubles with the posts hold up 3 story decks have been moving downhill. The storm water pipes for these houses have been moving down hill.

I could not believe that they would approve this construction project, 80' feet away from these other two houses with soil movement problems around them, but they did. Somehow OC Public Works and the City Engineer find a ways to get around Oregon City's 17.44 Code and allow construction on a very unstable slopes and soils. There is a handicap person living directly below this construction, who is in their house 80% of the time. If conditions go bad and this uphill property gives away into having a Landslide, this person has a very high probability of dying. Statewide Goal 7 should be part of any Code Revision.

So how decisions are being made to waive critical criteria, (that is how it appears to me) and it becomes very important and what the criteria is that is being waived. What is the degree of importance of each element in "Weighted Value" and used/applied within their closed door critical thinking process, where none of this can be easily seen or challenged, concerns me. The City keeps telling everyone that they have to make these decisions because of adverse possession, where if they prevent someone from

realizing an ability to develop their land, the City would have buy them out at Fair Market Value.

We need your help and your expertise and thank you for being there.

Paul

On 8/27/2020 9:41 AM, Scott Burns wrote:

Have you gotten an answer from them?

Are you asking me to make an interpretation?

Scott

On Thu, Aug 27, 2020 at 9:35 AM Paul Edgar <pauloedgar@q.com> wrote:

Scott, this email was sent to leadership in the City of Oregon City and some on the panel to review changes to OCMC 17.44 Codes.

On 8/26/2020 5:49 PM, Paul Edgar wrote:

I went to DOGAMI and I downloaded mapping for Oregon City and I have been looking around. I got this DOGAMI Viewer and entered my address of 211 5th Avenue and moved off of Block 50 to Block 17 of the Canemah Plat.

I am asking for your interpretation of what it shows in Landslides and Landslide Susceptibility for these Blocks and and in reality the whole of the hillsides of between 3rd Avenue and above 5th Avenue in Canemah. How does this change things, in the Geo-Tech review process, in relationship to OCMC 17.44 with current Codes and possible revisions ??

Paul Edgar


[SLIDO: Statewide Landslide Information Layer for Oregon](#)

<https://gis.dogami.oregon.gov/maps/slido/>

Sent from [Mail](#) for Windows 10

--

Dr Scott Burns

Professor Emeritus of Engineering Geology Portland State University

President IAEG (International Association of Engineering Geologist and the Environment)

email: BurnsS@pdx.edu

telephone: (503) 725-3389

website: <http://dr-scott-burns.com>

From: [Paul Edgar](#)
To: [Laura Terway](#)
Cc: [Christine Kosinski](#); [Jim Nicita - Home/office](#); [Jesse A. Buss](#); [Christina Robertson-Gardiner](#); [Denyse McGriff](#); [Doug Neeley](#); [Jerry Herrmann - The Protector](#); [Pete Walter](#)
Subject: Updating OCMC 17-44 with Code Revisions and action going before the Planning Commission
Date: Wednesday, September 30, 2020 9:19:28 AM

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As you can see, Dr. Scott Burns thought my questions were "Excellent" in my forwarded emails. He agreed to create a list by level of importance, of key criteria that can be used in a "Weight Value list, by Level of Importance", of evaluating criteria on the susceptibility of future landslides. We need this list and it should be a collaborative effort with DOGAMI and LUBA and our Oregon City Land Use Committee.

You can also see, that virtually NO consideration are currently given in our proposed updating of OCMC 17.44 Codes to slopes with High Susceptibility of Landslides, but less than 25% percent in grade and that is wrong and in my opinion is in violation of the intent of "State Wide Goal 7 in the Protection of Life and Safety" and just Common Sense. Land Slides are occurring in Oregon City and in our UGB area on slopes of 10% to 24% grades !!

This ability to "Waive Sections of the Landslide Codes" within a Level/Type One Review, must be eliminated. In my opinion, it is critical that when "Susceptibility Criteria" reflects that there is the presence of "High Potential and Susceptibility to Future Landslides" there is a need for a Level/Type Two or Three process and Public Meetings.

In my opinion virtually all The Geo-Tech process and reviews, where a applicant is asking to exceed any given set of parameters and is asking for "Special Considerations and Determinations " this than become a minimum of a Level/Type Two or Three review. We need improved and Responsible Checks and Balances and a much more open process, when there is the "Waiving of Critical of Susceptibility of Future Landslides Criteria".

In my opinion within a Geo-Tech Review, there should be a list of "All Critical Criteria", which is an acknowledgement and "Check-Off List", that validates everything of importance has been reviewed and if within a review and check-off, if any criteria exceeds given point this than needs to refer the review to a higher process of review. This list is than signed by the reviewer. What this attempts to eliminate, is the over-looking of any critical criteria within a review, so as to eliminate it from needing to be "Waived". We and our Oregon City Codes, must be in support of State Wide Goal 7, in the Protection of Life and Safety.

I would like for this email to be added to the record.

Thank you,

Paul Edgar, Citizen of Oregon City and the Canemah Neighborhood

From: [Josh Wheeler](#)
To: [Christina Robertson-Gardiner](#)
Subject: FW: SLIDO: Statewide Landslide Information Layer for Oregon,
Date: Friday, September 25, 2020 2:42:10 PM



Josh Wheeler, PE
Assistant City Engineer
Public Works Department
City of Oregon City
625 Center Street
Oregon City, Oregon 97045
Email: jwheeler@orc.org
971.322.9745 Cell

PLEASE NOTE THAT MY PHONE NUMBER HAS CHANGED TO A CELL PHONE WHILE WE ARE WORKING FROM HOME.

From: Josh Wheeler
Sent: Wednesday, September 2, 2020 10:30 AM
To: pauloedgar@q.com
Cc: John Lewis (jmlewis@orc.org) <jmlewis@orc.org>
Subject: RE: SLIDO: Statewide Landslide Information Layer for Oregon,

Hello Paul,

I don't feel it is appropriate to attempt to have a public conversation over email. E-mail is not a forum that works well for a public conversation. That should be left to work sessions, community meetings, planning commission meetings, and city commission meetings.

John Lewis will take this email response and make the elected officials aware of our response and I will notify Scott Burns and Bill Burns of our response.

However, we do make it our duty to provide timely responses to those that inquire...

We offer to citizens a couple avenues to get questions answered :

1. When the matter concerns a piece of property and a simple question, we can respond by email
2. When a matter concerns a piece of property, but the questions are complex, we commonly suggest a 1 on 1 meeting – pre-Covid that was normally done in a conference room, but during this Covid time, that is completed virtually.
3. When a matter concerns a code or standard and the question is simple in nature asking for an interpretation of code, we can respond by email.
4. When a matter concerns a code or standard and how to apply it to a piece of property, a pre-

application conference is normally requested

5. When the matter is general in nature but complex in its questions, the best way to answer the question is a 1 on 1 meeting.
6. If the matter could benefit others, a public meeting is requested of Commission by staff, commonly a Work Session.

We have had the following recent opportunities for public comments of a general nature concerning geologic hazards :

- A. 10-8-19 : Presentation of new landslide guide by DLCD/DOGAMI (Requested by Staff to DLCD/DOGAMI)
- B. 9-23-19 : Planning Commission request to learn more about geologic hazards with respect to the Beavercreek (Thimble Creek) Concept Plan – Staff made a presentation as requested
- C. Presented to the Development Community through the Development Stakeholders Group on 3-14-19 and 2-13-20 specifically about proposed code changes
- D. Presented to the Natural Resource Committee the proposed geologic hazard code changes on 6-10-20
- E. Presented to the City Commission in a Work Session on 7-7-20 an overview of the proposed geologic hazard code changes to get direction to proceed with the process to adopt revisions and to get direction and approval to host a Geologic Hazards Community Forum

The next opportunities for the public to discuss and/or comment on geologic hazards and/or the proposed code changes are :

- Geologic Hazards Community Forum on 9-9-20 – This will consist of approximately 50 minutes of presentations by 5 speakers with an approximate 30 minute Question and Answer session
- Planning Commission is currently scheduled for 9-28-20 to start reviewing the entire set of code changes proposed by Public Works which will likely take several meetings...geologic hazard code revisions are only a part of these changes but will be discussed in detail.
- Once Planning Commission makes a recommendation of all proposed code changes to City Commission, City Commission will then take whatever time is needed to review the proposed code changes and ultimately decide if they should be adopted as proposed or modified

Thank you for your interest in Geologic Hazards. I am hopeful there is a more productive way for the City staff to be able to provide the answers you are looking for.

I will attempt to provide simple answers to the long email of questions to you below and allow the public meetings to remain in place for the public discussion of these issues.

We would like to offer a meeting to discuss any concerns about your property and how the code is interpreted for properties such as yours.

In the meantime, we have provided simple responses to your email below in green.

Josh Wheeler, PE



Assistant City Engineer
Public Works Department
City of Oregon City
625 Center Street
Oregon City, Oregon 97045
Email: jwheeler@orccity.org
971.322.9745 Cell

PLEASE NOTE THAT MY PHONE NUMBER HAS CHANGED TO A CELL PHONE WHILE WE ARE WORKING FROM HOME.

From: Paul Edgar <pauloedgar@q.com>

Sent: Tuesday, September 1, 2020 5:12 PM

To: Josh Wheeler <jwheeler@orccity.org>

Cc: John M. Lewis <jmlewis@orccity.org>; Laura Terway <lterway@orccity.org>; Christina Robertson-Gardiner <crobertson@orccity.org>; Pete Walter <pwalter@orccity.org>; Kelly Reid <kreid@orccity.org>; Dr. Scott Burns - PSU Geology <burnss@pdx.edu>; Bill Burns, Ph.D. - DOGAMI <Bill.Burns@dogami.state.or.us>; Christine Kosinski <britenshin@aol.com>; Denyse McGriff <dmcgriff@orccity.org>; Frank O'Donnell <fodonnell@orccity.org>; Rocky Smith, Jr. <rsmith@orccity.org>; Rachel Lyles Smith <rlsmith@orccity.org>; Doug Neeley <intstats10@gmail.com>; Jim Nicita - Home/office <james.nicita@gmail.com>; Jesse A. Buss <jessebuss@gmail.com>

Subject: Re: SLIDO: Statewide Landslide Information Layer for Oregon,

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My comments are in **Blue Color**. Please forgive my errors in word usage and understanding of Natural Hazards in that I am not at the level competence on most of this as you are.

I have however had significant education and training in Critical Think Process and my goal is having the best possible Codes to protect the interests of people from errors in judgement.

This could cost my wife and I money, but doing what is right has Higher Weighted Value, within my Value Structure. Thank you for allowing me to participate and to express my opinions.

Paul Edgar

On 8/31/2020 5:17 PM, Josh Wheeler wrote:

Hello Paul,

Please see my comments below in **red**.



Josh Wheeler, PE
 Assistant City Engineer
 Public Works Department
 City of Oregon City
 625 Center Street
 Oregon City, Oregon 97045
 Email: jwheeler@orccity.org
 971.322.9745 Cell

PLEASE NOTE THAT MY PHONE NUMBER HAS CHANGED TO A CELL PHONE WHILE WE ARE WORKING FROM HOME.

From: Paul Edgar pauloedgar@q.com
Sent: Thursday, August 27, 2020 10:49 AM
To: Josh Wheeler jwheeler@orccity.org
Cc: John M. Lewis jmlewis@orccity.org; Laura Terway lterway@orccity.org; Christina Robertson-Gardiner crobertson@orccity.org; Dr. Scott Burns - PSU Geology burnss@pdx.edu; Jim Nicita - Home/office james.nicita@gmail.com; Christine Kosinski britenshin@aol.com; Denyse McGriff dmcgriff@orccity.org; Doug Neeley intstats10@gmail.com; Frank O'Donnell fodonnell@orccity.org; Rocky Smith, Jr. rsmith@orccity.org; Rachel Lyles Smith rlsmith@orccity.org
Subject: Re: SLIDO: Statewide Landslide Information Layer for Oregon,

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Accessed through the Yahoo Gateway:

<https://gis.dogami.oregon.gov/maps/slido/>

This does not apply to how we analyze Geologic Hazards in Oregon City. We use City Code 17.44.

Current OCMC 17.44.050.A.1.a & d: Reference using DOGAMI Geological assessments and geotechnical reports that specifically includes, but not limited to: "This information", and you are you saying it is not relevant or critical criteria in what you do and you may choose to "subjectively" not use in your analysis DOGAMI Landslide - Slido Maps ?? When DOGAMI shows that a Landslide exists on property and it can be on a 10% slope or between 25% to 35% or 35% or greater degree of slope. The City of Oregon City state "**This does not apply**" and it could well be one of the most critical value points in Critical Thinking and Decision Making, that which is referenced in our OCMC 17.44.050.A.1 code ??

DOGAMI does not have legislative documents. Only City Code provides standards for Oregon City. Yes, 17.44.50 refers to DOGAMI information, but what you may be missing in 17.44.50 is that the reference is from : "A geological assessment and geotechnical report that specifically includes, but is not limited to:" This section of code is to guide a developer's geotechnical consultant how to

address the standards of 17.44.60. City Code provides in 17.44.50 the types of resources and information a consultant may use. That consultant may use other resources not listed. 17.44.50 are not the standards that need addressed. 17.44.60 are the standards that need addressed. Therefore, if a consultant uses other references that are not DOGAMI to effectively meet the standards in 17.44.60, they may do so.

The City's mapping system uses SLIDO data to represent historic landslide deposits, slopes of 0-10%, 10-25%, 25-35%, and 35% or greater, scarps and scarp flanks.

The City does not tell a consultant HOW to review, analyze, mitigate their proposal. That is the consultant's job, then the City (or its consultant) reviews the submittal and determines if the standards of 17.44.60 are met.

A note about the word subjectively. Geotechnical engineering is a science of probabilities and theory. It has actually come a long way in the past 50 years; however, geotechnical engineering is still based on probabilities and therefore, will be subjective. It is the City's duty to ensure that the data provided by the consultant meets the Objective specific criteria in 17.44.60 understanding that the science provided is subjective in nature.

This is what DOGAMI Maps shows in relationship to my properties on Blocks 17 and 50 of the Canemah Platt. This detail (Reference ID Code: BurnWJ2010a) shows we are in and on a Historic Landslide, that is "Complex" in movement classification and is 93.98' feet deep, as I read it.

This does not apply to how we analyze Geologic Hazards in Oregon City. We use City Code 17.44. A geotechnical engineer may use the information in analysis that they provide to meet our code.

Let me get this right, A Geotechnical Engineer, "MAY Use It or May Not Use It" this definitive DOGAMI Landslide Knowledge and those Geotechnical Engineers could be hired by an applicant with a special interest and choose to not reflect commonly available information of the existence of a Landslides on Property to be considered for development where OCMC 17.44.050 applies and the City of Oregon does not consider this Critical Information coming from DOGAMI a very reputable resources listed in OCMC 17.44.050.A.1 and it can be left out of Decision Making ??

Correct, a geotechnical consultant may choose to use it or not. There are many resources. DOGAMI is not the only resource. 17.44.50 are guides. 17.44.60 are the Standards. There is nothing in 17.44.60 that requires the use of DOGAMI as a resource.

So I guess in OCMC 17.44 Codes, on approving the building on these slopes of 25% to 35% percent slope and greater than 35% percent slopes, becomes more problematic.

Oregon City has chosen to consider a geologic hazard one that has a mapped historic

landslide deposit or one that contains slopes that are 25% or greater.

Slopes are not the only criteria in Oregon City. Historic landslide deposits are too.

(Agreed, however we know that there are a lot of Development Requirements and Review Procedures in OCMC 17.44.050 and you can subjectively choose to leave anything in or out or to waive anything or everything and in my opinion, that is scary! There is need for higher level of approval on issues where Public Safety and Life and Death can result, and in my opinion when Decision Making can subjectively leave out Critical Criteria, this should require an automatic escalations to Type III Land-Use Review.)

The City cannot subjectively apply our standards and cannot waive whatever we want subjectively. We have standards in 17.44.60 which must be met. More often than not, a developer and their consultant spend months and sometimes years attempting to meet 17.44.60. We have had a waiver process for a number of years as an internal policy. The waiver process is not for anything we want, it is very objective in how it is used. With the new proposed code revisions, we have conferred with the City Attorney and have decided to add the policy into code to become a codified waiver process. Usually waivers are given for things like a manmade mound which shows up as a steep slope, or a property which has steep slopes but is not disturbing them with the proposal.

When calculating density and disturbance, the City Code uses three categories dealing with slope : 0-25%, 25-35%, and 35% and greater. This is what we used to do the calculations you requested.

Landslides can occur on slopes of less than 10% slope factor, if there are preexisting conditions, like where DOGAMI Slido Landslide Maps reveal/shows that there is and has been a landslide on this location. In probability Analysis this can be one of the best indicators of the possibility of future landslides, and it may or may not be used.

Landslides can occur on just about any slope. Oregon City chose a number of years ago to use 25% or greater as the standard. This is actually fairly common across the region and state; however, some communities have chosen a more restrictive standard. The most important thing about slope is : Slope is not the only factor that should be considered. The City, DOGAMI, DLCD, and many others concur with that statement. We also need to look at all the other standards found in 17.44.60. Slope is just a starting place to determine when a site should be reviewed from a geologic hazard standpoint. We also use landslide deposits as another trigger which requires the review. A site is defined in Oregon City as one containing a geologic hazard if it has a historic landslide deposit or has a slope of 25% or greater.

As I Read that the susceptibility of future Landslides "Confidence is Moderate 11-29", so how are decisions made in the approval process, to grant the waiving of some of our codes and should that process not lead to a Type III oversight and review, now and in the future ??

Again, the DOGAMI language does not apply to how we analyze geologic hazards in Oregon City. Decisions are made based on the standards within City Code 17.44. We have a waiver process we are proposing to codify. We currently have the waiver

fee. I recommend you read the waiver process in the proposed code.

When you talk about Type III oversight, that is a Planning Process which I cannot answer. All Planning questions would have to be referred to the Planning Department,

I have read OCMC 17.44.050.C and proposed changes and this ability listed under subsection C: The City engineer may waive one or more requirements of subsections, A and B of this section if the city engineer determines that site conditions, size, or type or development of grading requirements do not warrant such detailed information. This is where this information must be explained not in just note on an approval, but within a Public Type III hearing process, with full disclosure and debate, my opinion.

We have an objective process and policy for the waiver process. Waivers are rare and are for things that are obviously not a hazard as referenced earlier in this email.

What are the "Critical Thinking - Processes and Weighted Value Structure" that protect all parties in decision making, State Wide Goal 7 - that should be identified and applied.

I do not understand your question and notice another Planning related reference of Goal 7. I recommend asking the question you have to the Planning Department.

State of Oregon, Goal 7 Areas are subject to National Disasters and Hazards Apply to Oregon City. Goal 7 requires local Comprehensive Plans to address Oregon's natural hazards.

"Protecting people and property from natural hazards requires knowledge, planning, coordination and education." We are examining your (the City's)Value Structure with in your Decision Making and it appears that you do not weight the existence and knowledge of previous landslides Mapped by DOGAMI on property being reviewed. So Goal 7 which is about protecting people and property is not your problem or within you considerations ?? Maybe it is time for the Staff of Oregon City to take a Critical Thinking Class and learn about Weighted Value Decision Processing.

Statewide Planning Goals are what the Planning Department uses when ensuring a property goes through the proper land use and process. Engineering is separate from Planning and ensures a site meets Engineering Standards. The process goes through Planning, not Engineering. We are partners on a project whereby one runs the process and the other reviews technical standards.

Paul Edgar, Concerned Citizen of Oregon City

Deposits:

Reference ID Code	BurnWJ2010a
Unique ID	Oregon_City_200
Type of Movement	Slide
Movement Classification	Complex
Confidence	Moderate (11-29)
Age	Pre-Historic (>150yrs)
Name	
Geology	Tt
Slope	20.00
Head Scarp Height	100.00
Fan Height	0.00
Failure Depth	93.98
Deep r Shallow	Deep
Area (sq ft)	874,030.00
Volume (cu ft)	82,137,504.00
Map Unit Label	
Description	Landslide
Year	
Date Range	
Reactivation	
Month	
Day	

On 8/26/2020 6:11 PM, Josh Wheeler wrote:

City code and City mapping consider Historic Landslide Deposits and Slopes and then discuss the types of disturbance and density allowed on a property.

We do not map landslide susceptibility as the susceptibility of a landslide has many factors which our code already addresses.

I don't understand your question as the DOGAMI maps do not change our code, processes, or code revisions.

We have a good relationship with DLCD and DOGAMI who used Oregon City code as a reference and example in their most recently published landslide guide.

Josh

Sent from my iPhone

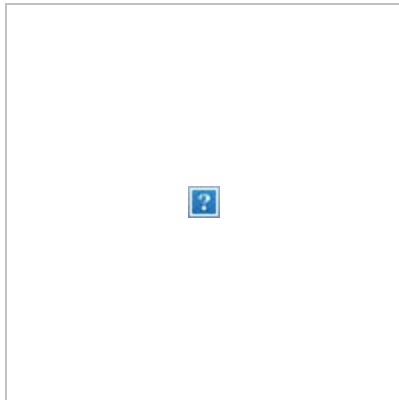
On Aug 26, 2020, at 5:49 PM, Paul Edgar
<pauloedgar@q.com> wrote:

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I went to DOGAMI and I downloaded mapping for Oregon City and I have been looking around. I got this DOGAMI Viewer and entered my address of 211 5th Avenue and moved off of Block 50 to Block 17 of the Canemah Plat.

I am asking for your interpretation of what it shows in Landslides and Landslide Susceptibility for these Blocks and and in reality the whole of the hillsides of between 3rd Avenue and above 5th Avenue in Canemah. How does this change things, in the Geo-Tech review process, in relationship to OCMC 17.44 with current Codes and possible revisions ??

Paul Edgar



[SLIDO: Statewide Landslide Information Layer for Oregon](#)

<https://gis.dogami.oregon.gov/maps/slido/>

Sent from [Mail](#) for Windows 10

From: [Nathan McCarty](#)
To: [Josh Wheeler](#)
Subject: AKS Comments on Oregon City Policy Documents
Date: Thursday, December 12, 2019 11:22:06 AM
Attachments: [image004.png](#)
[AKS Comment locations_CoOC Sanitary Sewer Design Standards.pdf](#)

Josh,

We were able to spend a little time going through the policy documents that you sent out last month. We only have comments on one of documents - Sanitary Sewer Design Standards Redlines. We wanted to get our comments over to you ahead of the holidays. Our proposed recommendations are in **bold** below, let me know if you have any trouble referencing the section mentioned.

□ On page 21 - minimum pipe cover for sanitary sewer is called out to be a minimum of 18" in paved areas where DIP is used. We should be able to go shallower with thicker DIP like CL 52-54 , not that we ever will. Looks like on page 25, 6" of cover is allowed. Recommendation: **clarify that 6" of cover is allowed as long as DIP is used.**

□ On page 30 – requires deep sewer style connections to be used for all laterals. The deep sewer style connections should only be required for truly deep laterals. Laterals that are 6 foot deep or less at the end of service lateral at 2% slope should be installed at 2%, without the deep style bends.

“Tees for service laterals **installed at greater than 10% slope (deep laterals)** shall be installed at 100% slope and with 1/16 or 1/8 bends installed to provide proper grade **(2% or greater)** for service lateral. Service laterals shall be installed to the street right-of-way line or easement line....”

The threshold does not have to be 10% specifically, we just need to have a definition of deep laterals so it is not up to interpretation. Requiring the deep style sewer connection on shallow laterals is counterproductive and results in a harder system to build and maintain.

□ On page 31 – revise

“Tees shall be located no closer than five feet (5') to manholes or other tees. Tees shall be located near the low side of lots.”

To the following:

“Tees shall be located no closer than **three feet (3')** to manholes or other tees. Tess shall be located near the low side of the lots.”

This will make it a little easier to configure laterals in cul-de-sacs, eyebrows, etc.

Please let me know if you have any questions on the above.

Enjoy the holidays and Merry Christmas!

Regards,
Nathan McCarty - PE



AKS ENGINEERING & FORESTRY, LLC

12965 SW Herman Road, Suite 100 | Tualatin, OR 97062

P: 503.563.6151 Ext. 214 | F: 503.563.6152 | www.aks-eng.com | mccartyn@aks-eng.com

Offices in: Bend, OR | Keizer, OR | Tualatin, OR | Vancouver, WA

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B. Minimum Pipe Cover

MINIMUM PIPE COVER		
Type of Pipe	Paved Areas (inches)	Unpaved Areas (inches)
Other Approved Pipe	48	36
RCP Class III	30	18
RCP Class IV	24	12
RCP Class V	18	6
AWWA C900	24	12
AWWA C905	24	12
Ductile Iron	18	6

2.09 PIPE SIZE

Sewer mains (public sewers) shall not be less than eight inches (8") inside diameter, except that for short non-extendable sections up to 250 feet in length, the minimum diameter may be reduced to six inches (6") per the Oregon Administrative Rule, Chapter 340, Div. 52, APPENDIX "A." Sewers shall be sized to handle the ultimate flows as determined in the Sewer Master Plan.

Sewer mains (public sewers) shall begin at a manhole and shall terminate at a manhole except that a cleanout may be used at the upper end of a sewer that will be extended on the same grade and alignment during the next construction phase.

2.10 MINIMUM/MAXIMUM SLOPES

- A. MINIMUM SLOPE – All sanitary sewers shall be laid on a slope which will produce a mean velocity, when flowing full, of at least two feet (2') per second, which is based upon Manning's pipe friction formula using a roughness coefficient valued at not less than 0.013, or the pipe manufacturer's recommendations, whichever is greater. The minimum acceptable slope for various pipe sizes with an "n" value of 0.013 are listed below:

TABLE NO. 2.1
PIPE CLASS REQUIREMENT
 (Sewer less than 3' of Cover)

PIPE SIZE (inches)	DEPTH OF COVER (feet)	IN FILLS – USE D. I. class*	TRENCH – Use D. I. class*
4	0.5	51	51
	1.0	51	51
	1.5	51	51
	2.0	51	51
6	0.5	53	50
	1.0	51	50
	1.5	50	50
	2.0	50	50
8	0.5	54	50
	1.0	52	50
	1.5	50	50
	2.0	50	50

*C900 may be used as an alternative in place of Ductile Iron Pipe (D.I.)

2.14 LOCATION

- A. RELATION TO WATER LINES AND OTHER UTILITIES – No sanitary sewer shall be less than fifty feet (50') from any well, spring, or other source of domestic water supply unless approved by the City Engineer. All sanitary sewers or parts thereof which are located within fifty feet (50') from any such source of domestic water supply shall be constructed of ductile iron water pipe with watertight joints, or by other DEQ approved pipe.

Sanitary sewers and domestic water lines shall not be laid in the same trench. Parallel water and sewer lines shall be located at least ten feet (10') apart horizontally where there is less than 18 inches of vertical clearance between the water and sewer lines. In all instances, in this section and the following sections, distances are measured edge to edge. When physical conditions render this spacing impossible or impractical, then ductile iron water pipe with watertight joints will be required for the sewer line, Construction Standards, as outlined per the Oregon Administrative Rule Chapter 333-61-050, shall be followed.

questionnaire) as may be required by Tri-City Service District (Water Environment Services), Clackamas County.

- G. CONNECTION TO EXISTING MANHOLES – When a project is connecting to existing manholes or sewer extensions, the existing manhole shall be rehabilitated in its entirety as specified by the City.
- H. MISCELLANEOUS – Where manhole rims are two feet (2') or greater above grade of finished ground, the manhole lid shall be made of aluminum.

2.17 LATERAL SEWER SERVICE & PRIVATE COLLECTOR SYSTEMS

- A. LATERAL SEWER – See definition for lateral sewer under Section 1.07.

Each individual building site shall be connected by a separate private building sewer service line connected to the public sewer. Combined building sewer lines will be permitted only when the property cannot legally be further divided. An example of this is a residential lot with a house and an unattached garage or shop with plumbing facilities.

The minimum inside diameter of a sewer service lateral shall be four inches (4") and shall be equal to or greater than the building sewer diameter. Service laterals to be built to the same construction standards and of the same materials as the sewer mainline.

Service laterals in general shall be placed at 90 degrees to the main sewer line to avoid excessive exposure to other utilities during excavation for construction or maintenance of the service lines. Angles other than 90 degrees may be approved for special conditions such as cul-de-sac lots. Service line connections shall not be made at manholes, except at cul-de-sacs where the sewer main will not be extended. All connections at manholes shall be considered on a case-by-case basis and approved by the City Engineer.

The minimum slope of lateral sewers shall be 2.00 percent (V• inch per foot) except for unusual conditions where a slope of 1.00 percent (1/s inch per foot) may be approved. It will be necessary; however, for the designer to provide a complete analysis of the need for any sewer service lateral slope less than 2.00 percent. The maximum slope shall be 100.00 percent (45 degrees or one foot per foot). Deep connection risers (see the Standard Detail for service laterals to deep sewers) or drop connections to manholes must be used where service line slopes would exceed 100 percent.

Tees for service laterals shall be installed at 100% slope and with 1/16 or 1/8 bends installed to provide proper grade for service lateral. Service laterals shall be installed to the street right-of-way line or easement line. A watertight plug shall

be installed in end of lateral and a 2" x 4" pressure treated wood marker shall be placed at lateral end, from pipe invert to two feet (2') above the ground. 2" x 4" top to be painted white and marked with an "S" and the depth of the lateral measured from ground to invert of pipe. Curb Sanitary Design Standards 30 June 1993 line to have an "S" stenciled in black paint on face of curb at lateral crossing. A tracer wire (green 18 gauge, insulated copper wire) shall be installed from the mainline to the surface at the 2x4 marker.

Tees shall be located no closer than five feet (5') to manholes or other tees. Tees shall be located near the low side of lots.

Lateral connections shall be a minimum of 18" apart on the mainline.

All sanitary sewer service laterals shall have a 2-way cleanout at the right-of-way line per Oregon City Standard Drawings.

- B. **BUILDING SEWER** – The building sewers are those private sewer lines which connect the building drain to the public service lateral, or the private collection system. Building sewers are installed and maintained by property owners.

Building sewers shall conform to the Oregon Plumbing Specialty Code. No roof, surface, foundation, or stormwater drain lines shall be connected to the public sewers.

Building sewer clean-outs shall be installed at the right-of-way and at 100-foot intervals thereafter per the Oregon Plumbing Specialty Code. Building sewers shall have at least four feet (4') of cover at the property line. Generally, the topography of the property will dictate how deep the building line must be.

Each individual building site shall be connected by a separate building sewer line connected to the public or private collector sewer. Combined building sewers will be permitted only when the property cannot legally be further divided, subject to approval of City Engineer.

The inside diameter of a building sewer shall be a minimum of four inches (4") and shall be equal to or greater than the building plumbing stub diameter. The minimum inside diameter of building sewers to serve multi-family dwellings or commercial buildings shall be six inches (6"). Fixture unit equivalents in accordance with the Oregon Plumbing Specialty Code shall be used to determine the size of the side sewer.

A building sewer serving a single residence may cross one private property provided a private easement is obtained and the route is approved by the City Engineer.



September 28, 2020

Mr. Mike Mitchell, Chair
Oregon City Planning Commission
625 Center Street
Oregon City, OR 97045

SENT VIA EMAIL: pwalter@orc.org

Re: GLUA 20-00033 LEG-20-00001 Public Works Code Amendments
Small Wireless Facilities
September 28, 2020 Hearing

Dear Chair Mitchell and Commissioners:

Thank you for the opportunity to comment on the Public Works Code Amendments (GLUA 20-00033 LEG-20-00001) under consideration by the Planning Commission in tonight's hearing. These comments are provided to the City of Oregon City ("City") on behalf of New Cingular Wireless PCS, LLC ("AT&T").

AT&T supports the City's efforts to update its wireless code for greater consistency with federal law – most notably, the 2018 Federal Communications Commission ("FCC") Order,¹ relevant portions of which were upheld on appeal² – as well as advancements in technology.

AT&T agrees with City staff's opinion that small wireless facilities should be exempt from zoning review. As stated by City staff, "[f]ederal guidelines require a timeline that prevents small cell permitting to be processed through land use requirements."³ Similarly, the League of Oregon Cities model ordinance for small wireless facilities recommends removing small wireless facility projects from zoning review because "[i]t

¹ *Accelerating Wireless and Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, Declaratory Ruling and Third Report and Order, 33 FCC Rcd 9088 (2018) ("FCC Order").

² *City of Portland v. United States*, No. 18-72689 (9th Cir. Aug. 12, 2020).

³ Hearing packet, p. 45.

September 28, 2020
Page 2

is simply not practicable to comply with the state's land use requirements and the FCC's regulations at the same time."⁴

For consistency with the FCC Order and regulations, AT&T suggests the City use "small wireless facility," a defined term in 47 C.F.R. §1.6002(l), rather than "small cell wireless telecommunication facility" in proposed revised OCMC 17.80.[0]30.

We appreciate the City's consideration of AT&T's comments. These changes will allow the City to comply with federal law with respect to the relevant review process, and AT&T will continue to provide comments regarding other changes to the City's code and standards that are needed to establish workable policies for the wireless industry, including AT&T, and the people living and working in the Oregon City community.

Thank you for your consideration of these comments.

Sincerely,



Meridee Pabst
meridee.pabst@wirelesspolicy.com

cc: Christina Robertson-Gardiner, Senior Planner
Josh Wheeler, Assistant City Engineer

⁴ League of Oregon Cities Small Wireless Facilities Model Ordinance, p. 2.
<https://www.orcities.org/resources/communications/bulletin/loc-releases-new-small-cell-model-ordinance-and-design-guidelines>

From: [Eric Underwood](#)
To: [Christina Robertson-Gardiner](#)
Cc: [Josh Wheeler](#); [Dante Posadas](#); [Peter Hanft](#); [Verlea Briggs](#); [Julie Hernandez](#); [Ross Cichosz](#)
Subject: Public Record for the Legislative File GLUA 20 – 00033/LEG 20-00001 – September 28, 2020
Date: Thursday, September 24, 2020 8:55:05 AM
Attachments: [image001.png](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Christina,

On behalf of Portland General Electric Company (“PGE”), please accept this letter as our formal submission to have the below comments submitted into the public record for the legislative file GLUA 20 – 00033/LEG 20-00001 that is scheduled to come before the Oregon City Planning Commission on September 28, 2020:

Chapter 16.12.085 2(b)

16.12.085 - Easements.

2. Conveyance of public utility easements for gas, electric, telecommunication, and fiberoptic[s] shall be required where necessary as determined by the City Engineer. The City Engineer will require the easement unless it is found that the utility can be placed in a different location or can be placed in a smaller easement than what is required. The easement shall be located adjacent to all public right of ways or public access easements within private property. In the event that the provision of a public utility easement would create a conflict with achieving compliance with another part of the code, the location and width may be adjusted by the City Engineer.

b. The easement shall be a minimum of 5 feet in the NC, HC, I, C, MUC-1, MUC-2, MUE, MUD, and WFDD zones a. The applicant shall obtain a written determination from all utilities that the minimum 5-foot PUE coupled with use of a minimum of a 5-foot area under the public sidewalk or parkway area is sufficient to serve the development. Where the minimum width is deemed inadequate, a modification shall be required.

PGE supports requiring the conveyance of public utility easements but is requesting the Commission consider adopting a minimum 10’ easement, versus the minimum 5’ easement proposed in the current draft. As a regulated public utility, PGE is bound to follow the clearance requirements and other parts of the National Electrical Safety Code (“NESC”) in its provisioning of electric service to its customers. See OAR 860-024-0010.3 Additionally, PGE must adhere to the Public Utility Commission of Oregon’s (“OPUC”) safety standards (a/k/a the Commission Safety Rules), which rules include the NESC and the expectation for PGE to comply. See OAR 860-024-0001(1)4. If fact, the NESC is periodically adopted, in its entirety, and incorporated into the PUC’s regulations. See ORS 757.035(3).

For the reasons stated above, PGE proposes that the minimum easement in the NC, HC, I, C, MUC-1, MUC-2, MUE, MUD, and WFDD zones be **10** feet, as this would allow PGE to meet NESC

codes in most instances that we would expect to encounter, for example, working clearances of 10 feet in front of any cabinet opening on pad-mounted primary voltage switchgear that has openings on multiple sides of the cabinet. Additionally, such a change would minimize the need for applicants to seek modifications, since 5' would typically be deemed inadequate for PGE's needs.

Chapter 16.12.095

16.12.095 - Minimum improvements—Public facilities and services.

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

G. Other Utilities. The applicant shall make all necessary arrangements with utility companies or other affected parties for the installation of underground lines and facilities. All new utilities shall be placed underground unless the respective franchise agreements allow otherwise or unless it is physically or technically impossible. Existing and new electrical lines and other wires, including but not limited to telecommunication, street lighting and fiber optic cable television, shall be relocated placed underground.

PGE is requesting an exemption as follows:

- G. Exemption
 - E. Allow overhead system poles, wires, and guys when alternative options have been exhausted, to clear up a National Electrical Safety Code (NESC) violations in the Right-of-Way and/or private property.
- a. No transmission or feeder lines shall be relocated underground unless approved by the City Engineer.

PGE is requesting to add the language "and applicable utility company" to the following proposed amendment to read: "No transmission or feeder lines shall be relocated underground unless approved by the City Engineer and applicable utility company."

Chapter 17.14.1215

17.04.1215 - Structure.

"Structure" means anything constructed or erected that requires location on the ground or attached to something having location on the ground. For OCMC 17.42 "structure" means a walled and roofed building including a gas or liquid storage tank that is principally aboveground. Utility poles and transportation facilities or any items located within a public easement or right of way are not considered structures within this definition.

- PGE fully supports the addition of the following language: Utility poles, transportation facilities or any items located within a public easement or right of way or on public property in the definition of **structures**. Thus, exempting PGE from the city's land use review process.

PGE appreciates the opportunity to submit comments and proposals for your review and potential adoption. Please let me know if we can answer any questions and/or provide additional

information. I look forward to attending the Planning Commission meeting and hearing your discussions on September 28th.

Best,
Eric



Eric Underwood

Manager, Local Government Affairs • 503-464-2329

PortlandGeneral.com • Follow us on social @PortlandGeneral

From: [Christina Robertson-Gardiner](#)
To: [Mike Mitchell](#)
Cc: [Laura Terway](#); [Josh Wheeler](#)
Subject: FW: questions & notes GLUA 20-00033
Date: Monday, October 12, 2020 8:41:00 AM
Attachments: [Mike Mitchell notes GLUA 20-00033 .doc](#)

Chair Mitchell,

Thanks for the detailed questions. Josh will take a look at them, and we will have a response included in the October 26, 2020 Planning Commission Packet. I will let you know if he has any clarifying questions.

Christina

From: Mike Mitchell <mmitchell@orccity.org>
Sent: Saturday, October 10, 2020 5:55 PM
To: Christina Robertson-Gardiner <crobertson@orccity.org>
Cc: Laura Terway <lterway@orccity.org>
Subject: questions & notes GLUA 20-00033

Christina,

Since the PC agenda item next Monday for GLUA 20-00033 is just a continuance, I wanted to get the attached questions and notes into the record so that Public Works staff will have to time to review them, so that the PC can discuss them when we take the item up again on October 26th.

Thanks,
Mike

Questions or Clarifications needed - GLUA 20-00033
Mike Mitchell October 10, 2020 Email to staff

Responses by Public Works shown in red. Written October 13, 2020.

Pg 65: 13.04.100: “separate service for each house or business” would seem to require that a licensed home based business would have to have a separate service from the residence at the same address.

Response : Services are provided per building and sometimes per complex. We have internal policies and design standards that detail this out much more specifically. A home based business receives one service for the entire building. The code was intended to show that properties are either a home or a business, but that one service is allowed per building.

Pg. 65: 13.04.120; says they have to obtain the meter. It needs to say that they need to obtain and use the meter.

Response : This is a process common in all municipalities and the existing code shows an old process. When a contractor picks up a hydrant meter, they are informed of the process.

Pg 66: 13.04.130 and Pg. 74: 13.08.125: “free access”. As discussed at the 9/28 PC meeting, this needs revision.

Response : A revision has been proposed based on Planning Commission comments from September 28, 2020

Pg. 68: 13.04.280: why is a reduced rate tied to a specific water meter size?

Response : This is a process that the Finance Department has been using for years. The reduced rate is only available to single family residential units.

Pg. 78: 13.08.240.C: what if there is no curb or edge of pavement line?

Response : All sewer services go to a sewer main which is typically located within a roadway. There are a handful of instances where a sewer main is in a sideyard or backyard of a property within an easement. In those cases, the property owner responsibility exists for the entire service length.

Pg. 79: 13.08.250: who pays for separation of existing sewer party lines?

Response : The property owner or developer causing disruption of the party line. We have an internal policy and procedure on this.

Pg. 96: 16.12.095.G.2: Why “same block”? If the reasoning is so that nearby properties are treated equally, same block doesn’t seem like the answer. Same block doesn’t account for a property across the street, or a property across the side street in the case of a corner lot.

Response : The block encompasses both sides of the street. For instance, if you develop property on John Adams between 7th and 8th and your neighbor adjacent or across the street had to underground, then you would have to, but if a development occurred between 8th and 9th you would not be subject to the equity rule. We anticipate this happening very infrequently.

Pg. 105: 17.4.195: capitalize the M in manager.

Response : Once the City Commission is ready to adopt code, we will do a final spelling and grammar check at that time.

Pg. 137: 17.04.1215: Does this expanded definition resolve the issue the city had concerning the development next to Wesley Lynn Park as to whether or not a street or sidewalk is a structure?

Response : The Wesley Lynn Park situation was more about how an easement defined language around use. City Code is attempting to keep power poles and bridges out of land use as they are typically in the right of way. This came up on some PGE projects as well as the I-205 project.

Pg. 187: 17.44.A.1.g. In the case of conflicting map information, which map rules?

Response : No map takes precedence. This section is talking about application requirements. The applicant is directed to use OC Maps and may add other maps that assist in determining their analysis and assessment. The maps are not used for determining if there is a problem. The Oregon City Maps are derived from DOGAMI maps so there is no question if a hazard exists, but various maps that may be available will show more information concerning the type of risk, type of landslide, history of landslide, etc. The applicant is encouraged to use the best information available to make their assessment.

Pg. 188: 17.44.50.2 thru 9: what are the qualifications required for the person providing this report?

Response : 17.44.60.J. requires a geotechnical engineer to review the plans and ensure they are in compliance with findings in their report; therefore, the qualifications of the person providing the report is that they are a geotechnical engineer.

Pg. 190: 17.44.60.F.1: should say “retaining walls that are four feet *in height* or greater”. It should also say “professional engineer *licensed in the State of Oregon.*”

Response : This seems redundant and unnecessary.

Pg. 192: 17.44.60.I.3: Is a 15’ cut on a 35 degree slope a good idea???

Response : This is existing code and it has been useful over time. There are a handful of sites that may have steep slopes and to develop must create a 15 foot cut. There are geotechnical solutions that can keep the site stable. The entire design and analysis would occur by a geotechnical engineer and would be reviewed by the City’s geotechnical engineer.

Pg. 194: 17.44.100.H: how long is a “rainfall event”? It seems like we need to tie that 1/2” rainfall amount to a time period.

Response : A rainfall event is commonly classified by the weather service as a continual rain without a 24 hour break in rain. The rainfall event may be an hour, a day, or a week. This kind of language is common with erosion control permits.

Pg. 204: 17.62.050.J: that wording seems to require that new utility poles be placed underground. ???

Response : All new utilities (electric, gas, telecom, fiber, etc) are to be placed underground which in the industry means in conduits. Sometimes poles get moved through the undergrounding requirement which happened on Cleveland Avenue for Laurel Ridge Subdivision. Item 1 is allowing service poles to exist when relocations occur.

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Oregon City Geologic Hazard Community Forum

September 23, 2020

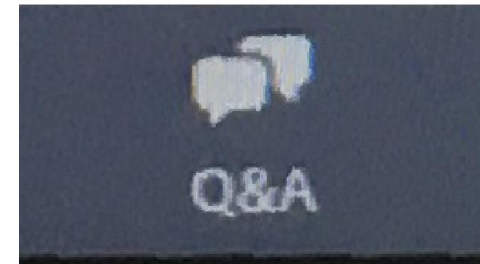
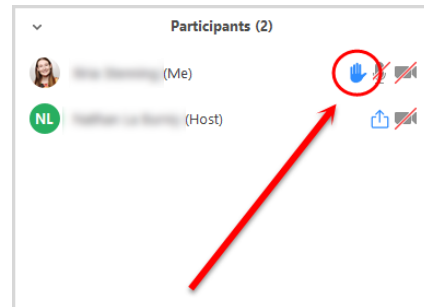


Zoom Basics

www.orcity.org



The Q&A and Raise Hand icon is located at the top or bottom of your screen.



Presenters

- Tricia Sears, Oregon Department of Land Conservation and Development
- Dr. Scott Burns, Portland State University, Department of Geology
- George Freitag, GRI
- Tim Pfeiffer, Foundation Engineering Inc.
- Josh Wheeler, City of Oregon City

- Assistance :
 - Dayna Webb, City Engineer - City of Oregon City
 - Christina Robertson-Gardiner, Senior Planner – City of Oregon City



Geologic Hazards Planning in Oregon

Oregon City Geologic Hazards Community Forum
September 9, 2020



Tricia R. Sears

Oregon Department of Land Conservation and Development

Landslides are among the most widespread, chronic, and damaging natural hazards in Oregon

In Oregon, DLCD and DOGAMI collaborate:

- To provide best available science,
- To provide tools and technical assistance to implement science and policy, and
- To recognize past hazard events such as landslides are fundamental to understanding the future.

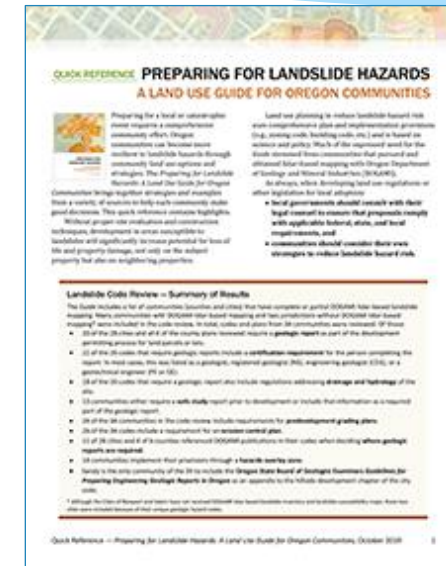
Actively Reducing a Community's Risk

DLCD and DOGAMI collaborated on this *Landslide Guide*.

Oregon City is one of the examples.

Tricia and Bill presented at Oregon City's City Council on 10/8/19.

Oregon City staff were directed to review the *Landslide Guide* and make code changes.



Quick Reference

PREPARING FOR LANDSLIDE HAZARDS A LAND USE GUIDE FOR OREGON COMMUNITIES

September 2019

Full Guide

The Guide is Available Online

- * **DLCD** <https://www.oregon.gov/lcd/NH/Pages/Natural-Hazards.aspx>
- * **DOGAMI** <https://www.oregongeology.org/Landslide/landslidehome.htm>
- The *Guide's* Quick Reference document and related webinar are also online.
- Local governments should consult with their legal counsel to ensure that proposals comply with applicable federal, state, and local requirements.
- Communities should consider their own strategies to reduce landslide hazard risk.

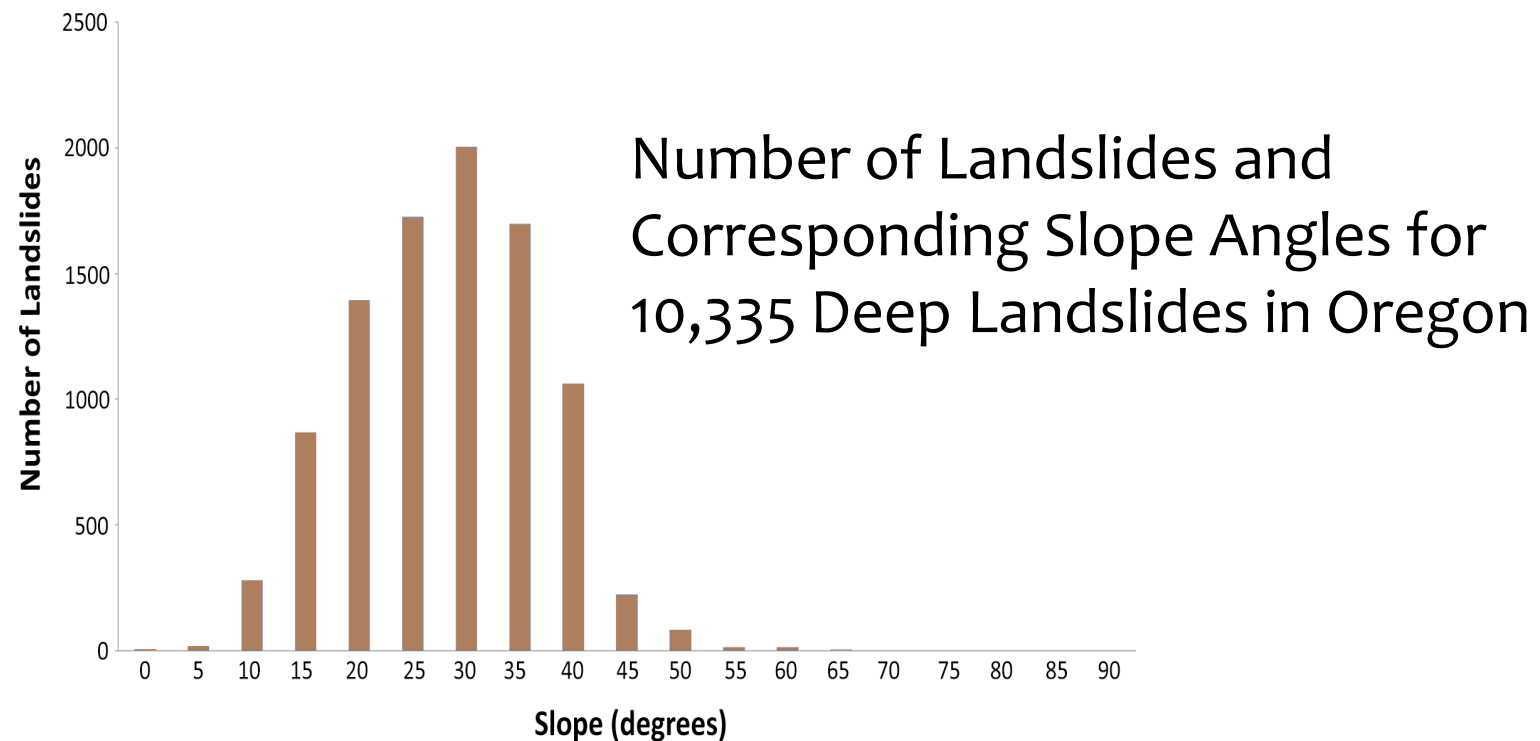
What Should We Do About Landslides?

- * Identify and map
- * Comprehensive plans
- * Implementation measures e.g. zoning codes, building codes, etc.
- * Raise public awareness
- * Avoid
- * Mitigate
- * Understand and be knowledgeable
- * Support and use current information



Slopes

- * Slopes are generally a constructability issue first, because of matters like: erosion, water runoff, retaining walls, road grades, etc.
- * And slopes are sometimes associated to landslide hazard because they are presumed to be correlated with increased hazard.



Source: Burns, Calhoun, Franczyk, Koss, & Bordal (2017)

Non-Slope Factors to Consider in Codes

- * Water management
- * Grading
- * Erosion (natural and human)
- * Type of development
 - E.g. Residential, commercial
 - Vulnerable populations
 - Critical facilities
- * Size, extent, and scale of the development
- * Landslide Susceptibility Overview Map of Oregon & SLIDO
- * Geohazard information already on file



Recap of Ways to Reduce a Community's Risk

- Identify the hazard
- Assess the vulnerabilities
- Assess the level of risk
- Avoid the hazard
- Reduce the level of risk
- Evaluate development in landslide-prone areas
- Require geotechnical investigations
- Adopt land use policies and enact regulations
- Consider non-regulatory strategies
- Provide public outreach and education



Next speaker is Dr. Scott Burns

Tricia Sears
Natural Hazards Planner
503-934-0031
tricia.sears@state.or.us



OREGON

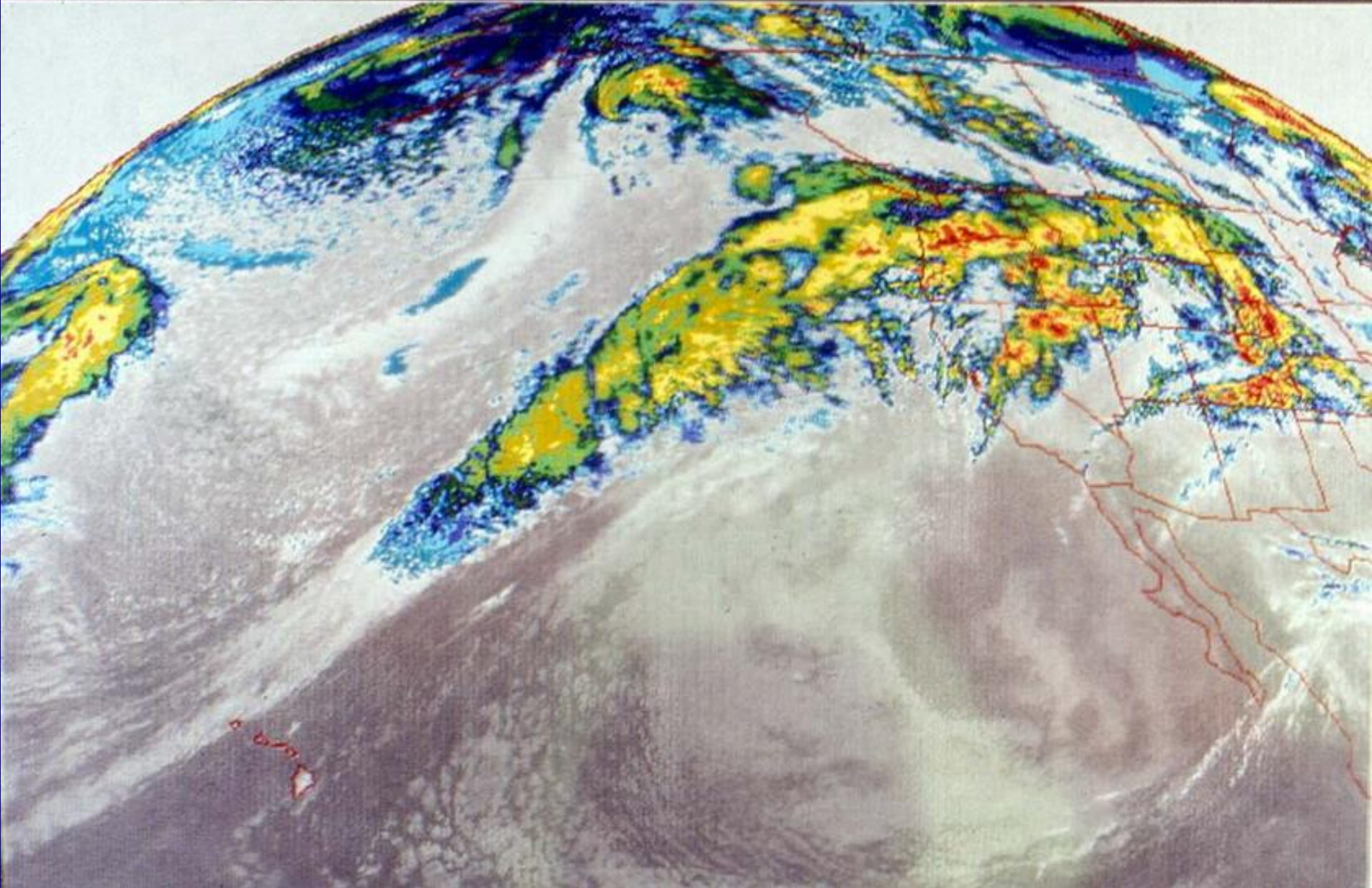
Department of
Land Conservation
& Development

Slopes and When to be Concerned: History of Oregon City

Dr. Scott Burns, Professor Emeritus
Department of Geology
Portland State University

Geodisasters in Oregon City

- Landslides and floods are biggest problems other than the Big One— big problem
- Landslides in North America each year kill 25-50 and cost \$3.5 billion
- Landslides – “no” insurance coverage
- Fine-grained Troutdale Formation (stream sediments)
 - worst areas plus rockfall in basalt cliffs



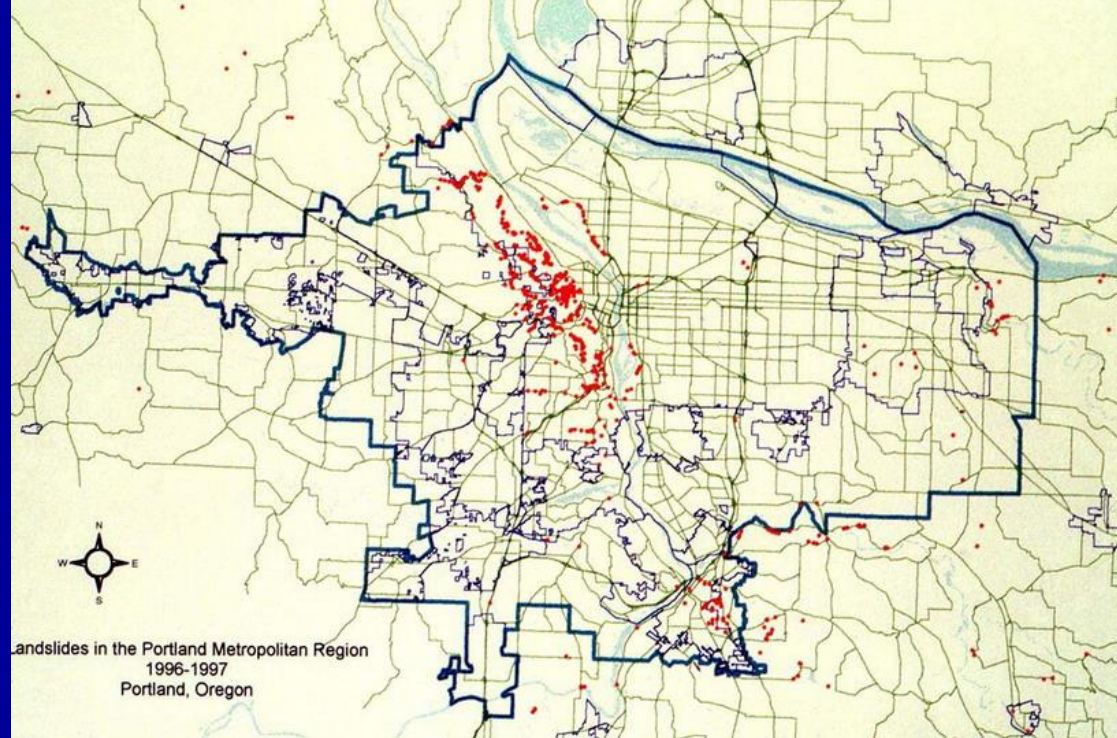
Item 6a.

1996 Pineapple Express hits Portland

Portland, Oregon

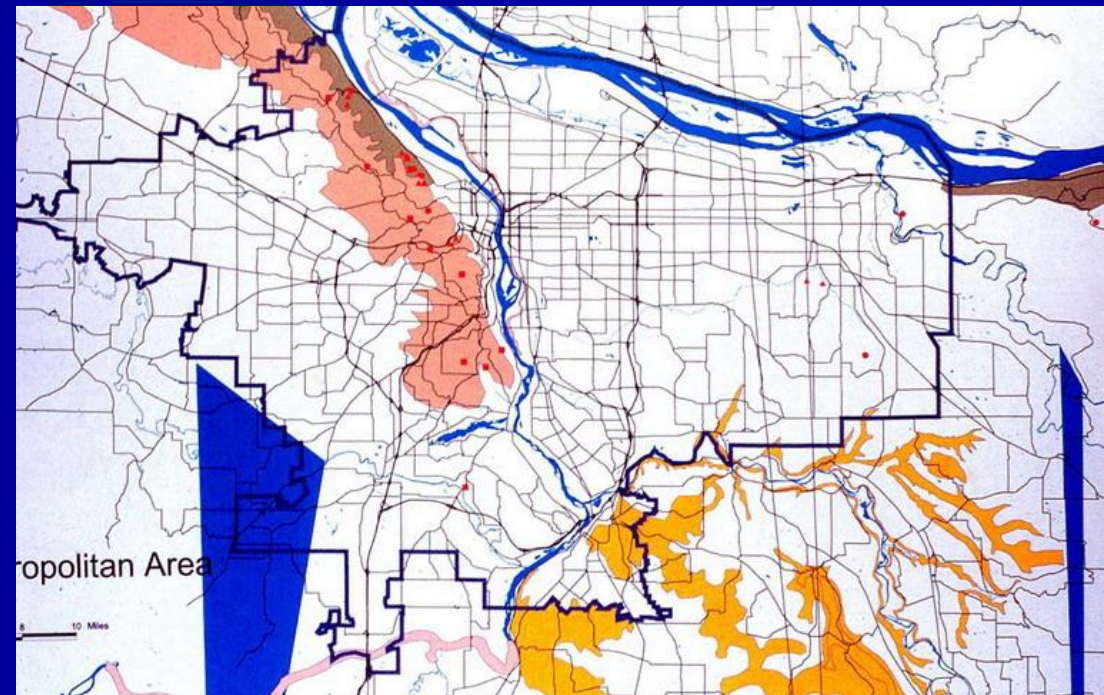
1996

Landslides & Floods: \$35 m



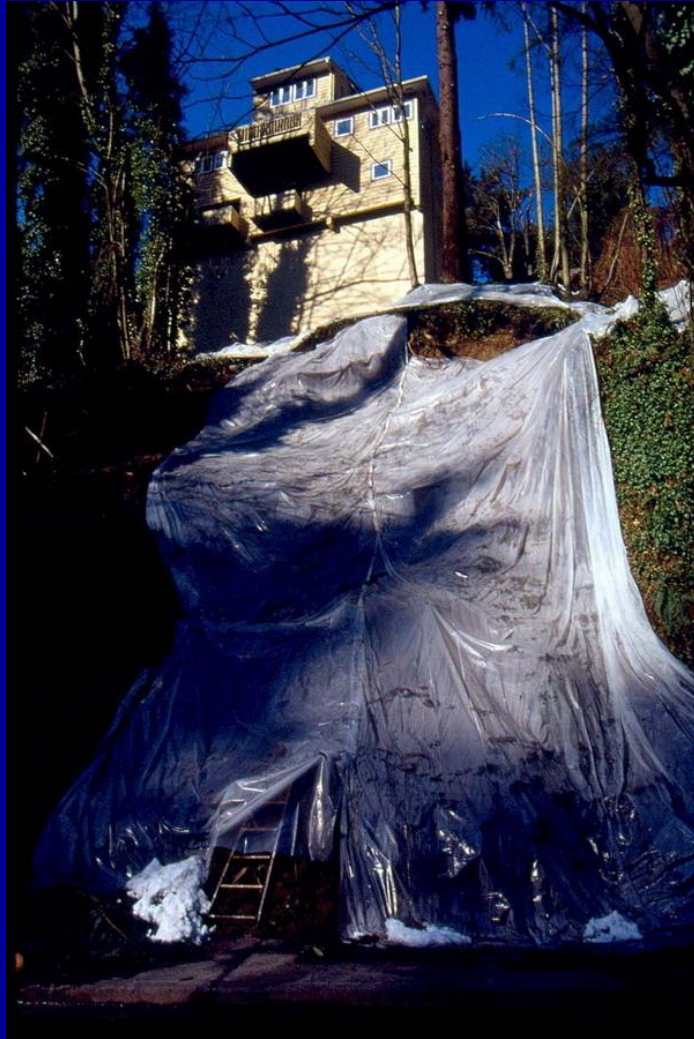
Landslide Distribution

Geology is important

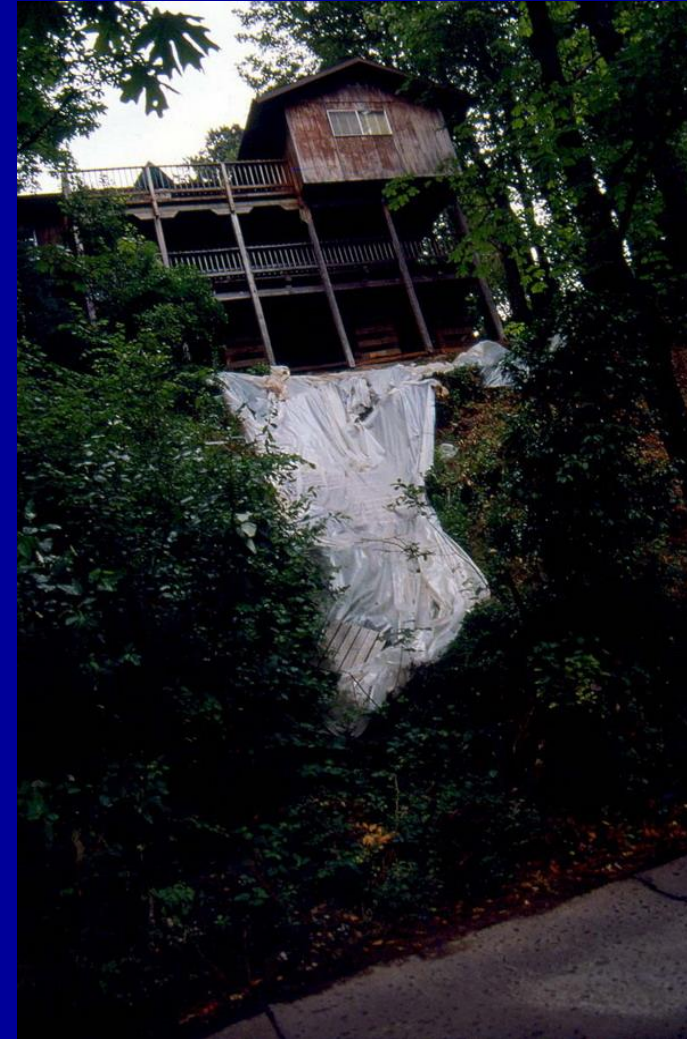


Human involvement can mitigate landslides

Item 6a.



“City of Roses”
becomes city of plastic



The gutter resembled
Niagara Falls!

Page 95

Reactivation of landslide

Item 6a.



Matthew Court, Clackamas County

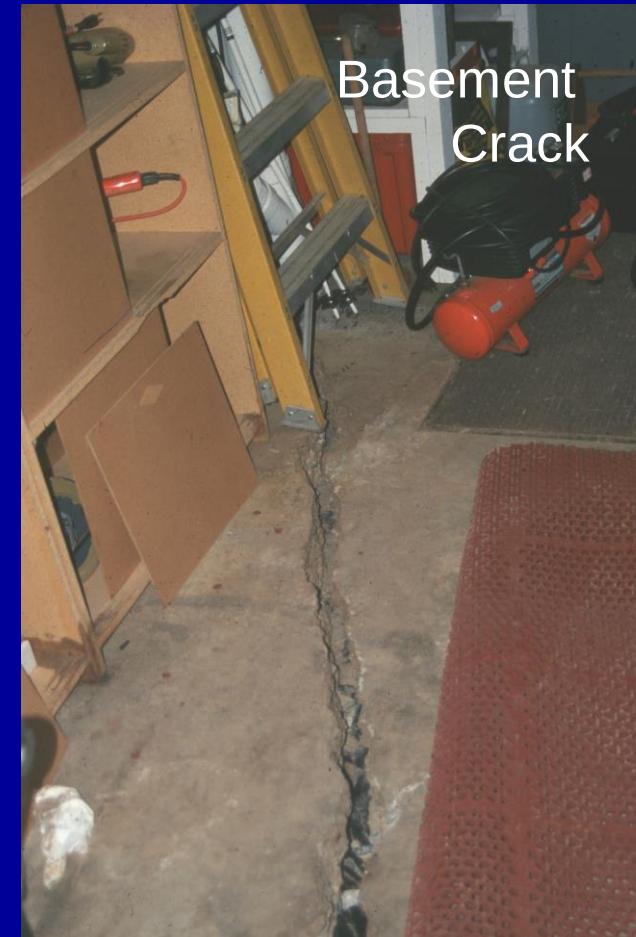
Page 96

Troutdale Fm: Fluvial deposits



Holly Lane – Oregon City, Oregon

Reactivation of Landslides



**Holly Lane, Oregon City, Oregon, 1996-
1997**

Reactivation of old landslides can be significant

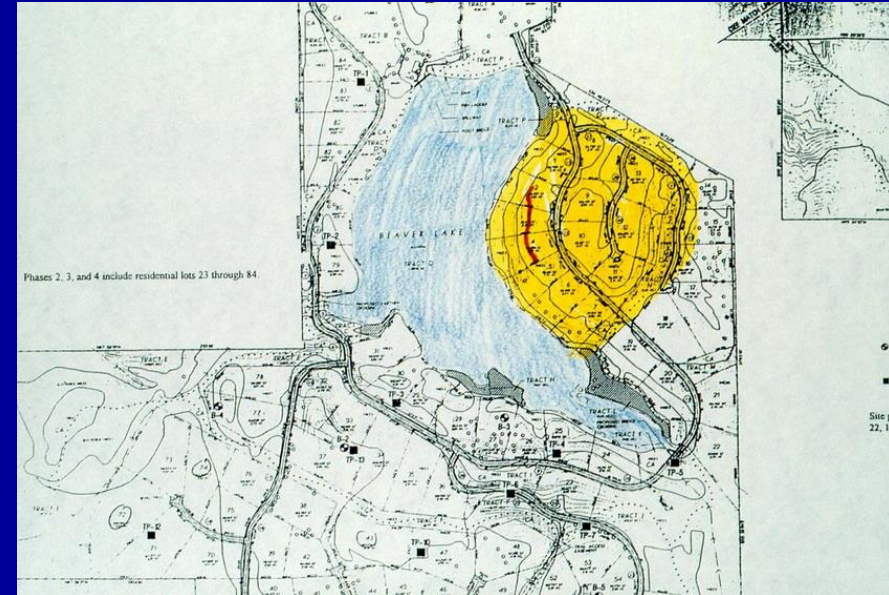


Building on the scarp



Building on the toe

Troutdale Fm: Fluvial Deposits



Beaver Lake – Rural Clackamas Country

**2002: Newell
Creek Apts.
Now: Forest
Edge Apts**

Oregonian 10/05/2006

Early History of Newell Creek Apartments

Item 6a.

- 1991 – apply for 250 apartments
- 1992 – PSU study says it is an old
- landslide – not good idea
- 1993 – City Council asks CEG to
- evaluate – he says students ok!
- 1993 – permit for 125 apartments –
- none on scarps and toes
- 2006 - landslide reactivates



**Rainfall in one month
from 12/5/05-1/5/06 =
11 inches!**





Newell Creek Apts.

Jan 6, 2006





Newell Canyon



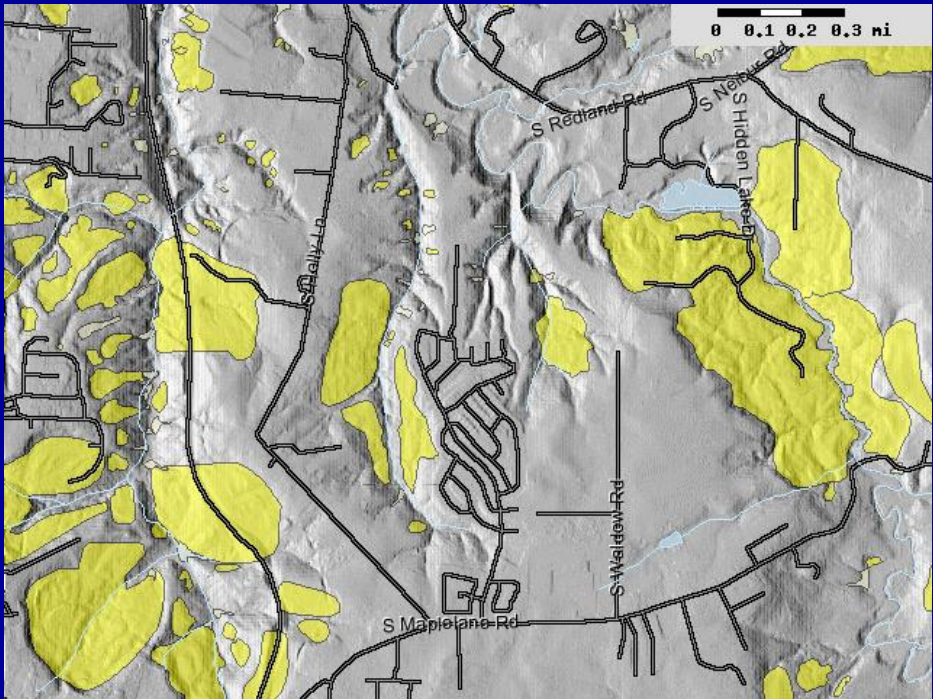
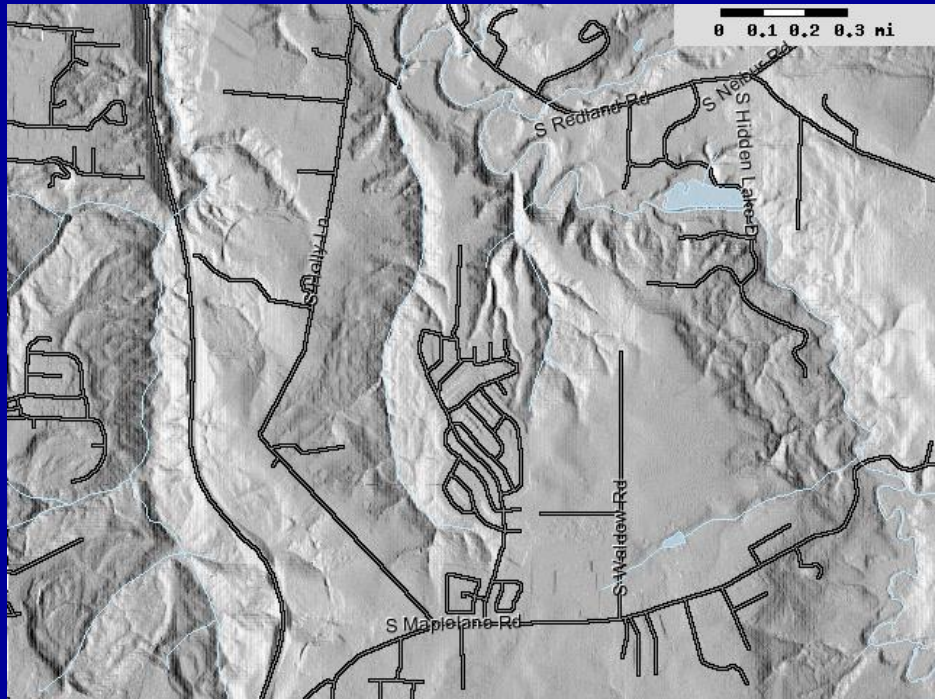
Old slide Jan. 6, 2006

Importance of Using LiDAR

Item 6a.



Street of Dreams
Clack. County,
February, 2007



Yellow = landslide

February 17, 2007

Item 6a.



February 17, 2007

Item 6a.





February 17, 2007

February 17, 2007

Item 6a.



February 17, 2007

Item 6a.



Old Landfill, Oregon City, New Years, 2007

Item 6a.



Conclusions

- **Need to prevent landslides – no home-**
- **owners insurance**
- **Map old landslides – if it has moved once, it has a high chance of moving again (DOGAMI map!)**
- **Do not build on old landslides**
- **Develop codes to prevent losses for homeowners!**

Rainfall relationship to geologic hazards

George Freitag, CEG, LEG, LHG
GRI, Principal



*Many landslides are
associated with periods
of prolonged, intense
precipitation*

Flash flooding, landslides, fallen trees reported after heavy rainfall

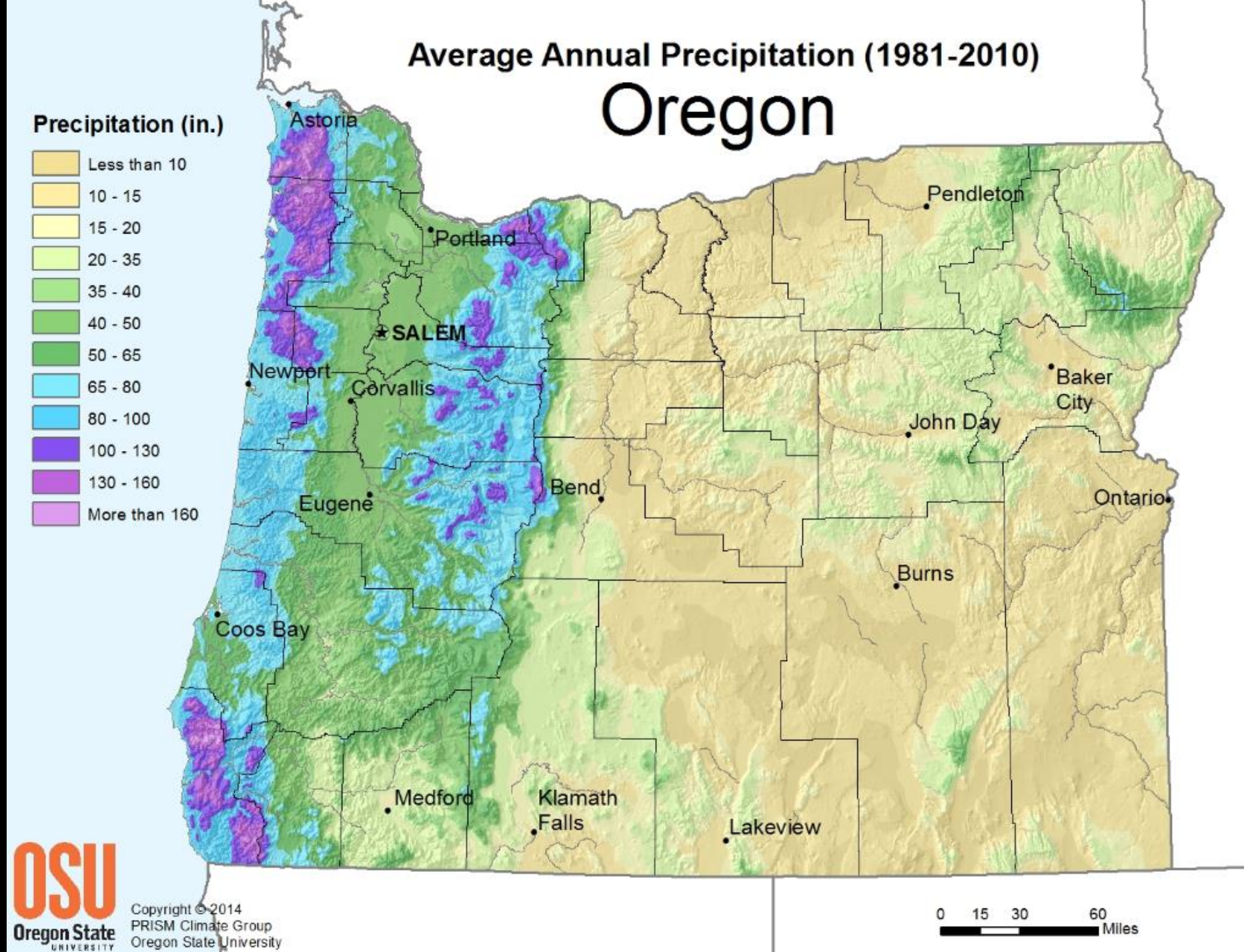
Item 6a.

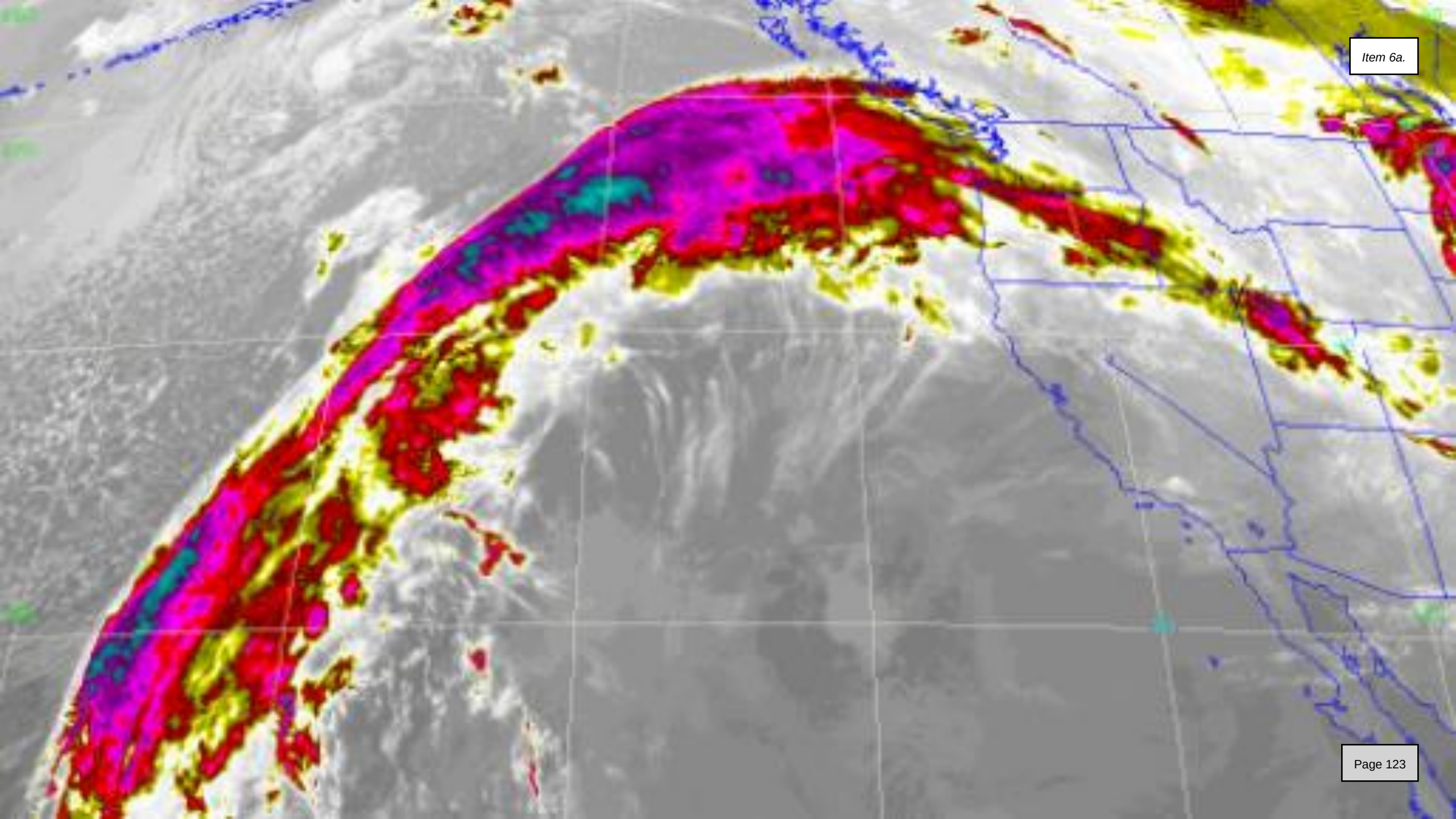
LOOP NEWS

CREATED : 8 AUGUST 2020

T&T NEWS









**Landslides in the Portland, Oregon
Metropolitan Area Resulting from the Storm
of February 1996: Inventory Map, Database
and Evaluation**



**Dr. Scott F. Burns
William J. Burns
David H. James
Jason C. Hinkle**

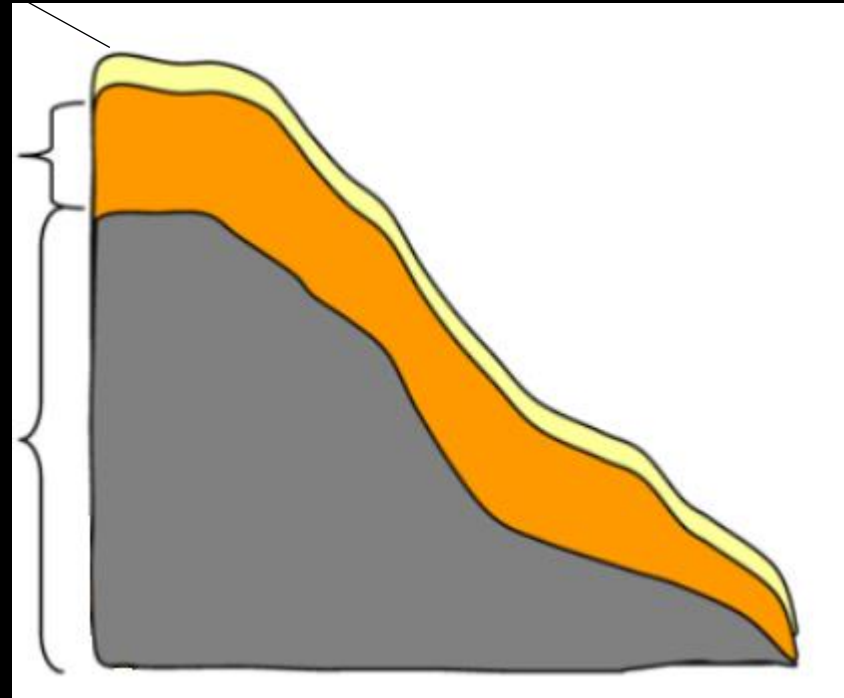
**Dept. of Geology
Portland State University**

Over 700
documented
landslides in
Metro area due
to February 6-9,
1996
precipitation

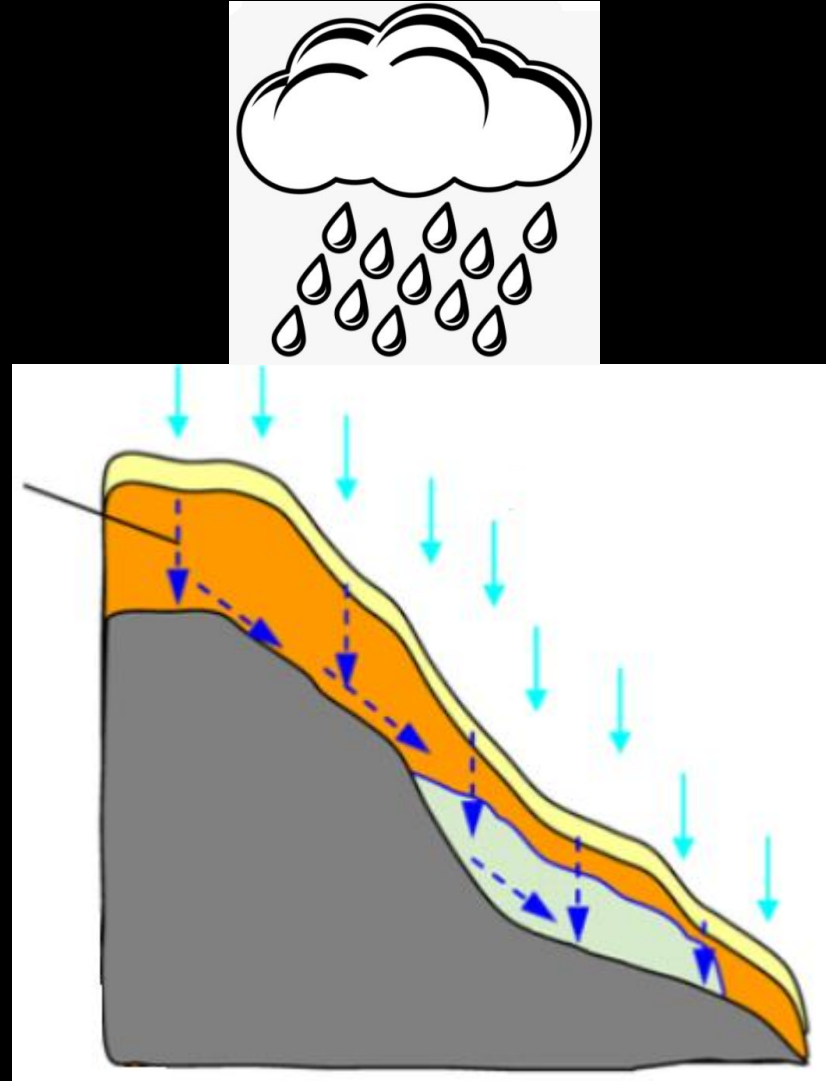
soil

permeable
rock

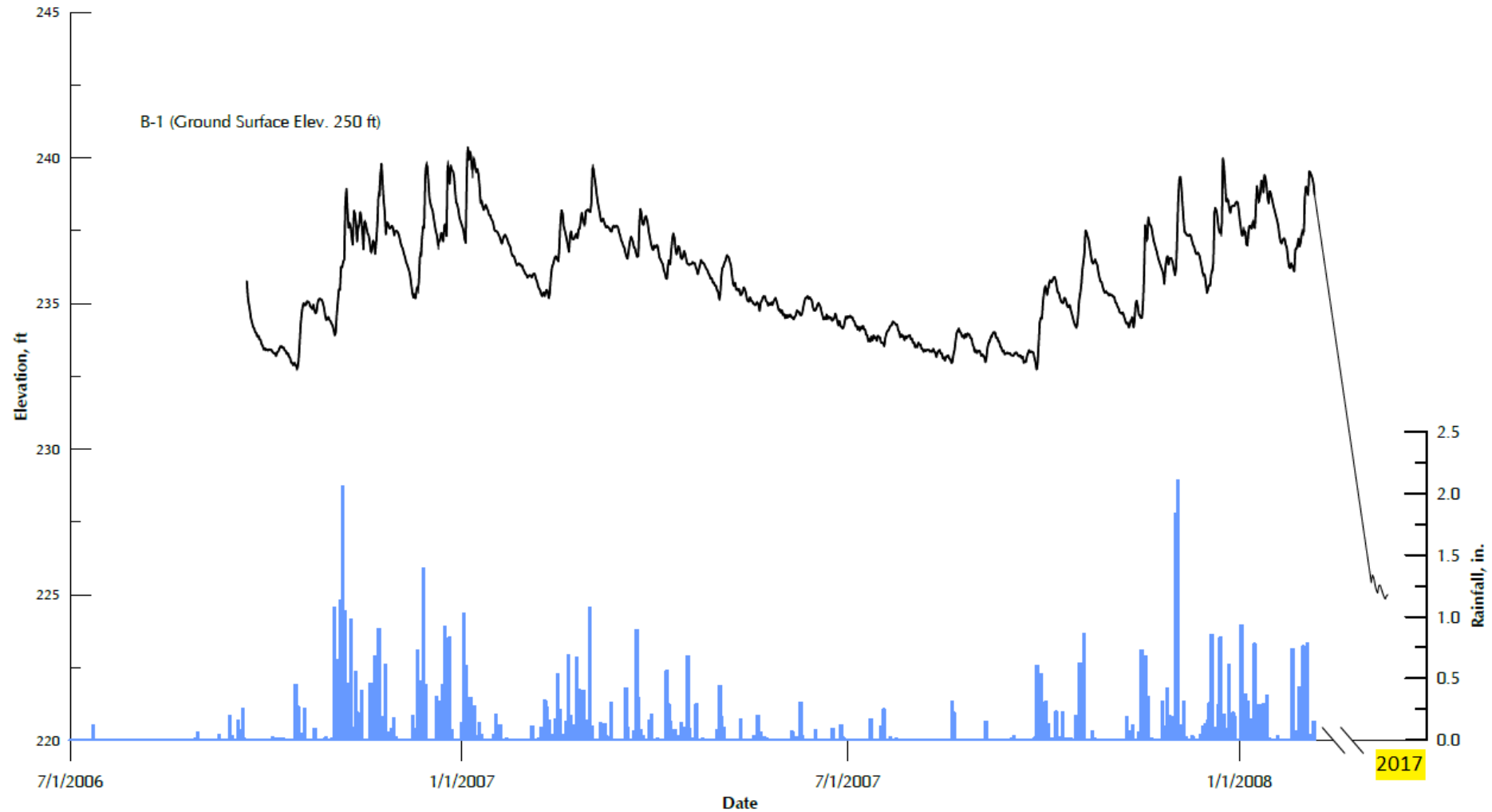
less
permeable
rock



Water infiltrates
soil and
permeable rock



Groundwater
rises....and
lowers forces
keeping soil and
rock on slope



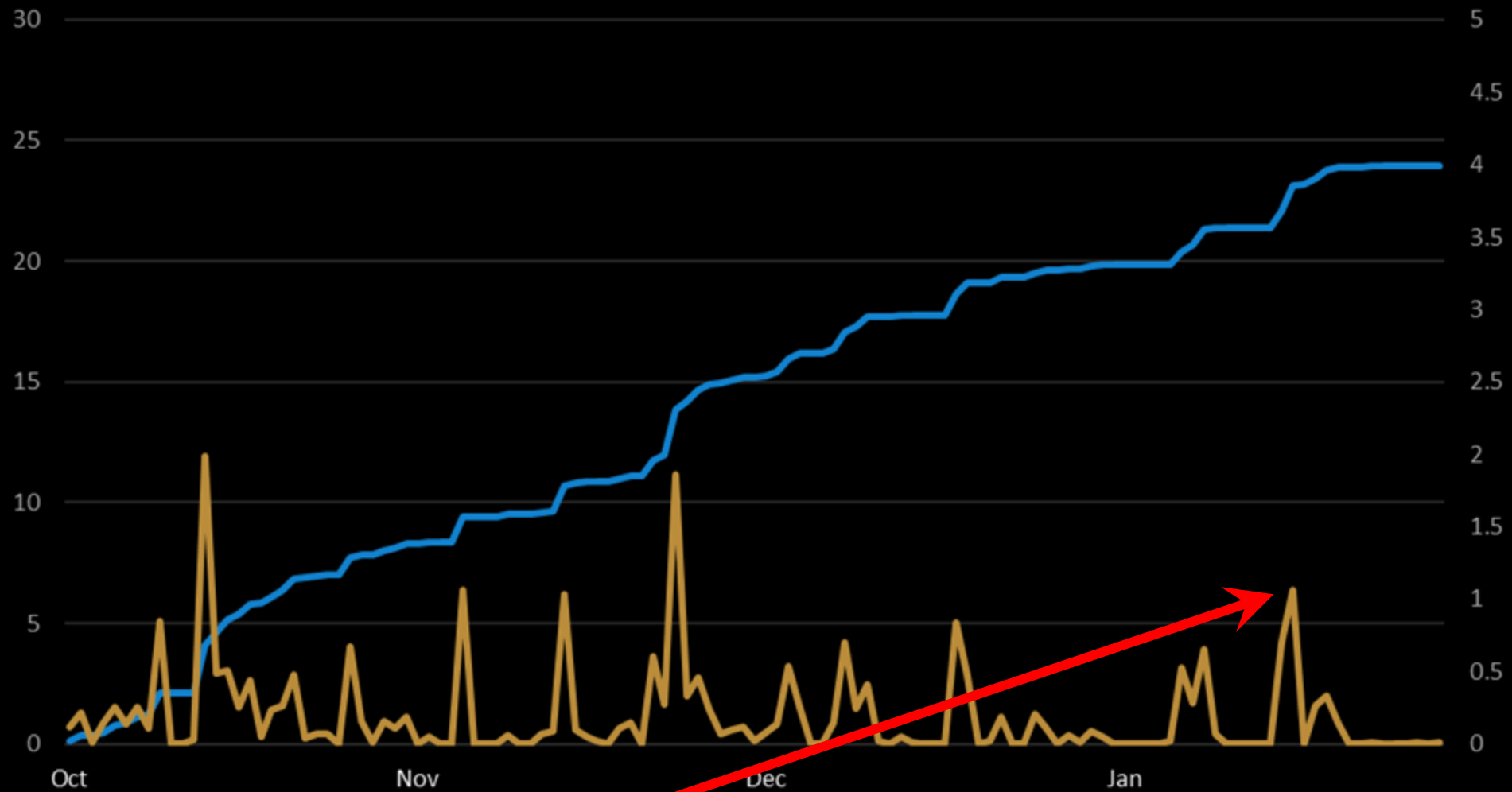
Trillium Park Avenue Landslide

PIEZOMETER SUMMARY

GRI Project 4450

Oct 2016 to Jan 2017 Precipitation Portland Airport

Item 6a.



Jan 18 1.06 inches = DAILY RECORD

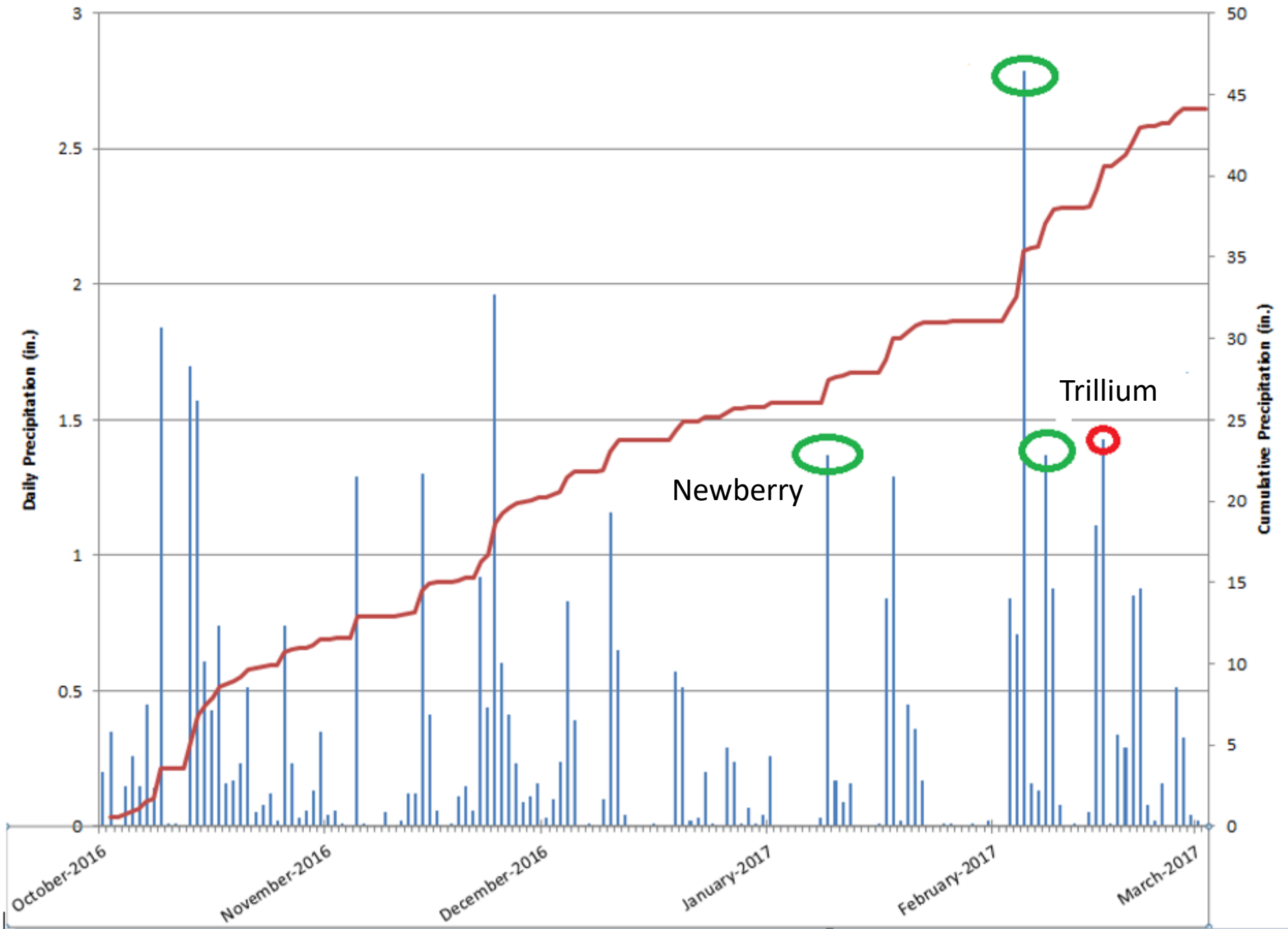
Landslide blocks NW Newberry Road in West Hills

by KATU Staff

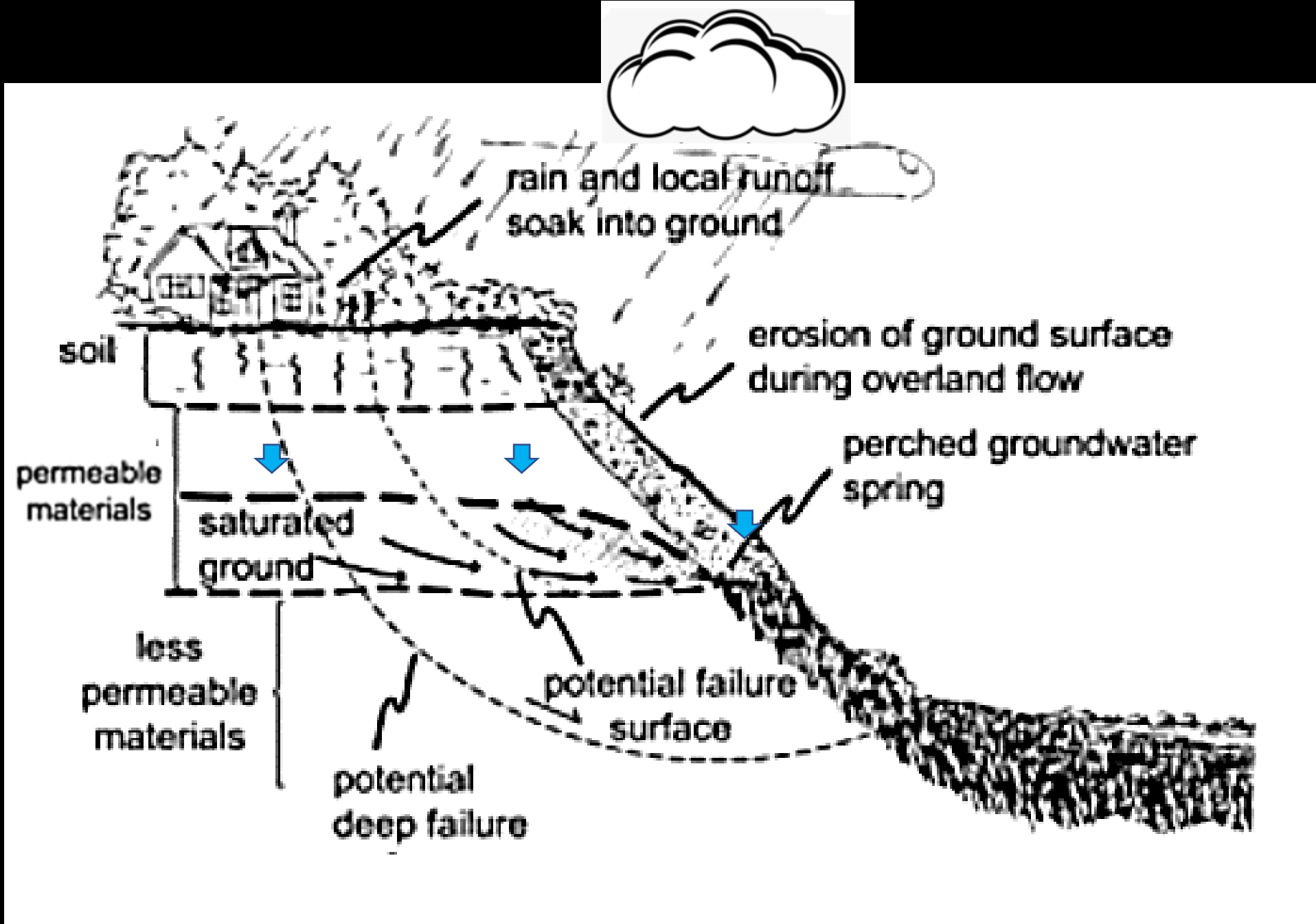
Wednesday, January 18th 2017



MULTNOMAH COUNTY, Ore. — A landslide has shut down a section of NW Newberry Road in the West Hills Wednesday.









Geologic and Geotechnical Basis for The City of Oregon City Geologic Hazards Code

Timothy J. Pfeiffer, P.E., G.E.



FOUNDATION ENGINEERING, INC.
Professional Geotechnical Services

A Homeowner's Guide to Landslides

- Landslides are one of the most common and devastating natural hazards in the pacific northwest. The damage they cause is almost never covered by insurance.
- You and your neighbors share more than fences. You all share the responsibility of keeping your slopes safe.

Washington Geological Survey And Oregon Department of Geology and Mineral Industries

17.44.10 - Intent and purpose.

The intent and purpose of the provisions of this chapter are:

- A. To ensure that activities in geologic hazard areas are designed based on detailed knowledge of site conditions in order to **reduce the risk of private and public losses**;
- B. To **establish standards** and requirements for the use of lands within geologic hazard areas;
- C. To provide safeguards to **prevent undue hazards to property, the environment, and public health, welfare, and safety** in connection with use of lands within geologic hazard areas;
- D. To **mitigate risk associated with geologic hazard areas**, not to act as a guarantee that the hazard risk will be eliminated, nor as a guarantee that there is a higher hazard risk at any location. Unless otherwise provided, the geologic hazards regulations are in addition to generally applicable standards provided elsewhere in the Oregon City Municipal Code.

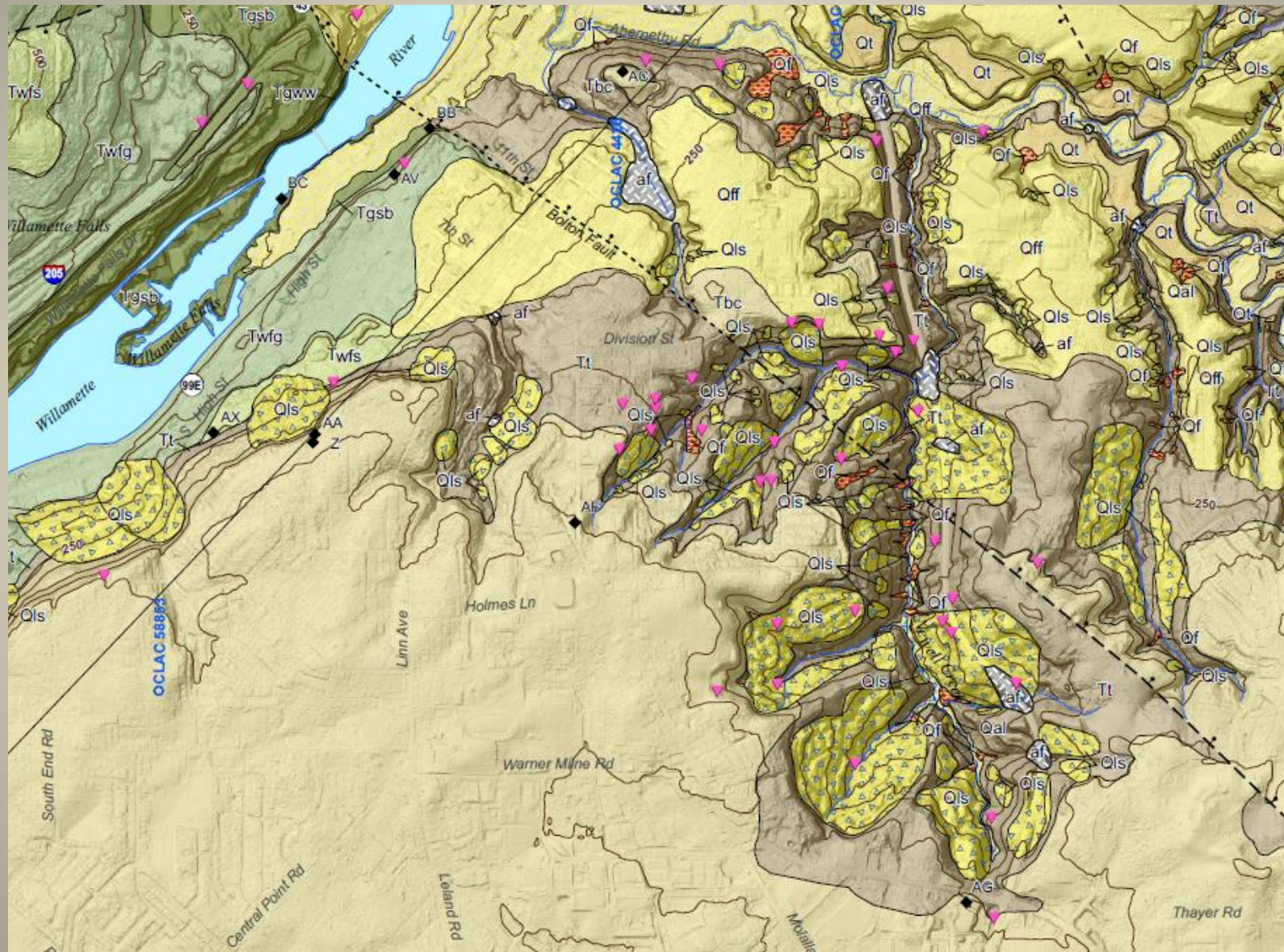
17.44.25 **When required**; regulated activities; permit and approval requirements

No person shall engage in any of the following regulated activities on areas mapped within the adopted **Oregon City Geologic Hazards Overlay Zone** as defined in section 17.04.515 of the Oregon City Municipal Code without first obtaining permits or approvals as required by this chapter

Where is the hazard

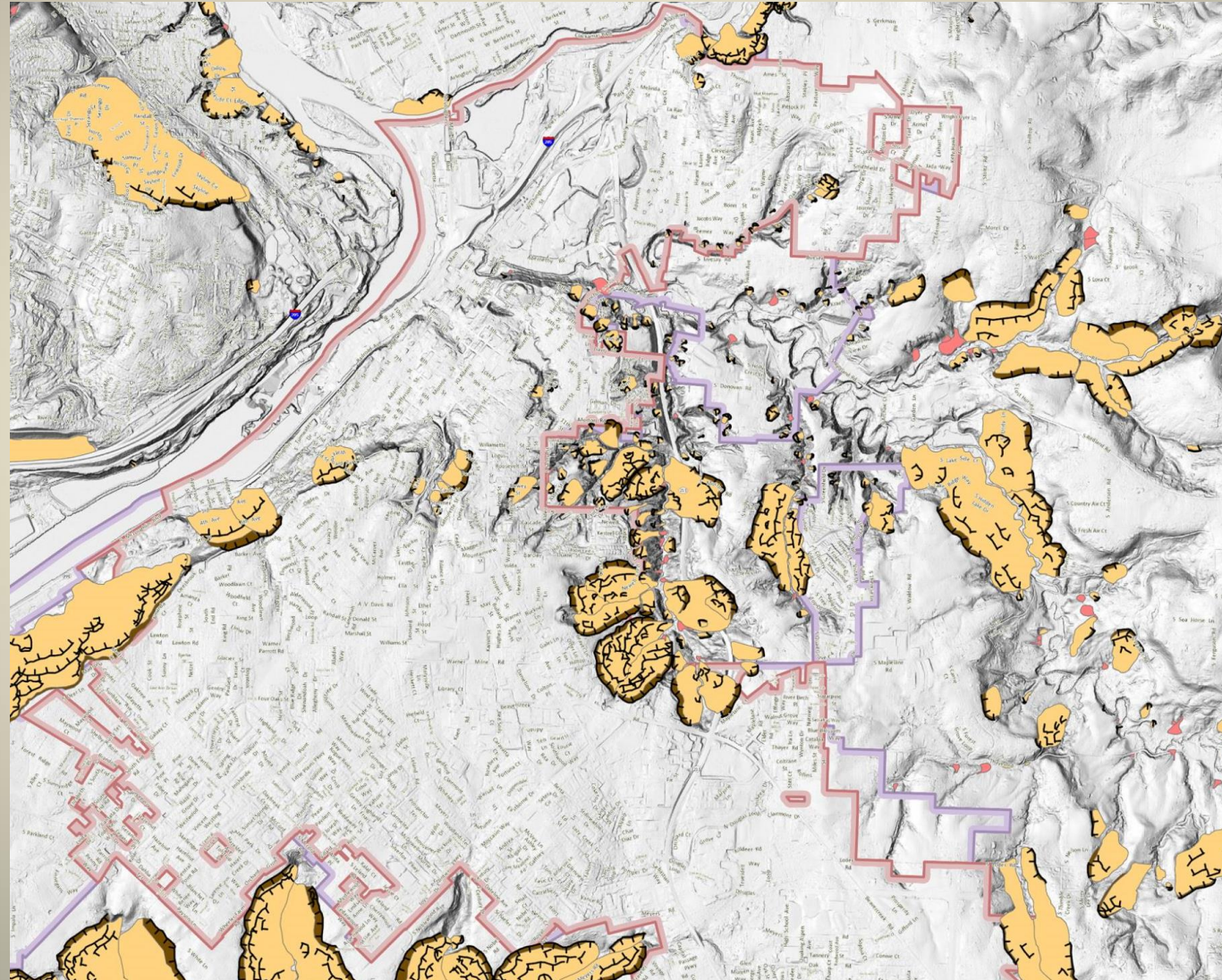
Geologic Map of the Oregon City 7.5' Quadrangle, Clackamas County, Oregon

Item 6a.

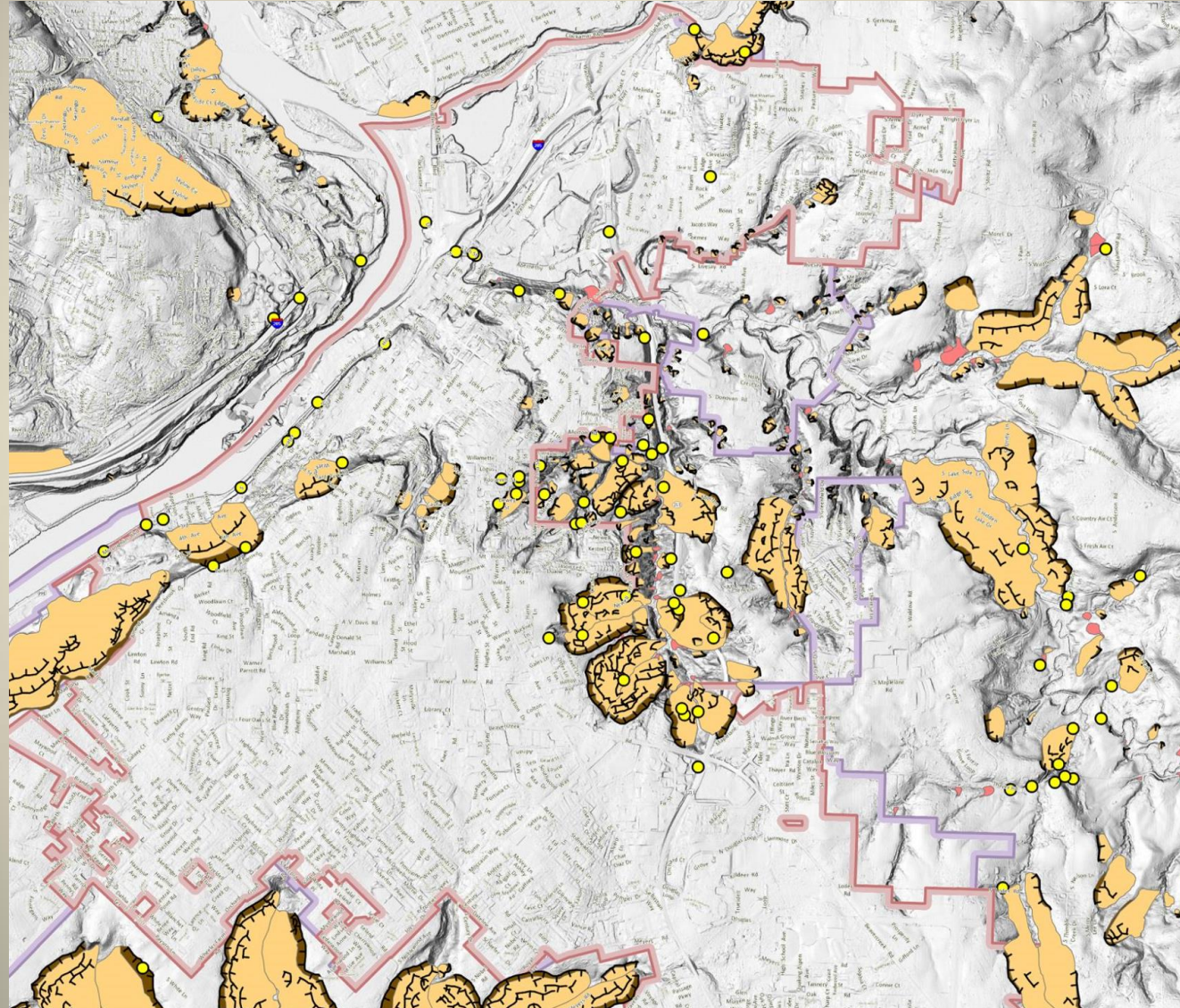


GMS 119, Ian Madin, 2009

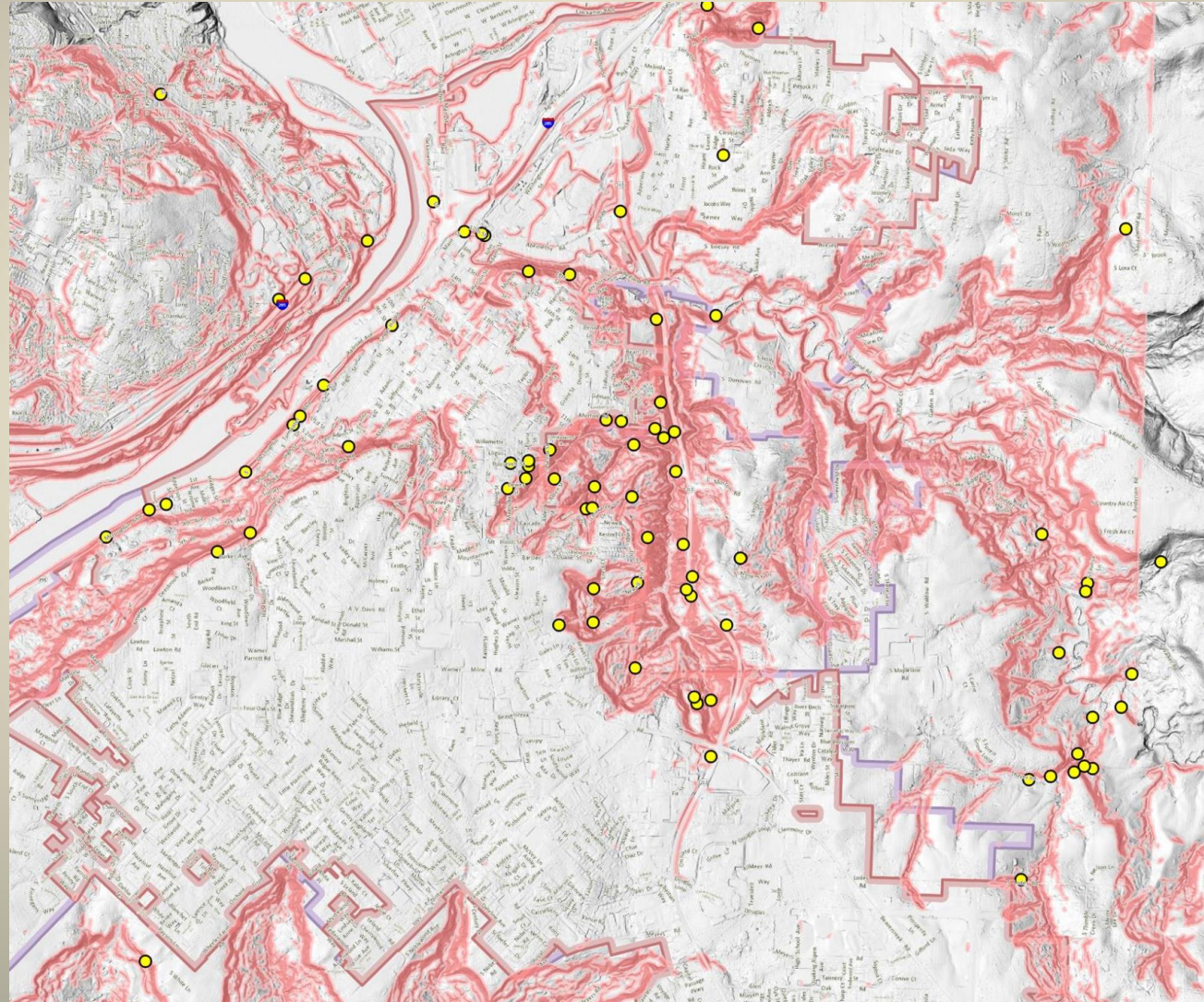
Mapped Landslides



Historic Landslides



Steep Slopes



Geologic Hazard Overlay Zone



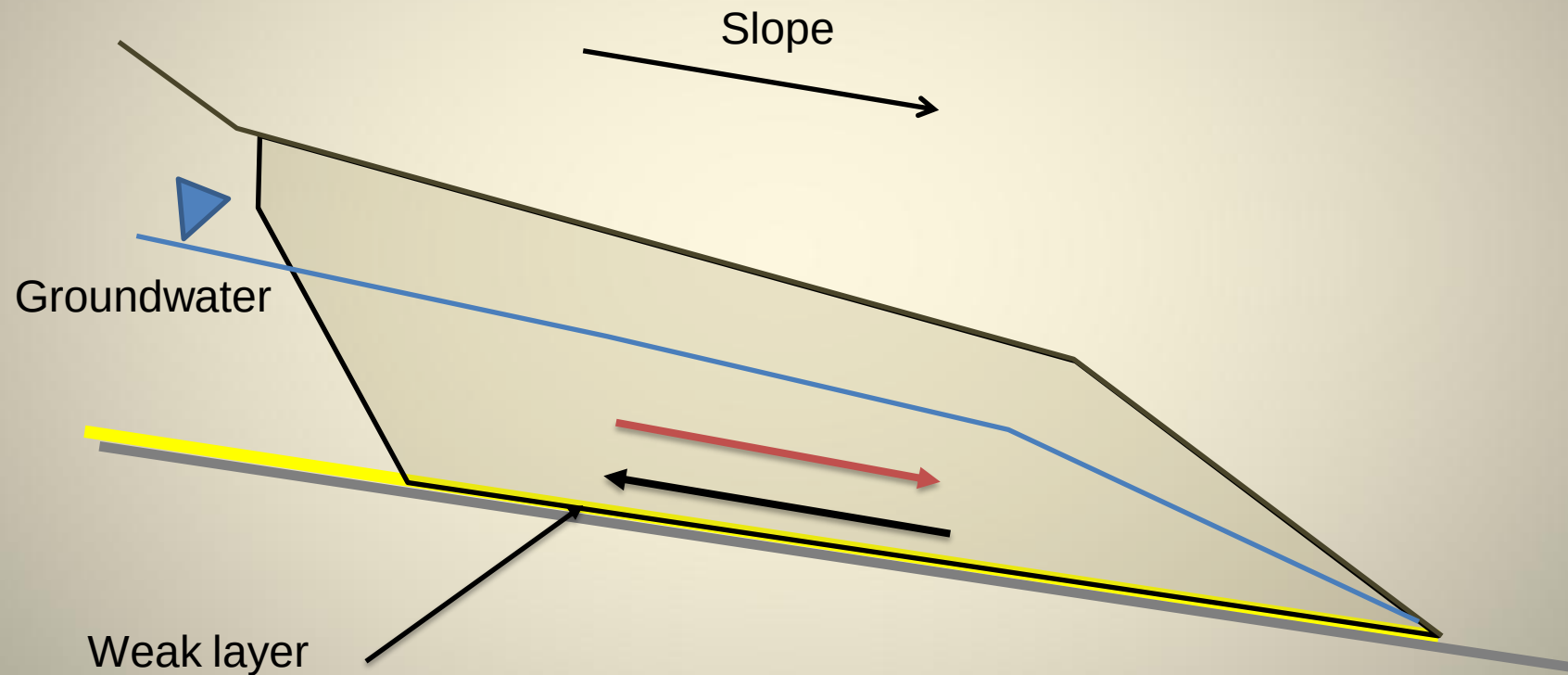
17.44.25 When required; **regulated activities**; permit and approval requirements

- 500 square feet of new development
- Cut or fill more than 2 feet deep
- Cut or fill more than 25 cubic yards
- Tree removal on slopes greater than 25%

Why these?

Elements of Slope Stability

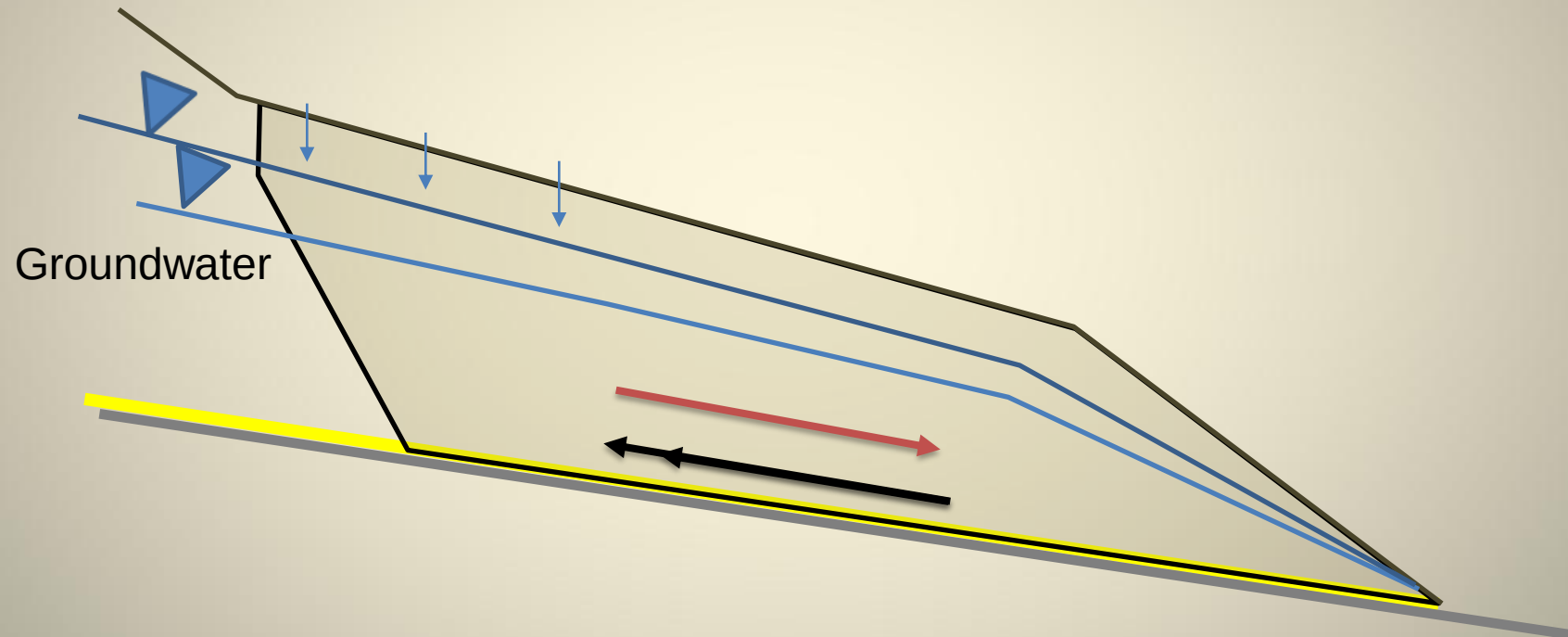
Item 6a.





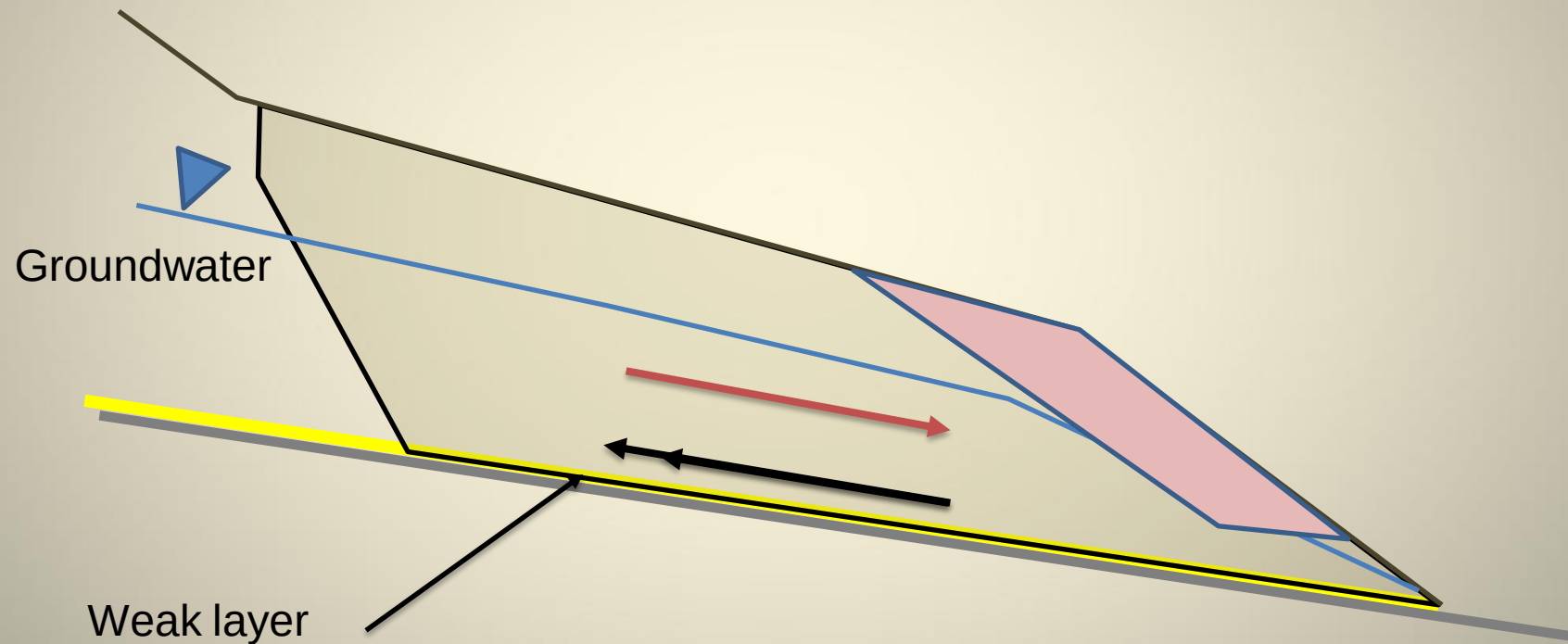
Impact of drainage on Slope Stability

Item 6a.



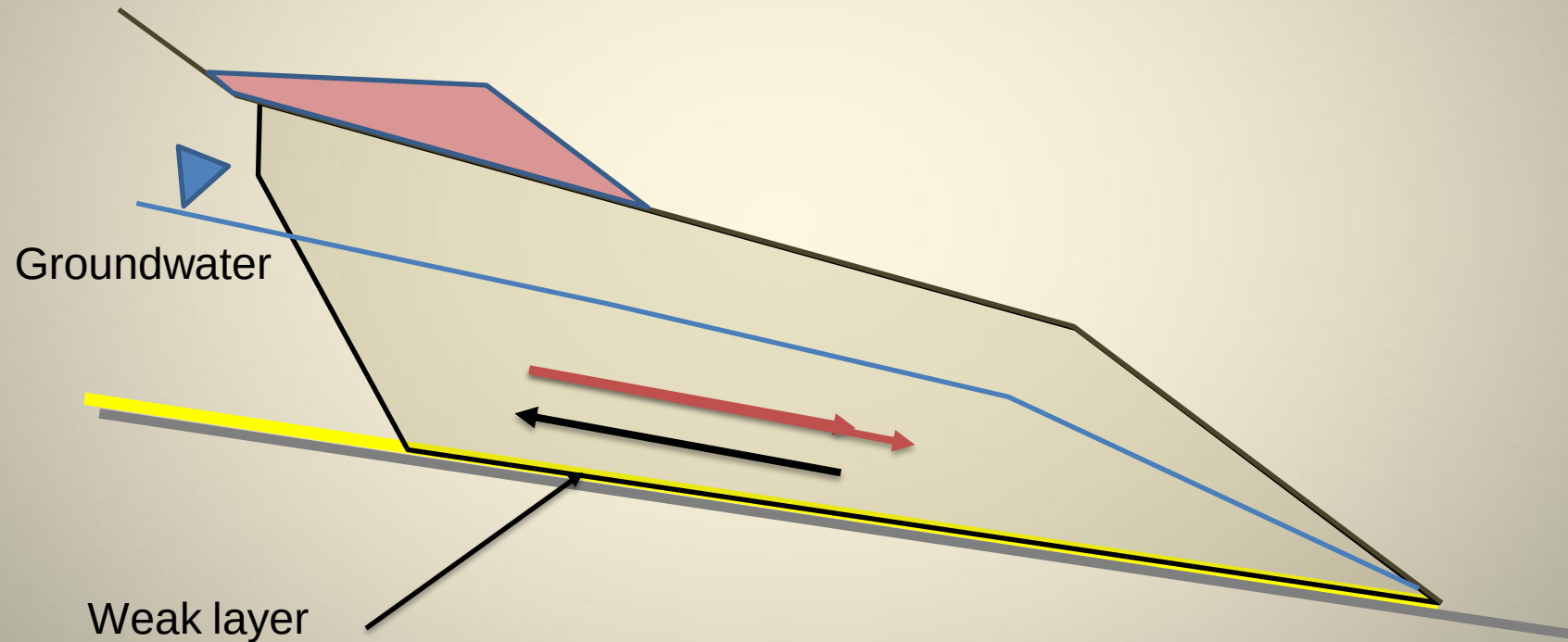
Impact of Excavation on Slope Stability

Item 6a.



Impact of Fill on Slope Stability

Item 6a.



$$\begin{array}{c} \text{Area of suspected geologic hazard} \\ \text{Geohazard Overlay Zone} \\ + \\ \text{Development that may impact geologic hazard} \\ \text{Regulated Activity} \\ = \\ \text{Detailed Study and specific} \\ \text{design for site conditions} \end{array}$$

17.44.50 Geological Assessment and Geotechnical Report

- Professional with education and experience specific to geologic hazards and slope stability
- Investigation and evaluation of site conditions and slope stability
- Professional opinion of the project impacts and adequacy
- Recommendations for mitigation and risk reduction

The answer may be – No the site is not suitable for development

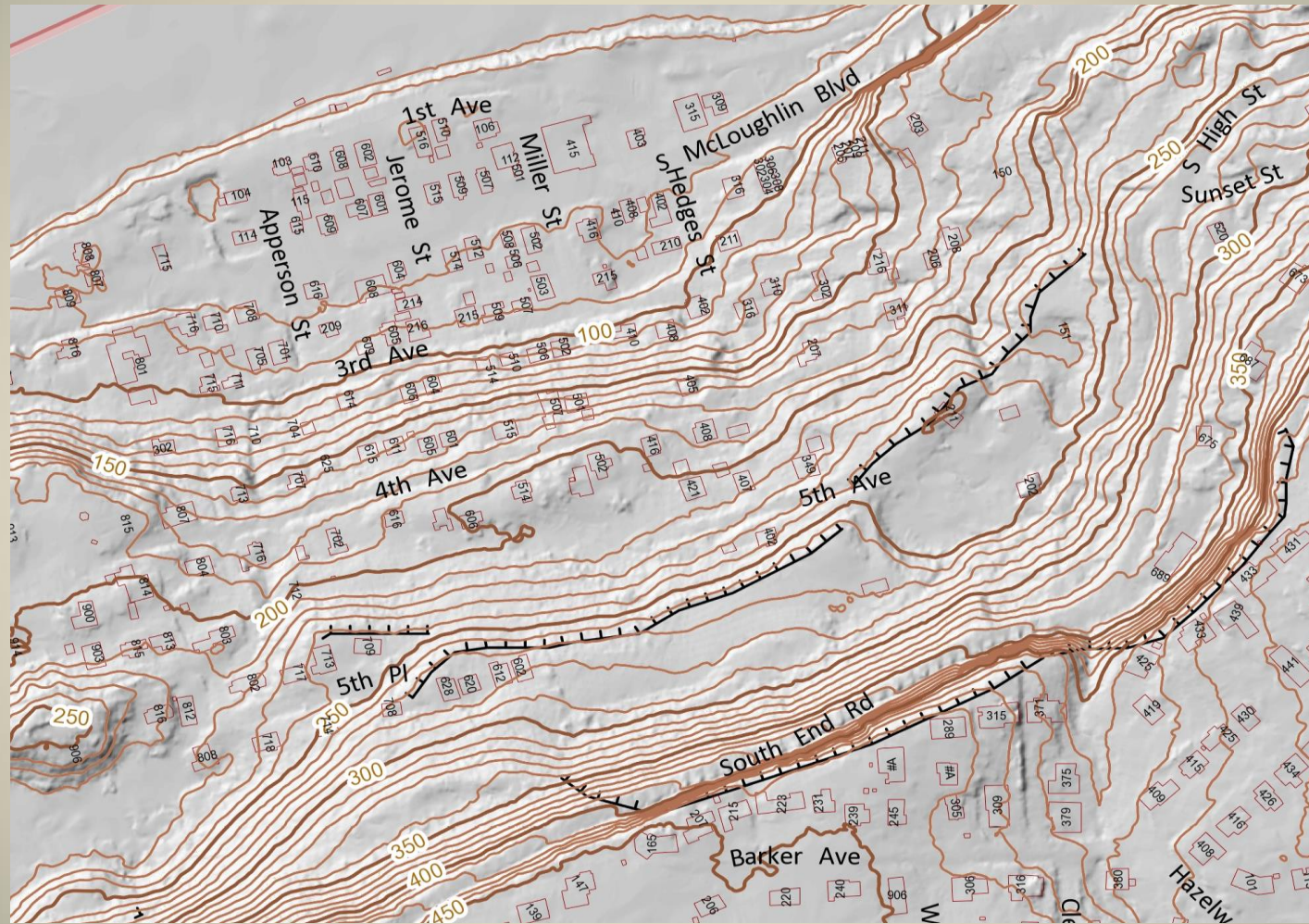
17.44.60 – Development Standards

- Avoid unnecessary disturbance of natural topography, vegetation and soils
- Minimize the number and size of cuts and fills
- Limit density

Reduce impacts to reduce risk

- Limit area of disturbance
- Limit volume of cut and fill
- Maintain drainage

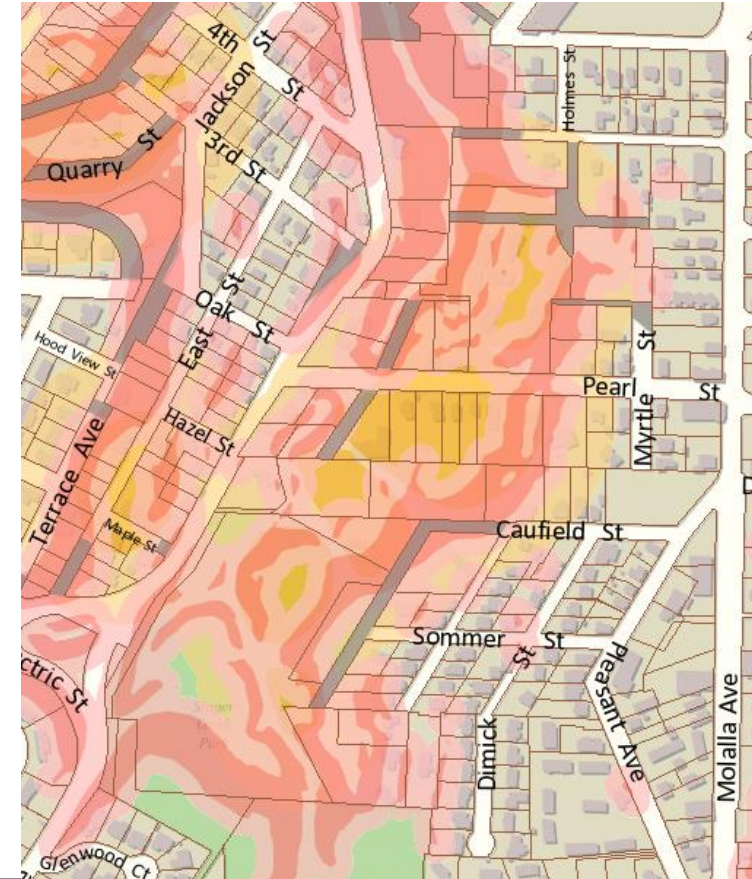
Questions Following Presentations



Up next is Josh Wheeler, Assistant City Engineer

History

- July 1, 2009 – Ord. No. 08-1014
- July 7, 2010 – Ord. No. 10-1003
- Foundation Engineering is the current City on-call consultant for Development Review
- GRI is the current City consultant for oversight on Armory and Trillium Drive



History

- City Commission presentation by DLCD/DOGAMI on October 8, 2019
- Planning Commission presentation by staff in conjunction with Beavercreek concept plan on Sept 23, 2019
- Development Stakeholders Group – March 14, 2019 and February 13, 2020
- Natural Resource Committee – June 10, 2020
- City Commission Work Session – July 7, 2020



New Landslide Guide

- Published October 2019
- By DLCD and DOGAMI
- Oregon City – used as an example in preparing the guide



PREPARING FOR LANDSLIDE HAZARDS

**A LAND USE GUIDE
FOR OREGON COMMUNITIES**

October 2019



Geologic Hazards Community Forum

Areas for Code Enhancement

- Clarification when a review is required
 - Now includes land disturbance
- Clarification on exemptions
- Reference to new State guide



Areas for Code Enhancement

- Additional application requirements
 - Stormwater Management
 - Construction Phasing
 - Construction Methods



Areas for Code Enhancement

- Additional applicability requirements
 - Existing – 1.0 acre property required hydrology report
 - Proposed – requires any property size within a mapped landslide unless exempted to prepare a hydrology report



Areas for Code Enhancement

- Additional Standards
 - Waiver process codified
 - Clarity on Weather Window
 - Requirement of certification by a professional engineer
 - Structural fill
 - Retaining Walls
- Clarity on density calculation
 - Slopes AND mapped landslides
 - AND all buffer zones
- Clarity on Storm Drainage
 - Proper References
 - Infiltration not allowed 25% or greater slopes
 - Report required for slopes 10% or greater in a geologic hazard area
 - Requirement of certification by a professional engineer



Areas for Code Enhancement

- Clarity of Construction Standards
 - Erosion Control
 - Review by other agencies
 - Inspections after rain event
 - Requirement of certification by a professional engineer
- Clarity on Liability
 - Agreements to be recorded and continue with all present and future owners of the property



Existing Resources

- City Code 17.44
- OC Maps – Lidar, Slopes, Landslide Deposits, Landslide Features
- DLCD/DOGAMI Landslide Guide
- DOGAMI Homeowner's Guide
- City Website
- Geologic Hazard Development Checklist
- October 13, 2011 presentation
- This presentation will be added to the City website



Existing Projects

- Staff complete quarterly monitoring of Trillium Drive and the “Upper Yard/Armory” area for ground movement
- Design is ongoing for Trillium Drive to restore utilities and roadway
- Forest Edge Apartments received a permit to restore utilities, stormwater, and roadways



Legislative Hearings- GLUA 20-00033

Legislative Process and Public Comment

- September 28, 2020 Planning Commission- *1st Hearing.*
**multiple hearings will occur this fall*
- Full code package can be found at bit.ly/GLUA20-33
- Send comment to crobertson@orccity.org and questions to jwheeler@orccity.org
- City meeting agendas can be found at www.orccity.org/meetings one week in advance of meetings

PROPOSED: Amendments to the Oregon City Municipal Code (Multiple Chapters)

THIS IS TO NOTIFY YOU THAT THE CITY OF OREGON CITY HAS PROPOSED CHANGES TO THE OREGON CITY MUNICIPAL CODE THAT MAY AFFECT THE PERMISSIBLE USES AND VALUE OF YOUR PROPERTY AND OTHER PROPERTY. THIS PROPOSAL DOES NOT INCLUDE ANY CHANGES TO THE ADOPTED ZONING MAP OR ANY CITY-INITIATED CONSTRUCTION OR DEVELOPMENT

On September 28, 2020, the City of Oregon City Planning Commission will hold a public hearing regarding the adoption of Ordinance Number 20-1009 (Planning File GLUA 20-00033) to consider proposed code revisions to the Geologic Hazards Overlay District, and other ancillary Public Works related development code, including refinements to Public Utility Easements (PUE) and undergrounding utility requirements. The City Commission will hold public hearings on the matter once the Planning Commission has made a recommendation. All meetings will be held at Oregon City, City Hall, 625 Center Street, Oregon City at 7pm unless otherwise noticed. Any interested party may testify at the hearings or submit written comments to crobertson@orccity.org at or prior to the public hearings while the record is open. All hearing materials are available at www.orccity.org seven days prior to the public hearings. The ordinance and code changes are available at the Oregon City Planning Division (695 Warner Parrott Rd) or at bit.ly/GLUA20-33. It is anticipated that these documents will be revised during the review process until final adoption by the Oregon City City Commission. **Sign up to attend the online Geologic Hazards Community Forum at 6pm on September 9, 2020 at bit.ly/OCGeoHazardUpdate** Additional information may be found by calling (503) 496-1548 or emailing jwheeler@orccity.org

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS CHAPTER 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST PROMPTLY BE FORWARDED TO THE PURCHASER.



Geologic Hazards Community Forum

Question and Answers

- Panel Members :
 - Scott Burns, Portland State University
 - George Freitag, GRI
 - Tim Pfeiffer, Foundation Engr.
 - Tricia Sears, DLCD
 - Josh Wheeler, City of Oregon City



Q&A Session Geologic Hazards Webinar

Geologic Hazards Community Forum - September 23, 2020 - 6:00 pm via Zoom

Denyse McGriff 06:57 PM

In considering land that has or will come into the city- what are the standards that Clackamas County uses and how do they relate to our code? Is there any coordination on actions that can or could be taken? How do we minimize disturbance of any sort, to property that may be subject to development but has not yet submitted?

This question has been answered live

Christina Robertson-Gardiner 07:09 PM

One recommendation that could come out of this code process is a more formal agreement with Clackamas County to notify the City when development occurs in geologic hazards area areas regulated by the county but located within the Urban Growth Boundary.

Patty Nelson 06:59 PM

How do you ensure the project is developed consistent with the recommendations in the Geologic Report?

This question has been answered live

Doug Neeley 07:04 PM

What is the underlying nature of upper-yard armory site that warrants an evaluation given the area has underlying basalt?

This question has been answered live

Casey Flesch 07:06 PM

If the City signed off on plans for a new development and a few years later it is determined that the development is a problem, i.e. sliding down a hill in a previously mapped hazard area, why doesn't the City have any liability for their signing off on the plans?

This question has been answered live

Lisa Wilcox 07:07 PM

I notice a project on 5th below Jackson has been halted. Is that related to geologic hazard considerations?

Josh Wheeler 07:09 PM

If you are speaking of 5th and JQ Adams, that project is currently going through land use. They were permitted to do some brush clearing.

Lisa Wilcox 07:09 PM

Thanks Josh.

Josh Wheeler 07:14 PM

No problem

Denyse McGriff 07:11 PM

How can we better coordinate land use applications where a Geotech report or other natural resource overlay that might be required: for example- In some instances the geotech report is completed after a land use review has taken place and the plan originally submitted generally has not taken the geotech information into consideration initially. A geotech report should be completed prior to having a plan or design completed for development. It would seem that the Geotech report could inform the design.

This question has been answered live

Christina Robertson-Gardiner 07:30 PM

Helping to coordinate geologic review and historic review is something staff has consistently communicated to applicants. Knowing that there are two different approval bodies, staff can look at ways we might be able to nudge applicants to submit concurrently.

End of Webinar 07:30PM



October 30, 2020

Christina Robertson-Gardiner
City of Oregon City
Community Development Department
695 Warner-Parrott Road
Oregon City, Oregon 97045

RE: LEG 20-00001 / GLUA 20-00033
Planning Commission - November 9, 2020

Dear Ms. Robertson-Gardiner:

On behalf of the Public Works Department, please find the following responses to comments addressed at the Planning Commission meeting which occurred on September 28, 2020 as well as revisions that were proposed to follow in the next Planning Commission meeting.

1. Revision was made to 17.80.30.B.9. replacing the text 'small cell wirelsss telecommunication facility' with 'small wireless facility'. This revision was requested by AT&T. The requested has been verified as acceptable by the Public Works Right of Way manager.
2. No revision was proposed to Code 16.12 based on comments made by PGE. The City believes the provision to allow a portion of franchise utilities within the right of way in the event the allowed PUE is only 5 feet will still meet NESC code and therefore meet OAR and ORS. There is also a provision for a modification that can be requested in the event the 5 feet area does not meet NESC.
3. Revision was made to 13.08.125 "Right of Entry" based on comments from the Commission. It now includes proper notification and for camera use only.
4. Revision was made to 17.44 to remove the waiver process. This was based on comments from public comment. Additionally, code was clarified and simplified to address how a property which is not an engineering hazard is processed.
5. Revision was made to 16.12.035 "Driveways" to become more in line with the metro region and to resolve issues that have arose during plan reviews.

October 29, 2020

Page 2

Thank you for your continued work on this application.

Sincerely,

A handwritten signature in blue ink, appearing to read "Josh Wheeler".

Josh Wheeler, PE

Assistant City Engineer

City of Oregon City Public Works

Oregon City Geologic Hazard Community Forum

September 23, 2020

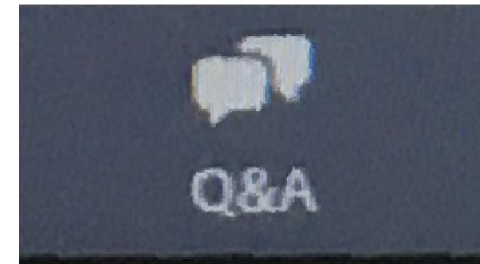
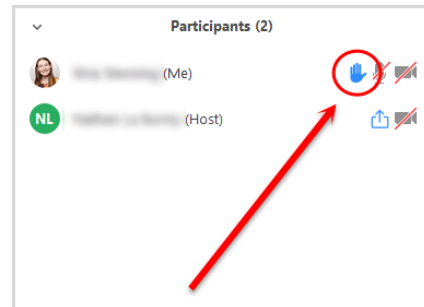


Zoom Basics

www.orcity.org



The Q&A and Raise Hand icon is located at the top or bottom of your screen.



Presenters

- Tricia Sears, Oregon Department of Land Conservation and Development
- Dr. Scott Burns, Portland State University, Department of Geology
- George Freitag, GRI
- Tim Pfeiffer, Foundation Engineering Inc.
- Josh Wheeler, City of Oregon City

- Assistance :
 - Dayna Webb, City Engineer - City of Oregon City
 - Christina Robertson-Gardiner, Senior Planner – City of Oregon City



Geologic Hazards Planning in Oregon

Oregon City Geologic Hazards Community Forum
September 9, 2020



Tricia R. Sears

Oregon Department of Land Conservation and Development

Landslides are among the most widespread, chronic, and damaging natural hazards in Oregon

In Oregon, DLCD and DOGAMI collaborate:

- To provide best available science,
- To provide tools and technical assistance to implement science and policy, and
- To recognize past hazard events such as landslides are fundamental to understanding the future.

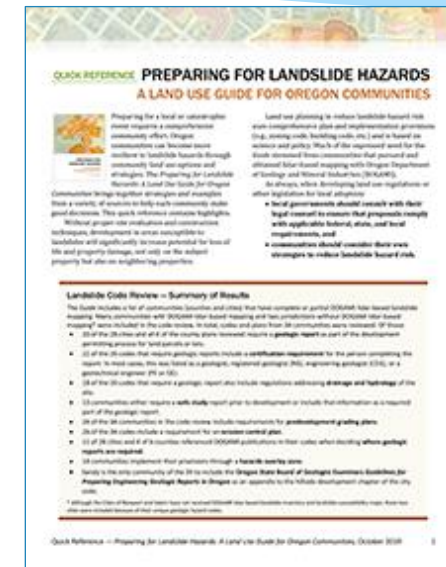
Actively Reducing a Community's Risk

DLCD and DOGAMI collaborated on this *Landslide Guide*.

Oregon City is one of the examples.

Tricia and Bill presented at Oregon City's City Council on 10/8/19.

Oregon City staff were directed to review the *Landslide Guide* and make code changes.



**PREPARING FOR
LANDSLIDE HAZARDS**
A LAND USE GUIDE
FOR OREGON COMMUNITIES

September 2019

Full Guide

Quick Reference

The Guide is Available Online

- * **DLCD** <https://www.oregon.gov/lcd/NH/Pages/Natural-Hazards.aspx>
- * **DOGAMI** <https://www.oregongeology.org/Landslide/landslidehome.htm>
- The *Guide's* Quick Reference document and related webinar are also online.
- Local governments should consult with their legal counsel to ensure that proposals comply with applicable federal, state, and local requirements.
- Communities should consider their own strategies to reduce landslide hazard risk.

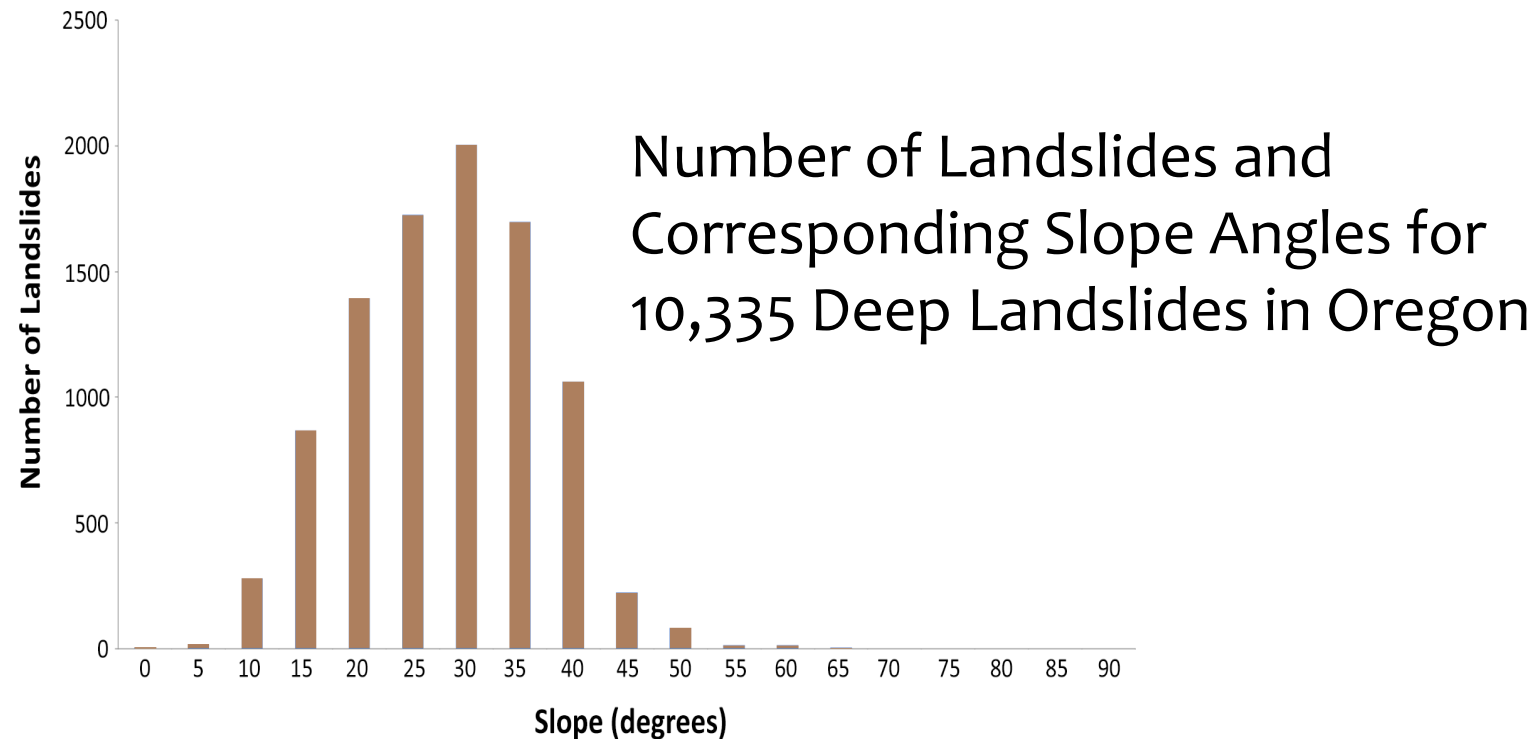
What Should We Do About Landslides?

- * Identify and map
- * Comprehensive plans
- * Implementation measures e.g. zoning codes, building codes, etc.
- * Raise public awareness
- * Avoid
- * Mitigate
- * Understand and be knowledgeable
- * Support and use current information



Slopes

- * Slopes are generally a constructability issue first, because of matters like: erosion, water runoff, retaining walls, road grades, etc.
- * And slopes are sometimes associated to landslide hazard because they are presumed to be correlated with increased hazard.



Source: Burns, Calhoun, Franczyk, Koss, & Bordal (2017)

Non-Slope Factors to Consider in Codes

- * Water management
- * Grading
- * Erosion (natural and human)
- * Type of development
 - E.g. Residential, commercial
 - Vulnerable populations
 - Critical facilities
- * Size, extent, and scale of the development
- * Landslide Susceptibility Overview Map of Oregon & SLIDO
- * Geohazard information already on file



Recap of Ways to Reduce a Community's Risk

- Identify the hazard
- Assess the vulnerabilities
- Assess the level of risk
- Avoid the hazard
- Reduce the level of risk
- Evaluate development in landslide-prone areas
- Require geotechnical investigations
- Adopt land use policies and enact regulations
- Consider non-regulatory strategies
- Provide public outreach and education



Next speaker is Dr. Scott Burns

Tricia Sears
Natural Hazards Planner
503-934-0031
tricia.sears@state.or.us



OREGON

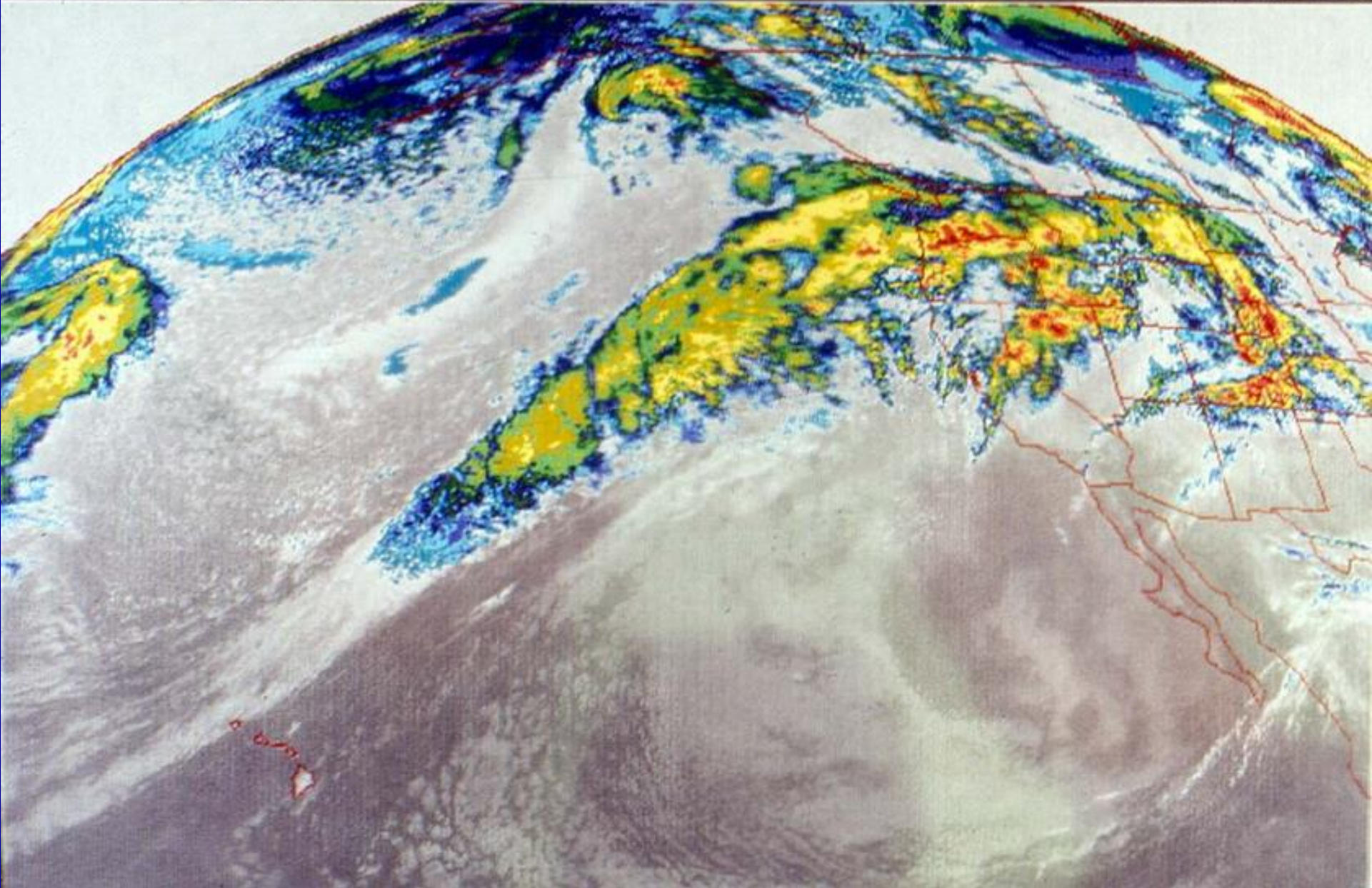
Department of
Land Conservation
& Development

Slopes and When to be Concerned: History of Oregon City

Dr. Scott Burns, Professor Emeritus
Department of Geology
Portland State University

Geodisasters in Oregon City

- Landslides and floods are biggest problems other than the Big One— big problem
- Landslides in North America each year kill 25-50 and cost \$3.5 billion
- Landslides – “no” insurance coverage
- Fine-grained Troutdale Formation (stream sediments)
 - worst areas plus rockfall in basalt cliffs



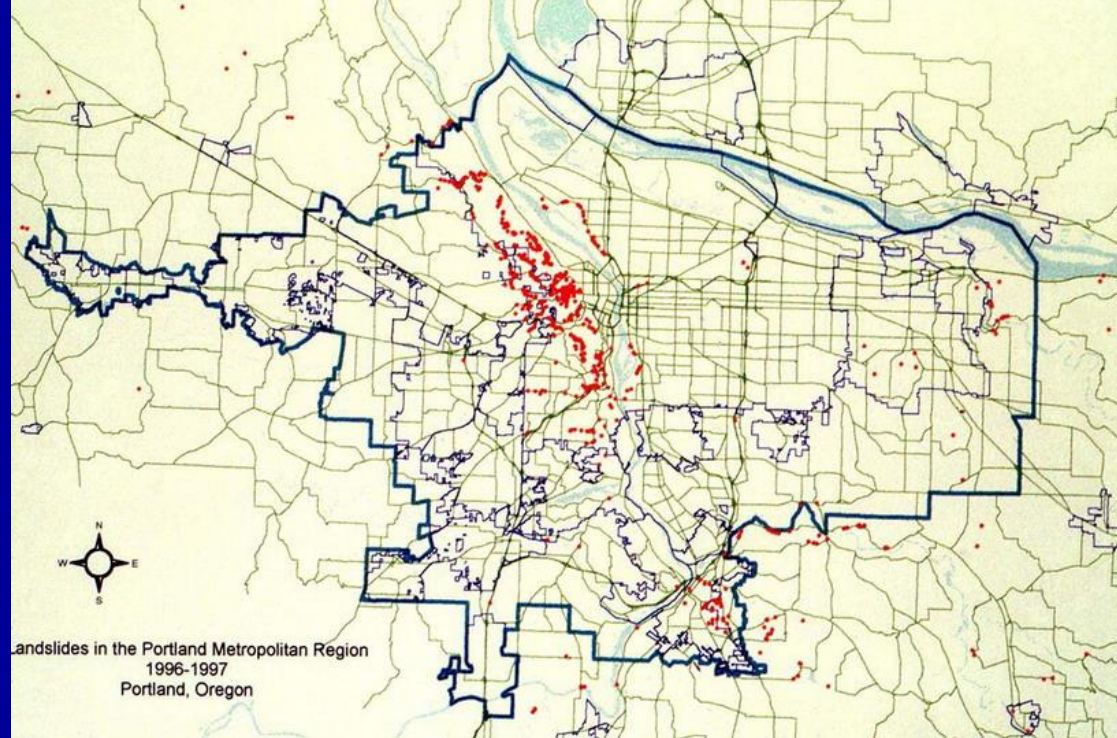
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1996 Pineapple Express hits Portland

Portland, Oregon

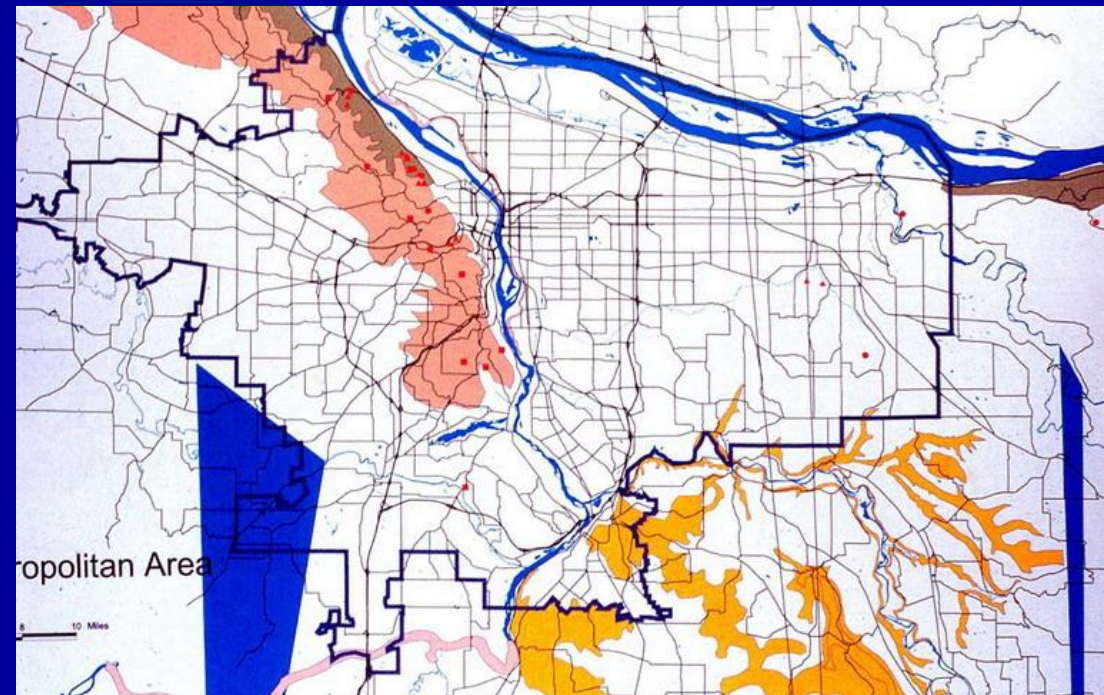
1996

Landslides & Floods: \$35 m



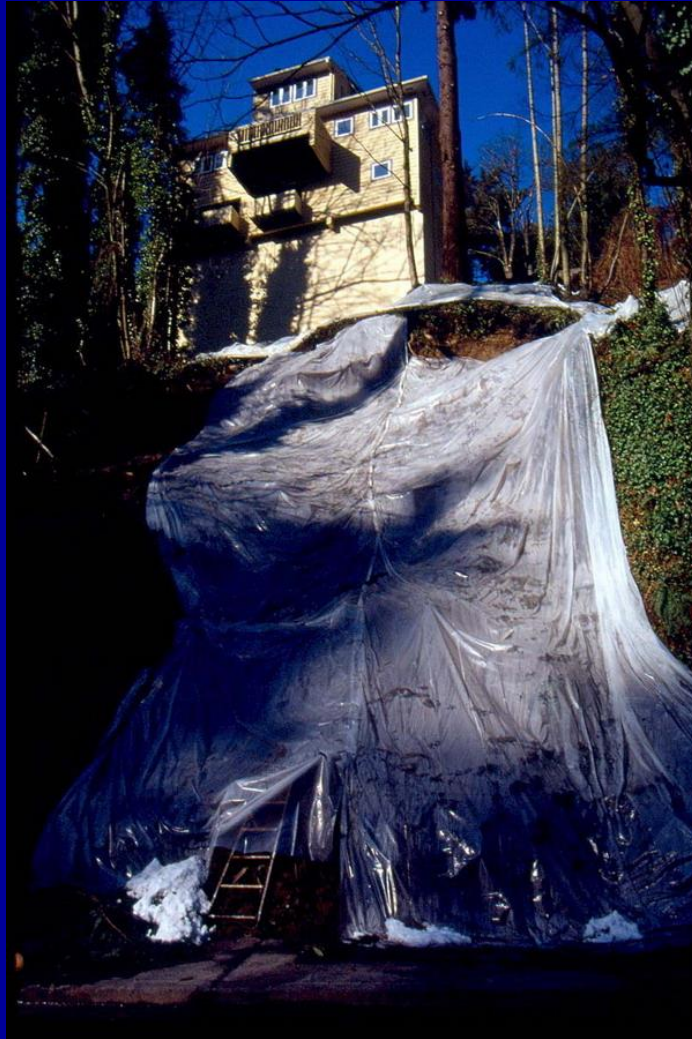
Landslide Distribution

Geology is important

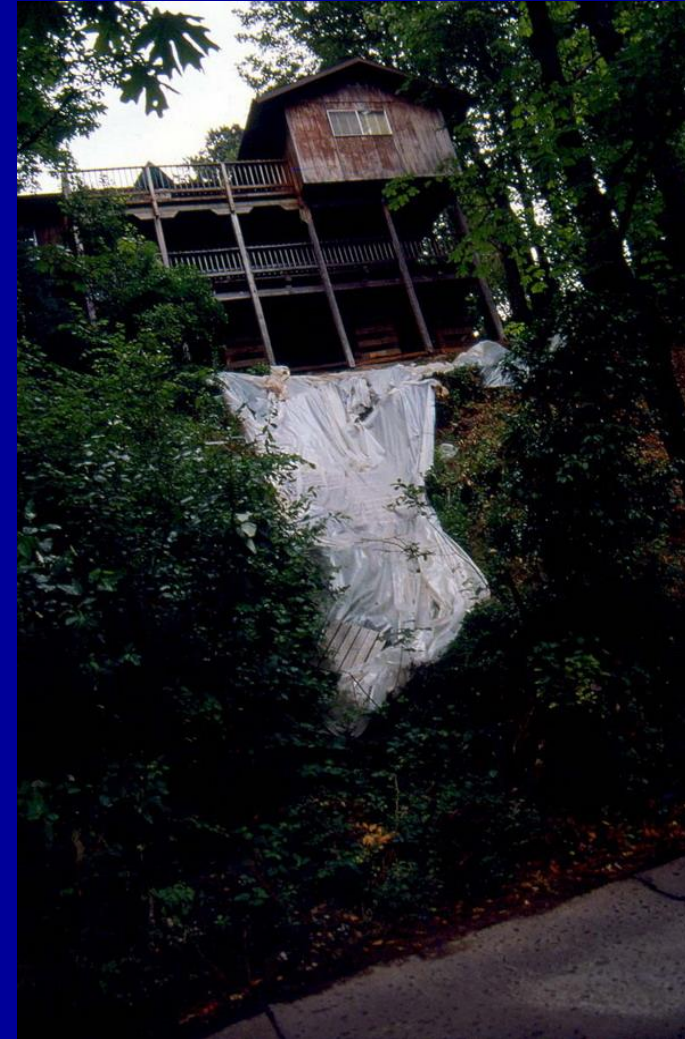


Human involvement can mitigate landslides

Item 6a.



“City of Roses”
becomes city of plastic



The gutter resembled
Niagara Falls!

Reactivation of landslide

Item 6a.



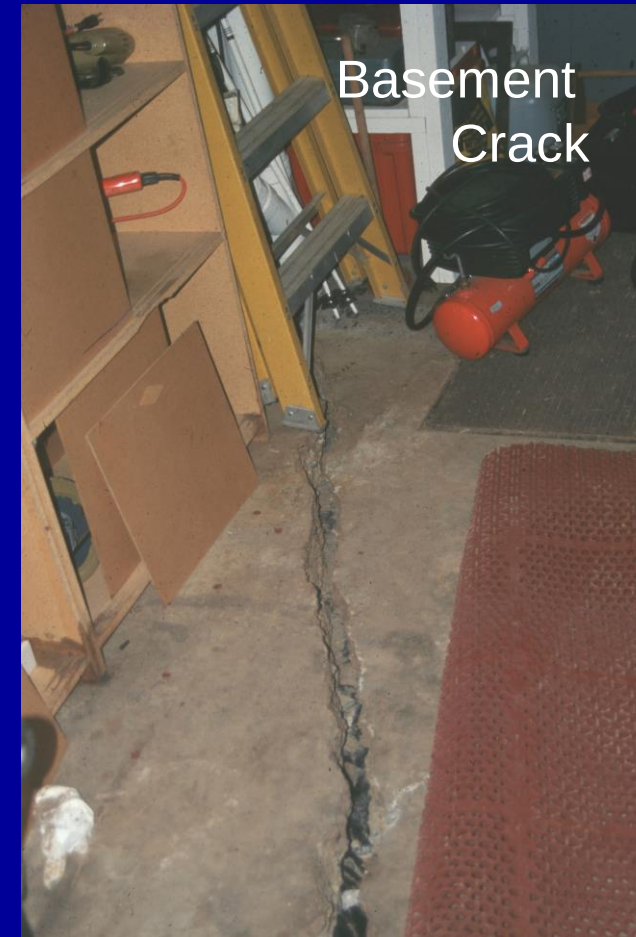
Matthew Court, Clackamas County

Troutdale Fm: Fluvial deposits



Holly Lane – Oregon City, Oregon

Reactivation of Landslides



**Holly Lane, Oregon City, Oregon, 1996-
1997**

Reactivation of old landslides can be significant

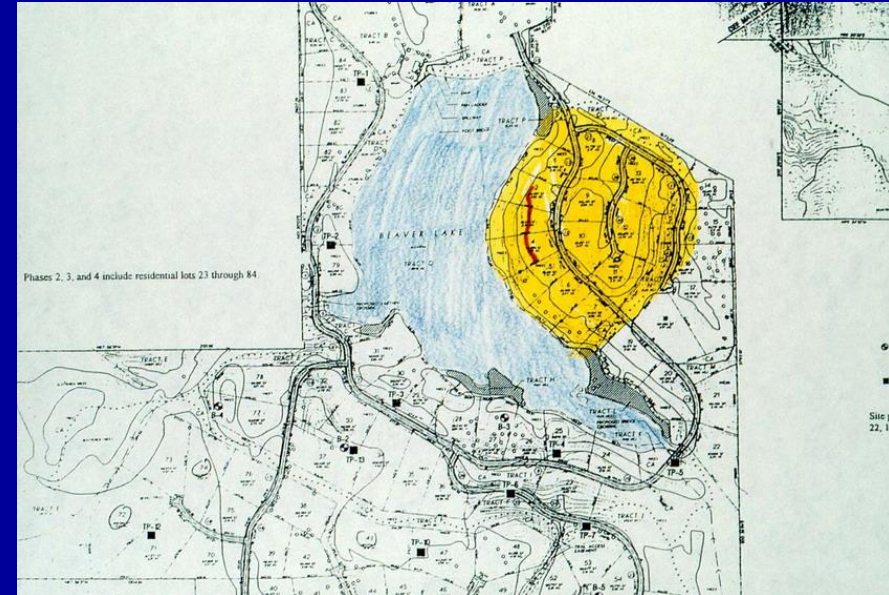


Building on the scarp



Building on the toe

Troutdale Fm: Fluvial Deposits



Beaver Lake – Rural Clackamas Country

**2002: Newell
Creek Apts.
Now: Forest
Edge Apts**

Oregonian 10/05/2006

Early History of Newell Creek Apartments

- 1991 – apply for 250 apartments
- 1992 – PSU study says it is an old landslide – not good idea
- 1993 – City Council asks CEG to evaluate – he says students ok!
- 1993 – permit for 125 apartments – none on scarps and toes
- 2006 - landslide reactivates



**Rainfall in one month
from 12/5/05-1/5/06 =
11 inches!**





Newell Creek Apts.

Jan 6, 2006



Item 6a.



Newell Canyon



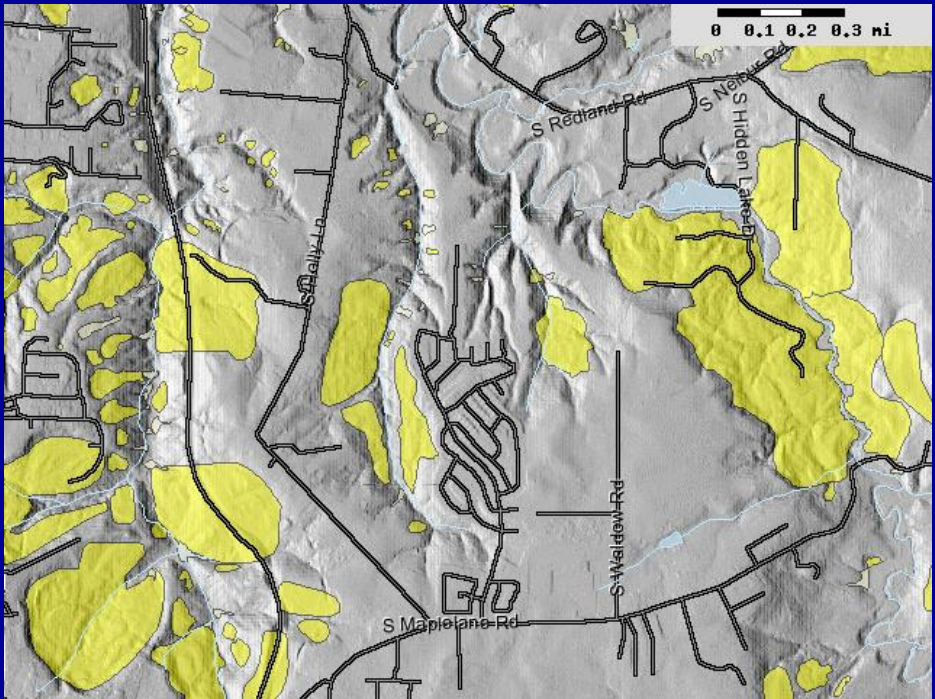
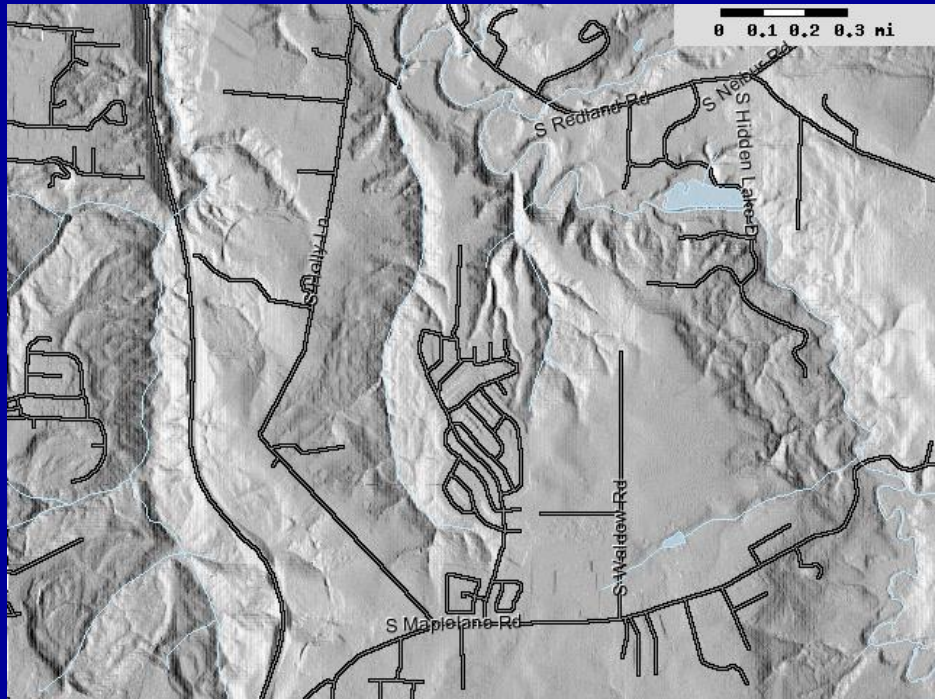
Old slide Jan. 6, 2006

Importance of Using LiDAR

Item 6a.



Street of Dreams
Clack. County,
February, 2007



Yellow = landslide

February 17, 2007

Item 6a.



February 17, 2007

Item 6a.





February 17, 2007

February 17, 2007

Item 6a.



February 17, 2007

Item 6a.



Old Landfill, Oregon City, New Years, 2007

Item 6a.



Conclusions

- **Need to prevent landslides – no home-**
- **owners insurance**
- **Map old landslides – if it has moved once, it has a high chance of moving again (DOGAMI map!)**
- **Do not build on old landslides**
- **Develop codes to prevent losses for homeowners!**

Rainfall relationship to geologic hazards

George Freitag, CEG, LEG, LHG
GRI, Principal



*Many landslides are
associated with periods
of prolonged, intense
precipitation*

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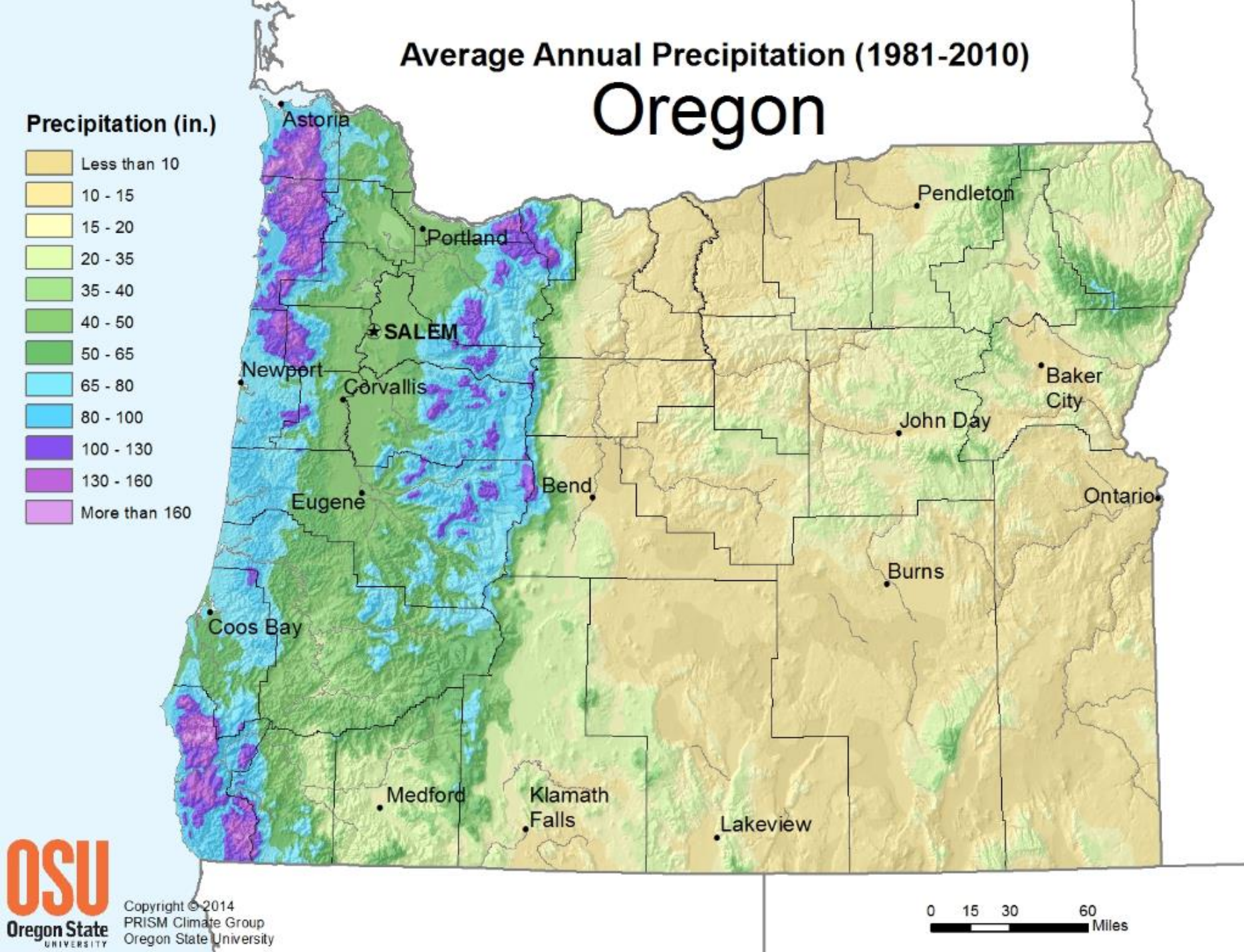
Item 6a.

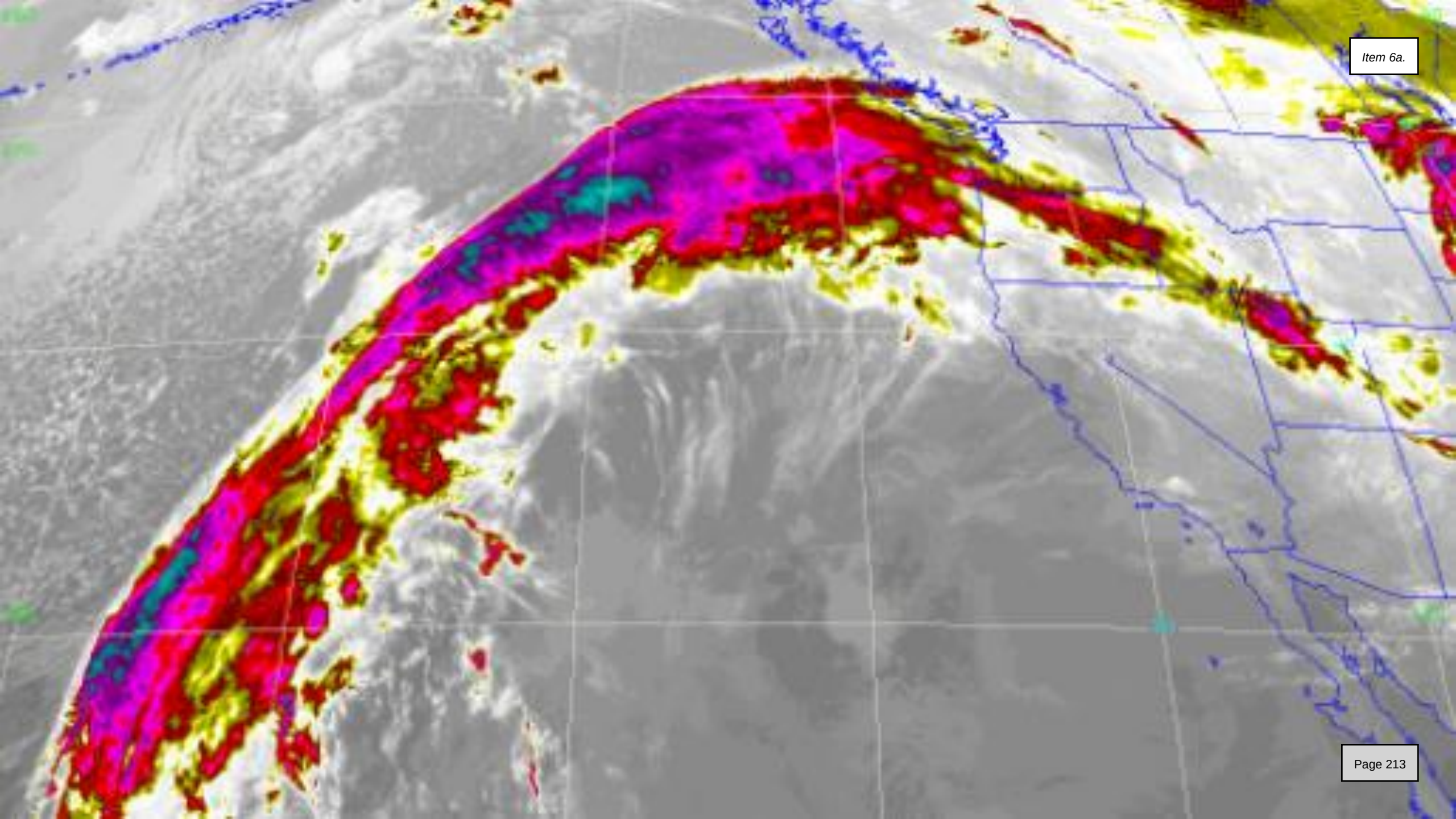
LOOP NEWS

CREATED : 8 AUGUST 2020

T&T NEWS









**Landslides in the Portland, Oregon
Metropolitan Area Resulting from the Storm
of February 1996: Inventory Map, Database
and Evaluation**



**Dr. Scott F. Burns
William J. Burns
David H. James
Jason C. Hinkle**

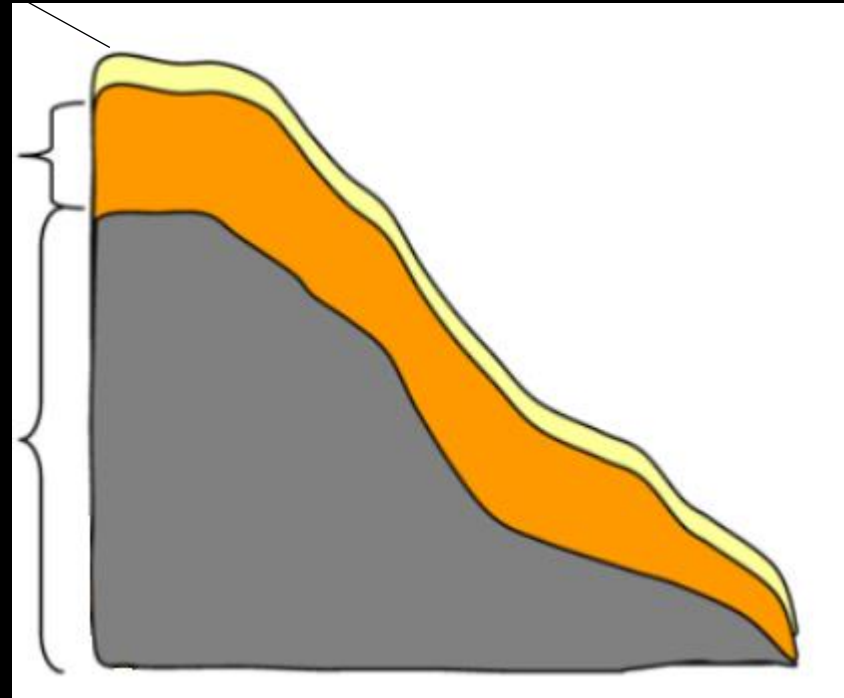
**Dept. of Geology
Portland State University**

Over 700
documented
landslides in
Metro area due
to February 6-9,
1996
precipitation

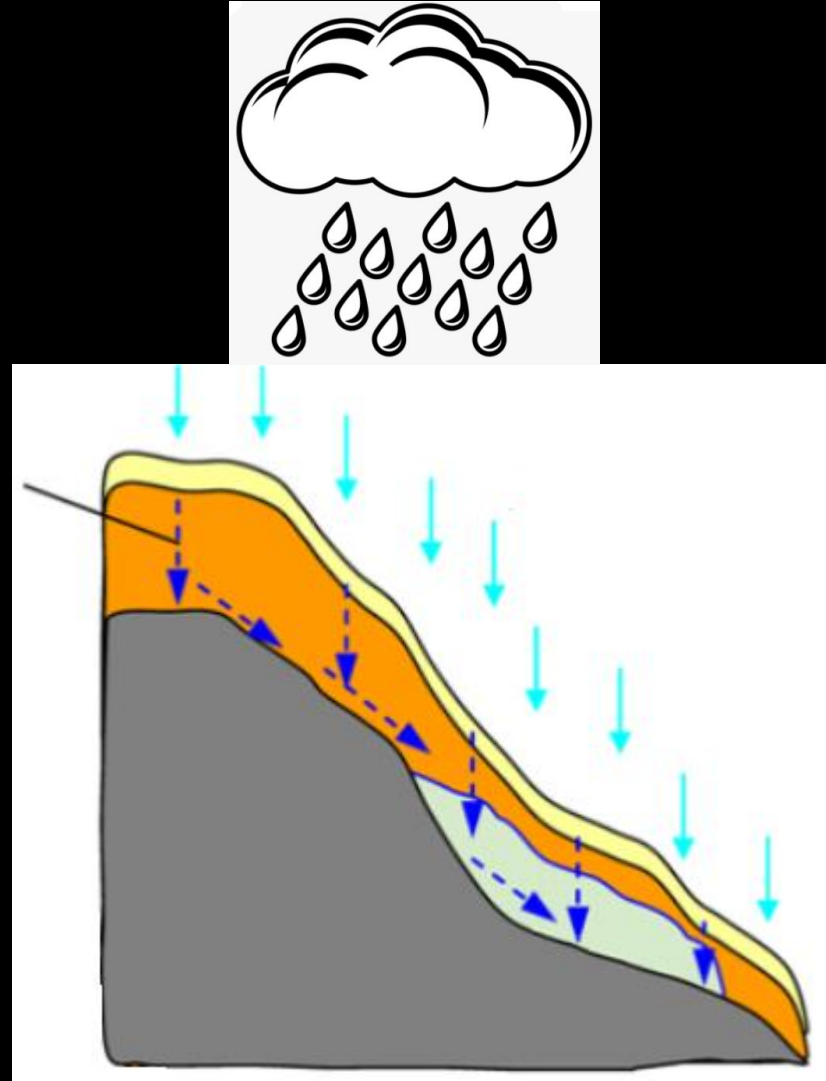
soil

permeable
rock

less
permeable
rock



Water infiltrates
soil and
permeable rock



Groundwater
rises....and
lowers forces
keeping soil and
rock on slope



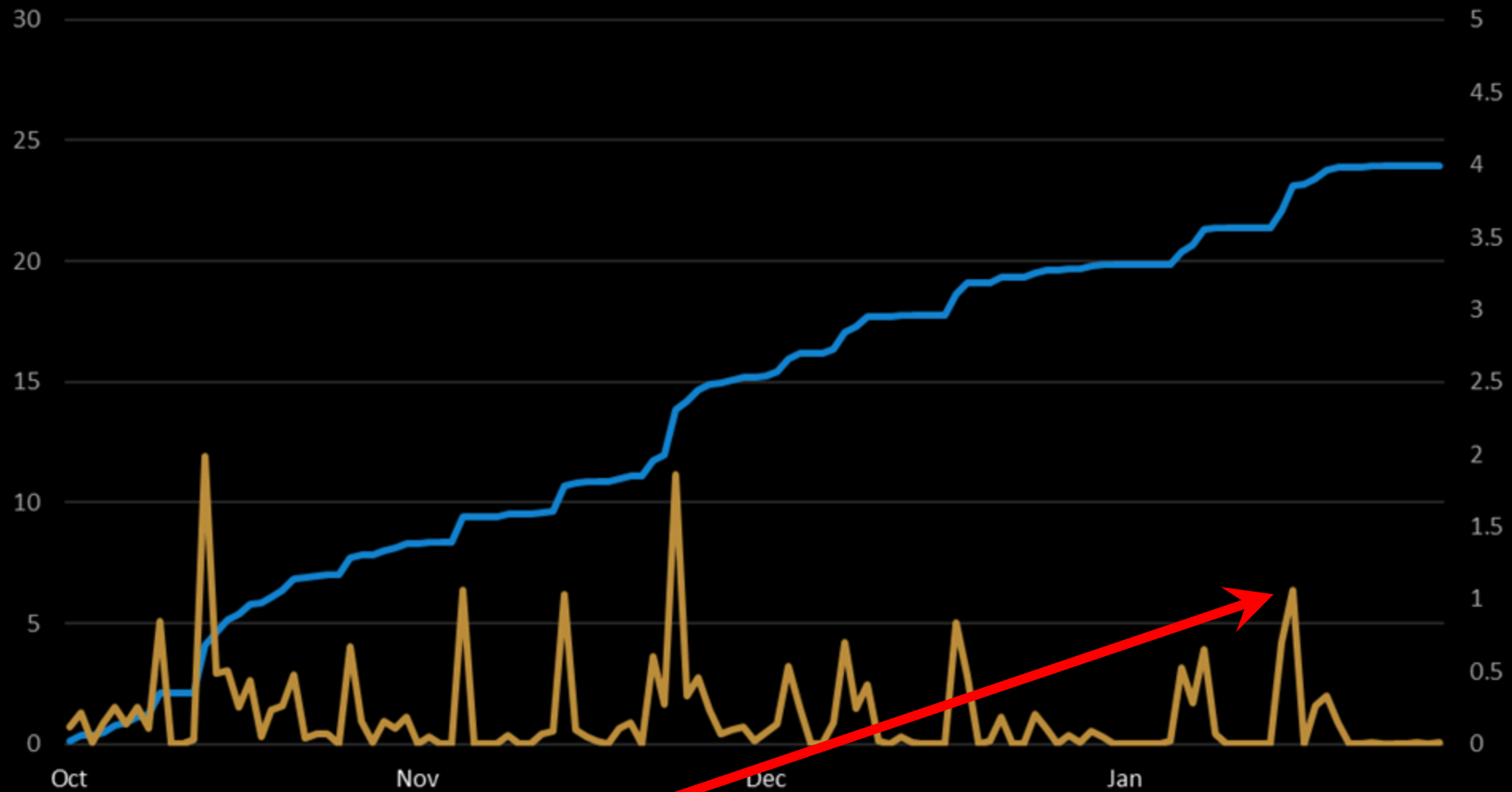
Trillium Park Avenue Landslide

PIEZOMETER SUMMARY

GRI Project 4450

Oct 2016 to Jan 2017 Precipitation Portland Airport

Item 6a.



Jan 18 1.06 inches = DAILY RECORD

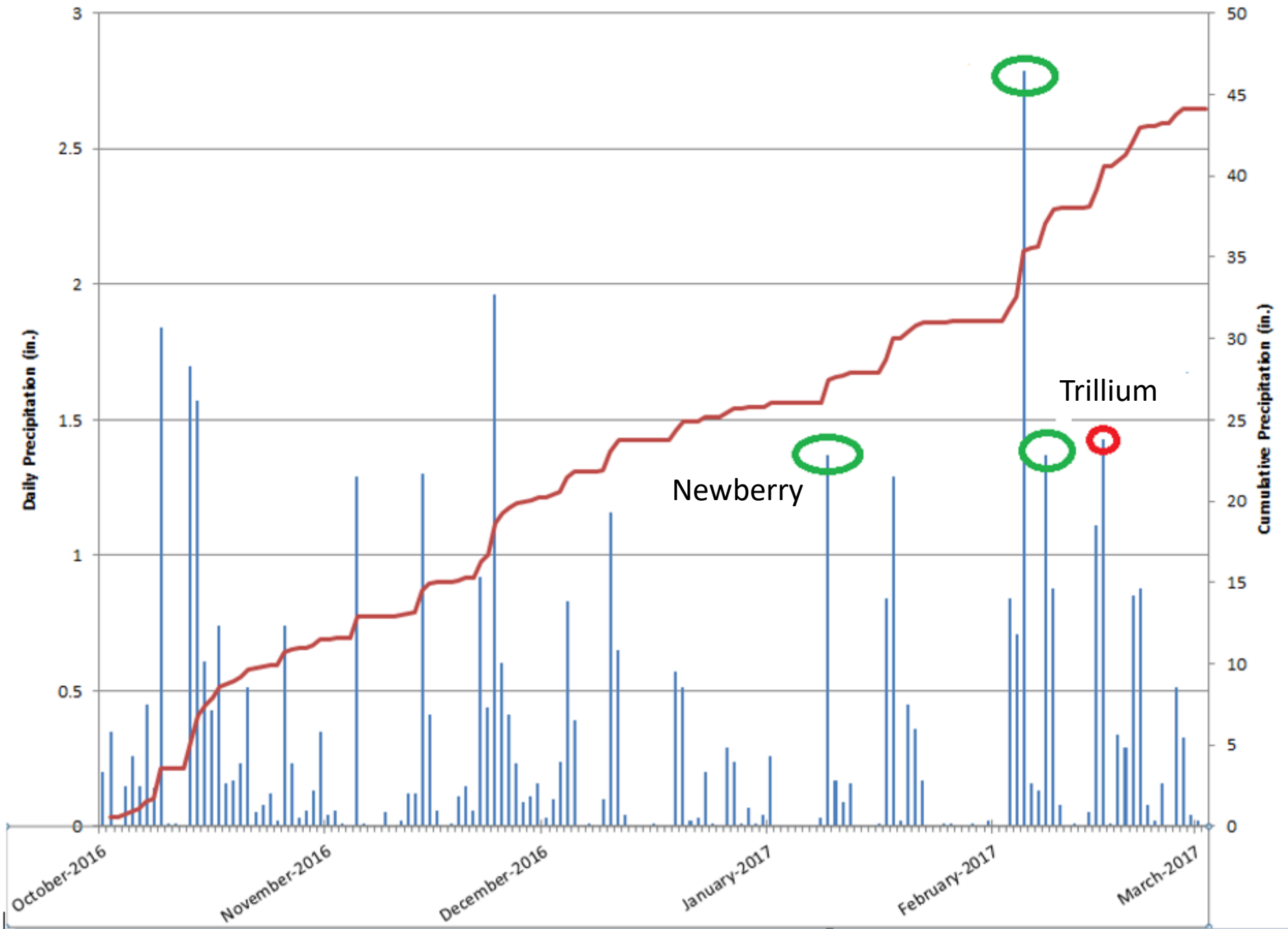
Landslide blocks NW Newberry Road in West Hills

by KATU Staff

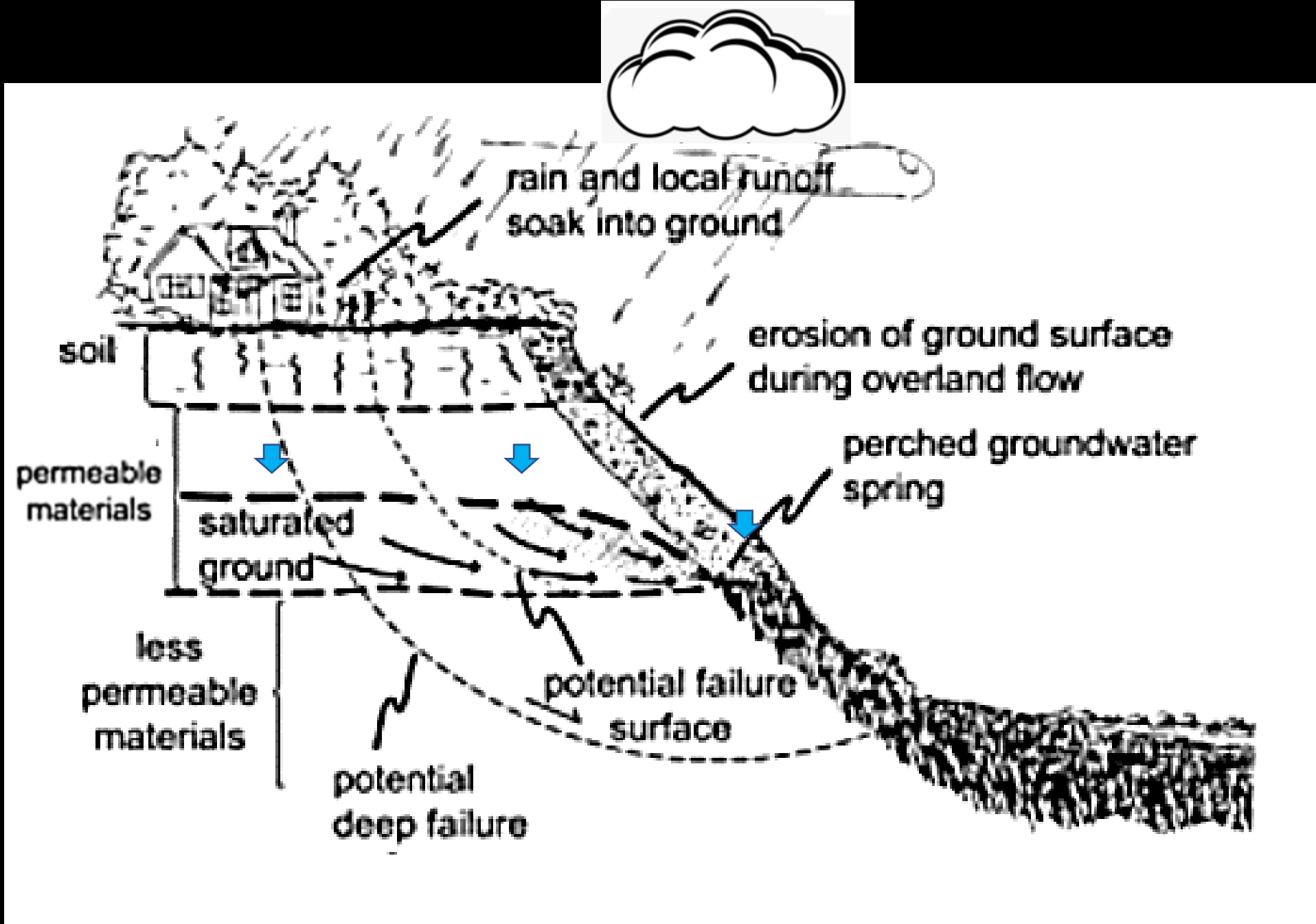
Wednesday, January 18th 2017



MULTNOMAH COUNTY, Ore. — A landslide has shut down a section of NW Newberry Road in the West Hills Wednesday.









Geologic and Geotechnical Basis for The City of Oregon City Geologic Hazards Code

Timothy J. Pfeiffer, P.E., G.E.



FOUNDATION ENGINEERING, INC.
Professional Geotechnical Services

A Homeowner's Guide to Landslides

- Landslides are one of the most common and devastating natural hazards in the pacific northwest. The damage they cause is almost never covered by insurance.
- You and your neighbors share more than fences. You all share the responsibility of keeping your slopes safe.

Washington Geological Survey And Oregon Department of Geology and Mineral Industries

17.44.10 - Intent and purpose.

The intent and purpose of the provisions of this chapter are:

- A. To ensure that activities in geologic hazard areas are designed based on detailed knowledge of site conditions in order to **reduce the risk of private and public losses**;
- B. To **establish standards** and requirements for the use of lands within geologic hazard areas;
- C. To provide safeguards to **prevent undue hazards to property, the environment, and public health, welfare, and safety** in connection with use of lands within geologic hazard areas;
- D. To **mitigate risk associated with geologic hazard areas**, not to act as a guarantee that the hazard risk will be eliminated, nor as a guarantee that there is a higher hazard risk at any location. Unless otherwise provided, the geologic hazards regulations are in addition to generally applicable standards provided elsewhere in the Oregon City Municipal Code.

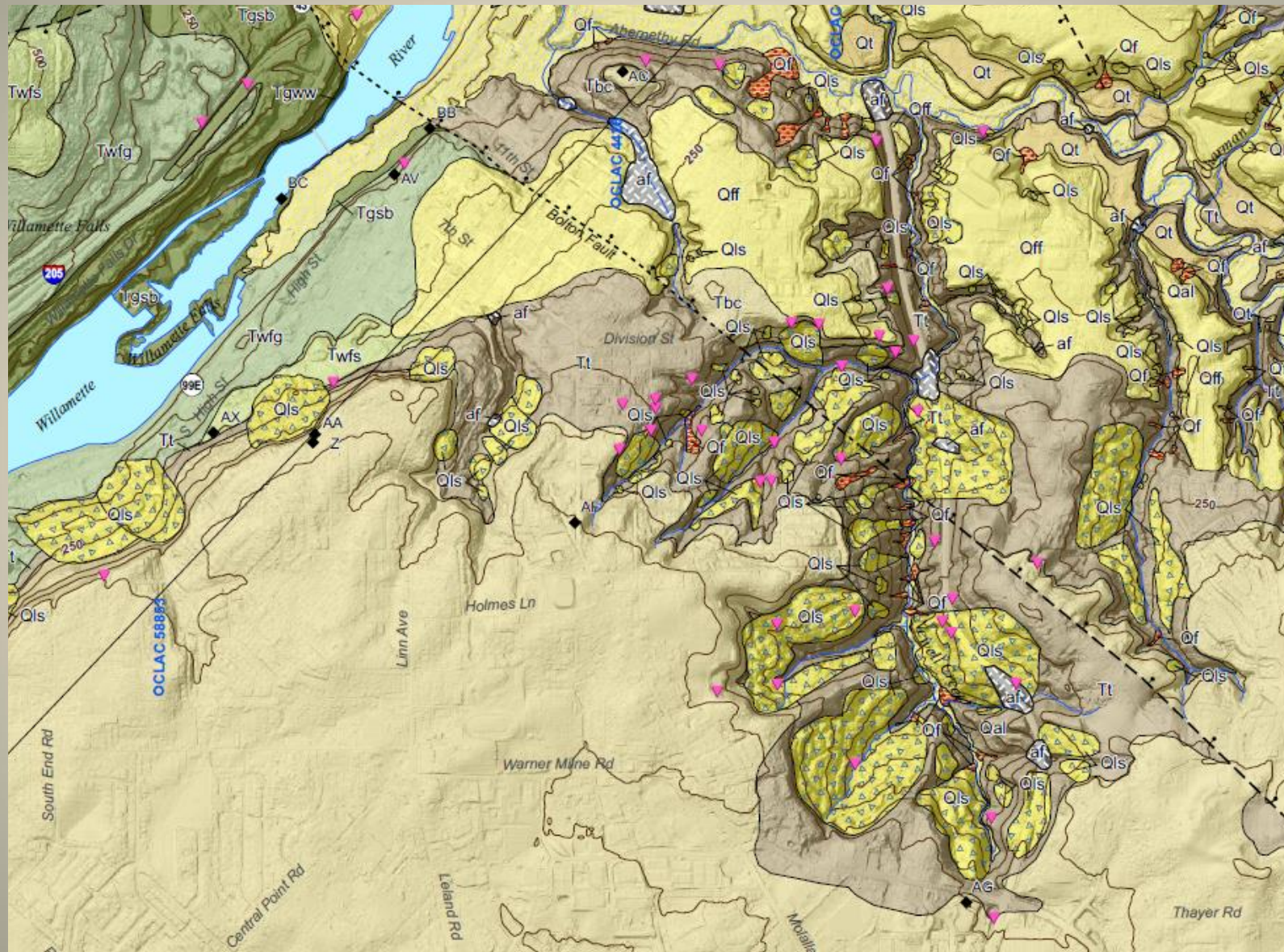
17.44.25 **When required**; regulated activities; permit and approval requirements

No person shall engage in any of the following regulated activities on areas mapped within the adopted **Oregon City Geologic Hazards Overlay Zone** as defined in section 17.04.515 of the Oregon City Municipal Code without first obtaining permits or approvals as required by this chapter

Where is the hazard

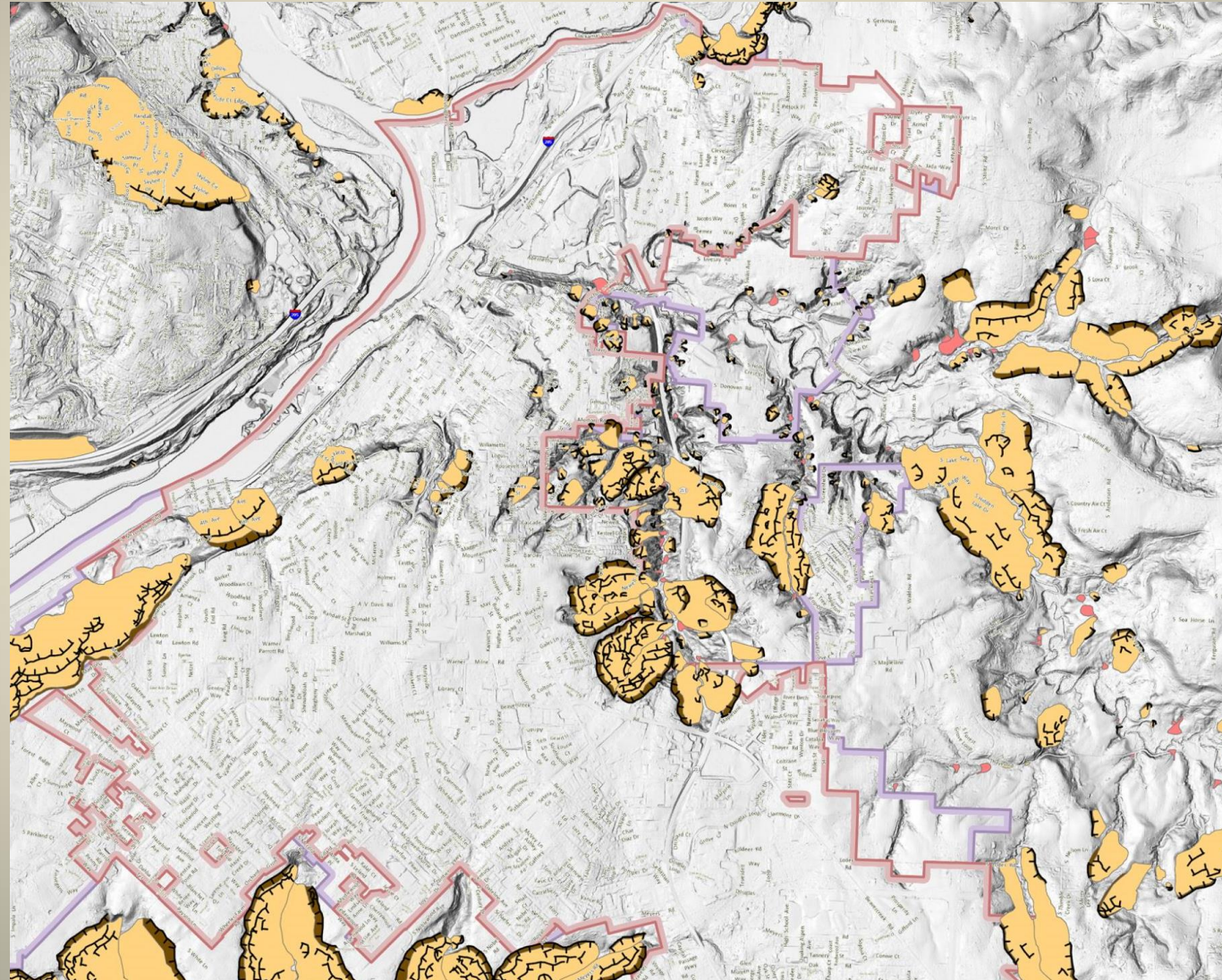
Geologic Map of the Oregon City 7.5' Quadrangle, Clackamas County, Oregon

Item 6a.

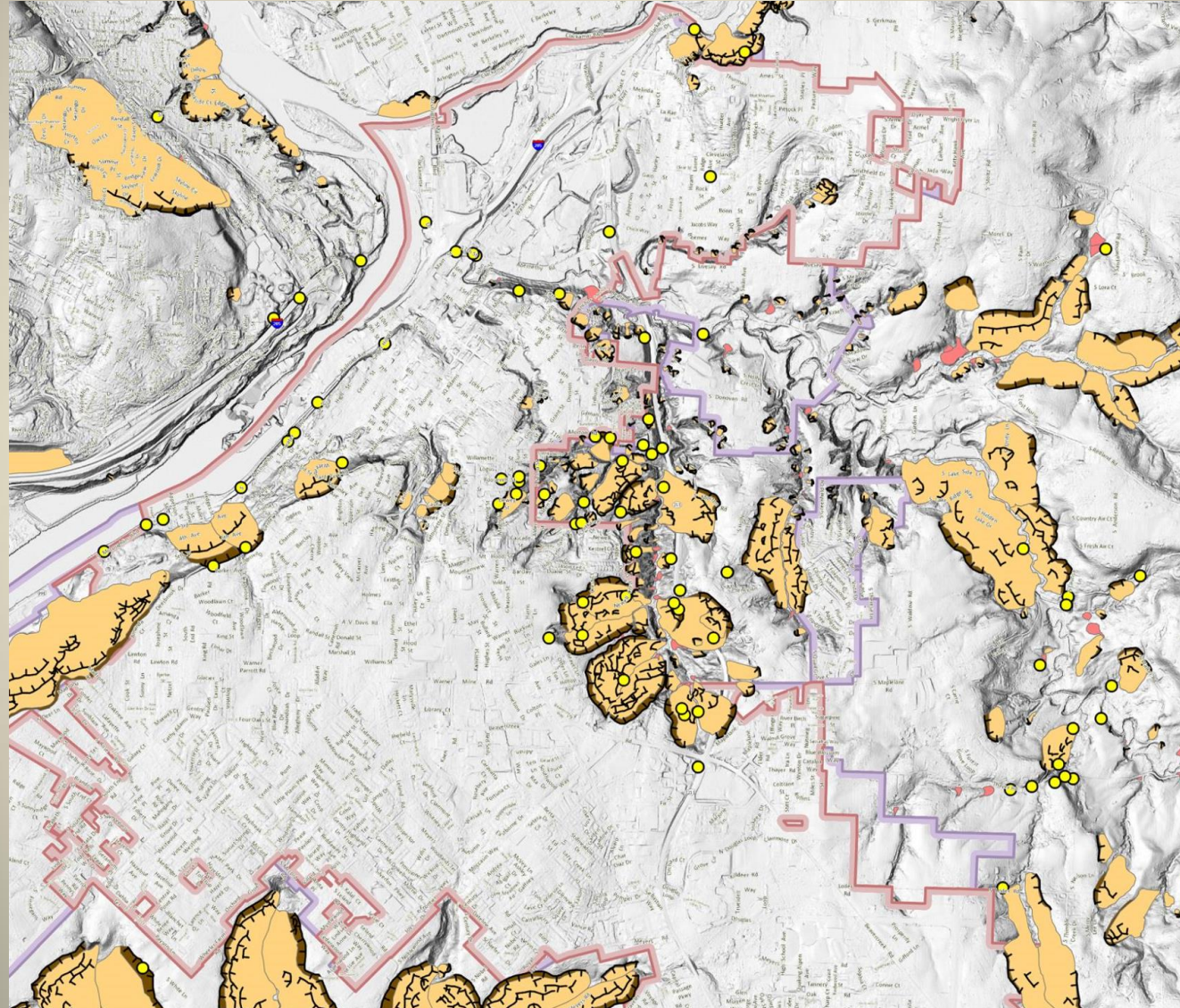


GMS 119, Ian Madin, 2009

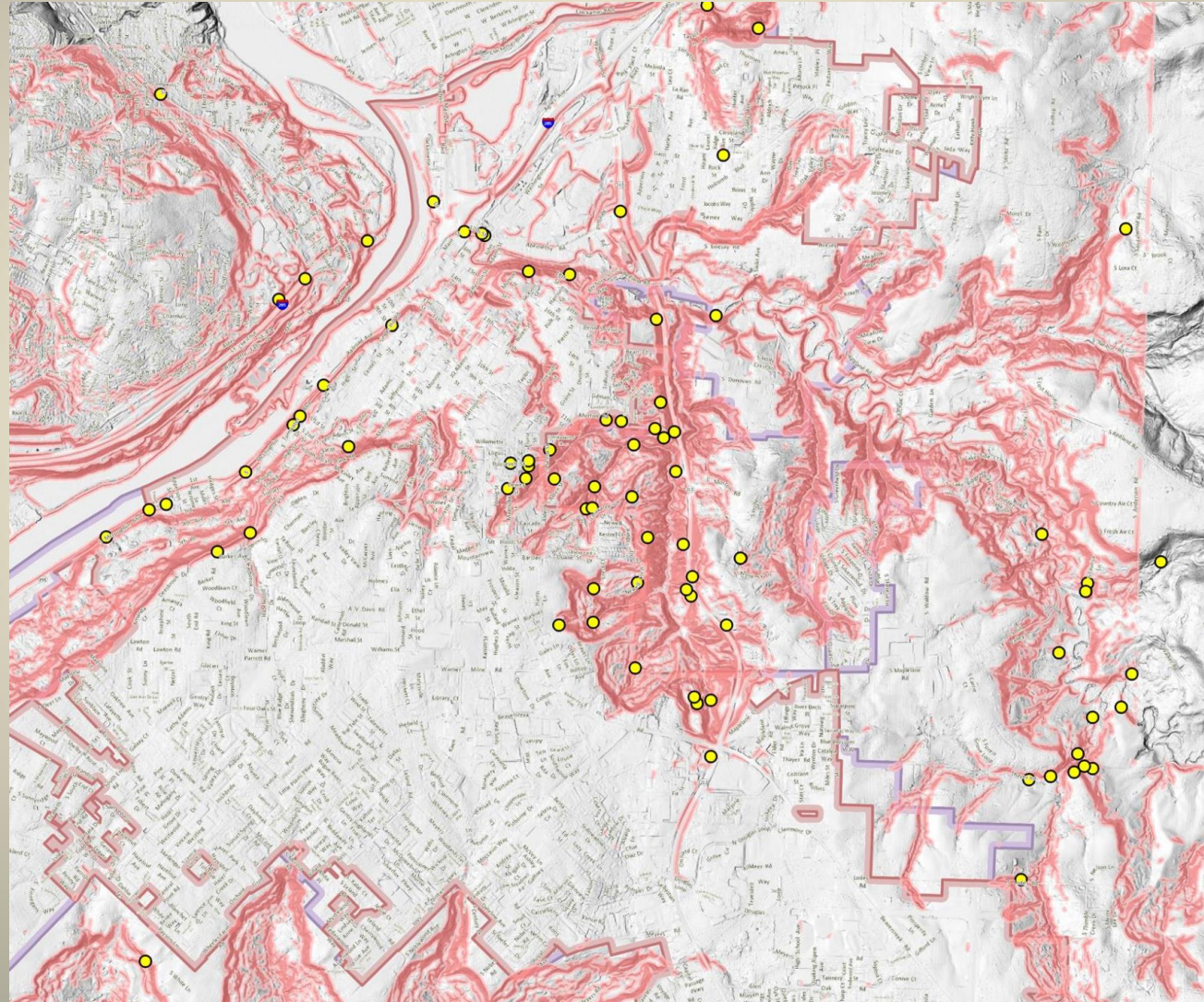
Mapped Landslides



Historic Landslides



Steep Slopes



Geologic Hazard Overlay Zone



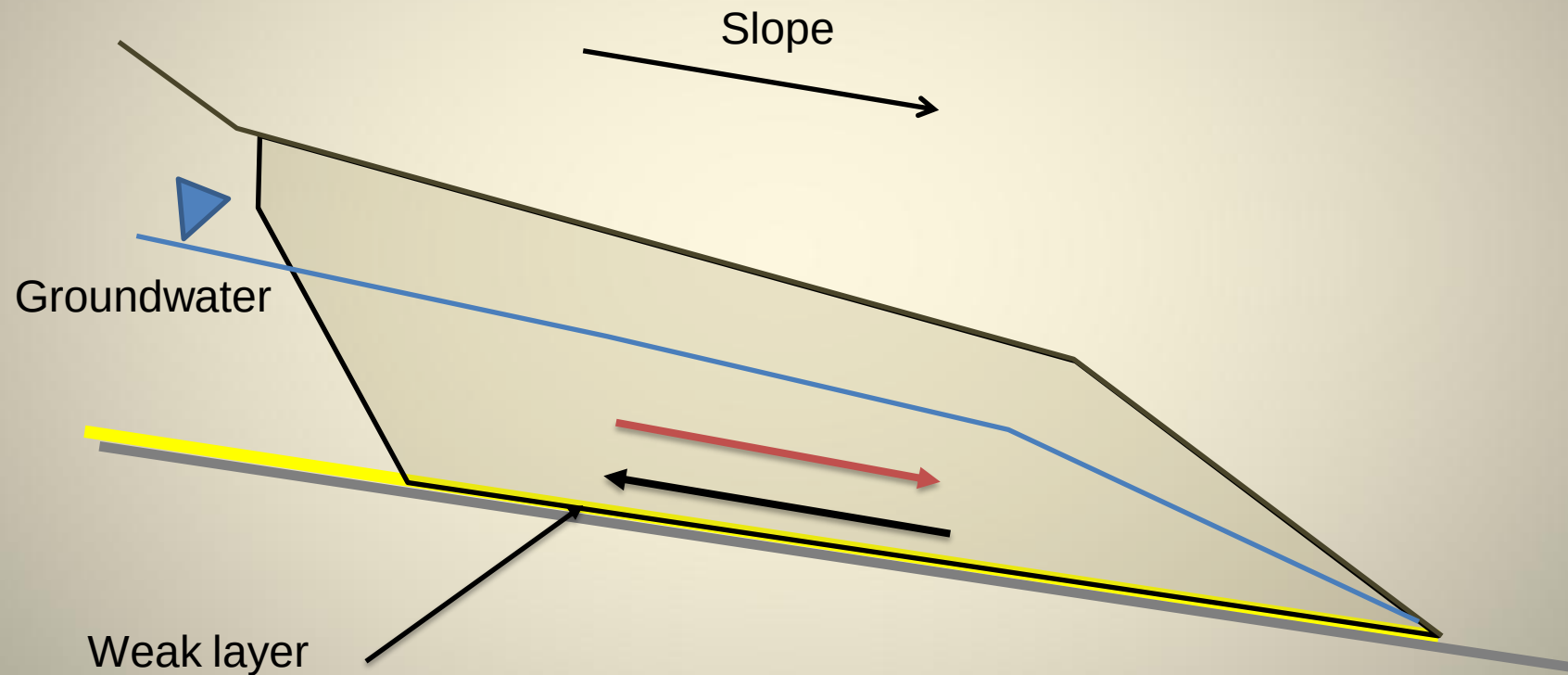
17.44.25 When required; **regulated activities**; permit and approval requirements

- 500 square feet of new development
- Cut or fill more than 2 feet deep
- Cut or fill more than 25 cubic yards
- Tree removal on slopes greater than 25%

Why these?

Elements of Slope Stability

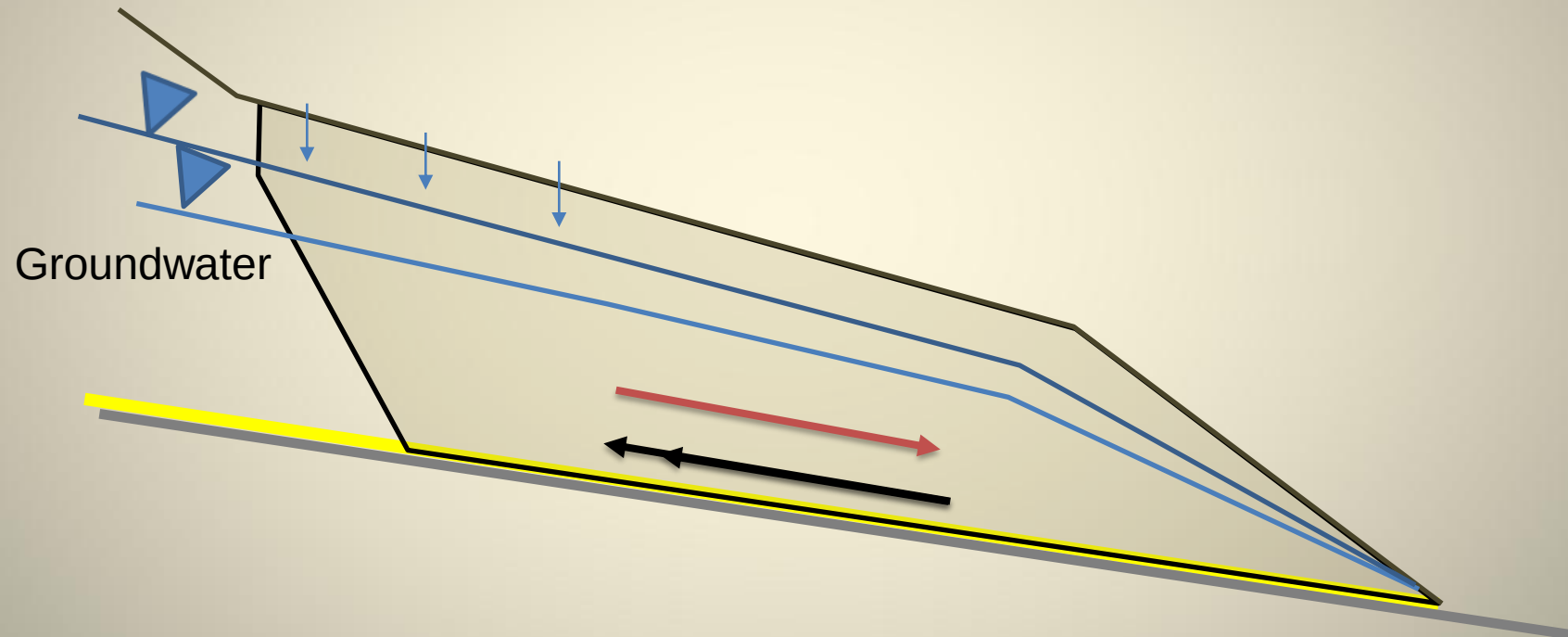
Item 6a.





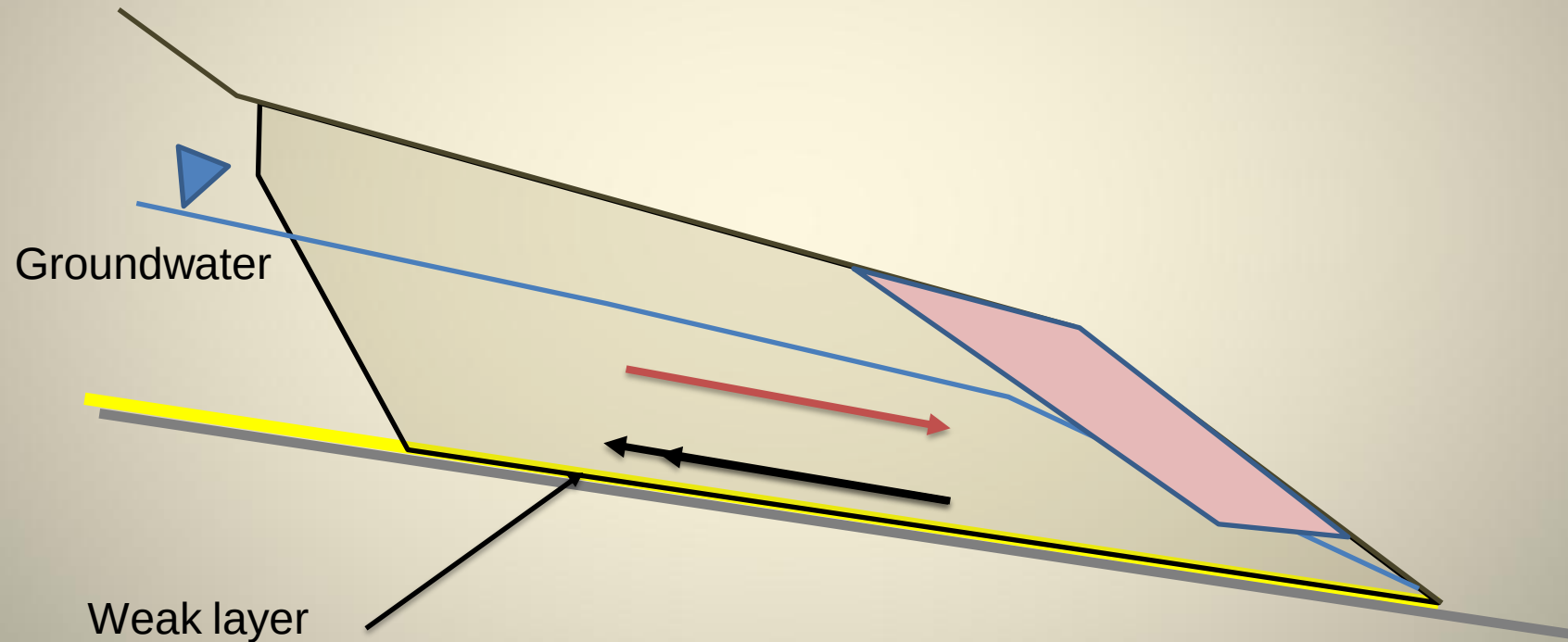
Impact of drainage on Slope Stability

Item 6a.



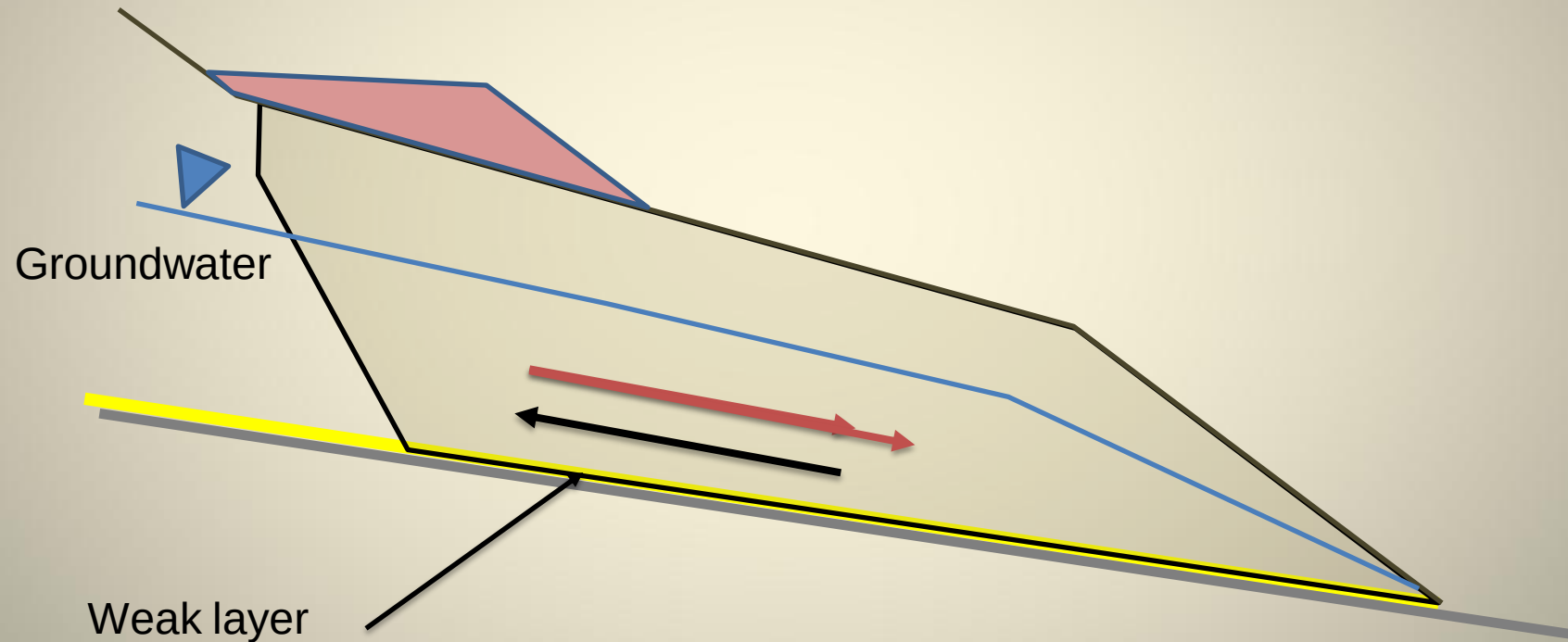
Impact of Excavation on Slope Stability

Item 6a.



Impact of Fill on Slope Stability

Item 6a.



$$\begin{array}{c} \text{Area of suspected geologic hazard} \\ \text{Geohazard Overlay Zone} \\ + \\ \text{Development that may impact geologic hazard} \\ \text{Regulated Activity} \\ = \\ \text{Detailed Study and specific} \\ \text{design for site conditions} \end{array}$$

17.44.50 Geological Assessment and Geotechnical Report

- Professional with education and experience specific to geologic hazards and slope stability
- Investigation and evaluation of site conditions and slope stability
- Professional opinion of the project impacts and adequacy
- Recommendations for mitigation and risk reduction

The answer may be – No the site is not suitable for development

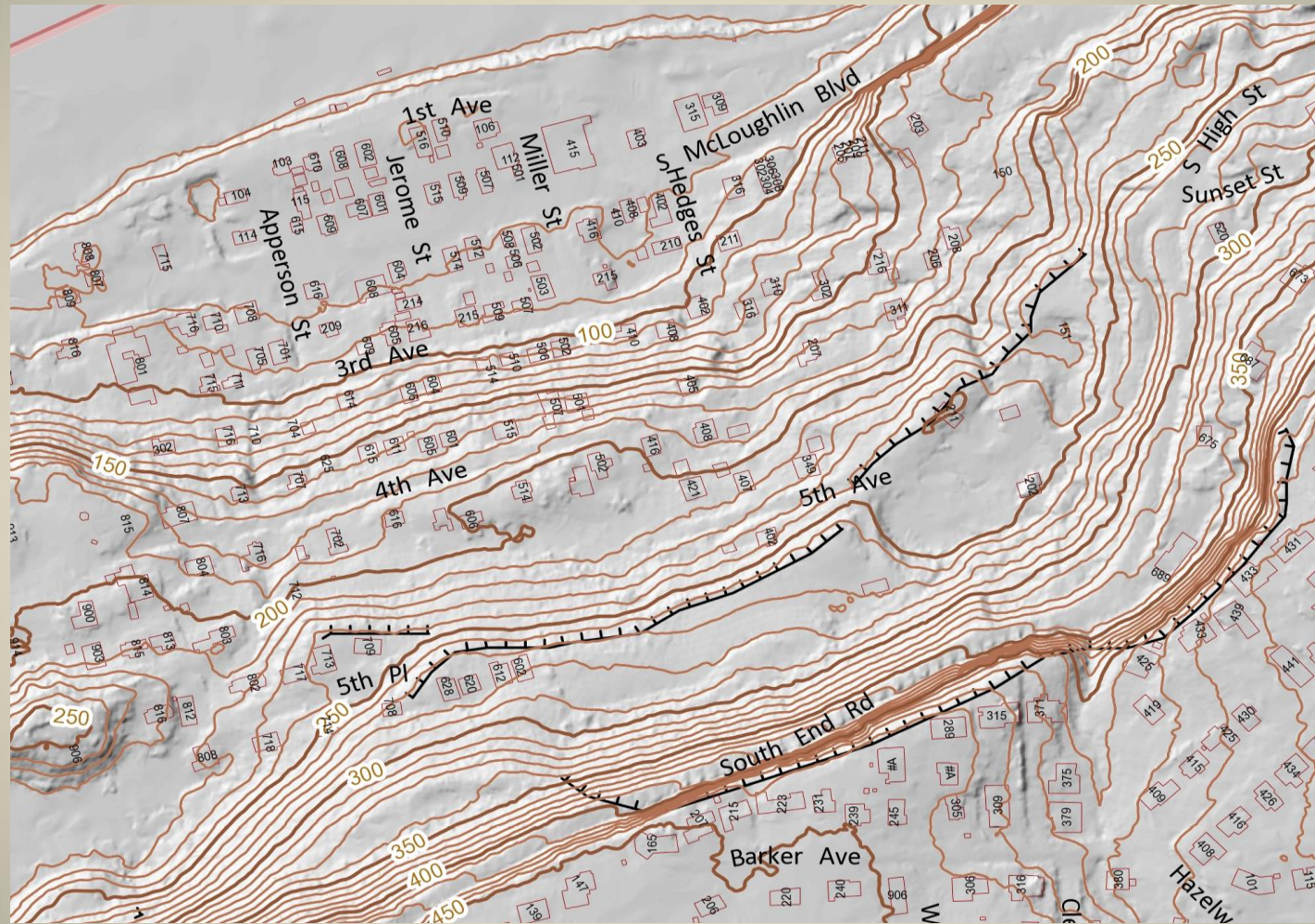
17.44.60 – Development Standards

- Avoid unnecessary disturbance of natural topography, vegetation and soils
- Minimize the number and size of cuts and fills
- Limit density

Reduce impacts to reduce risk

- Limit area of disturbance
- Limit volume of cut and fill
- Maintain drainage

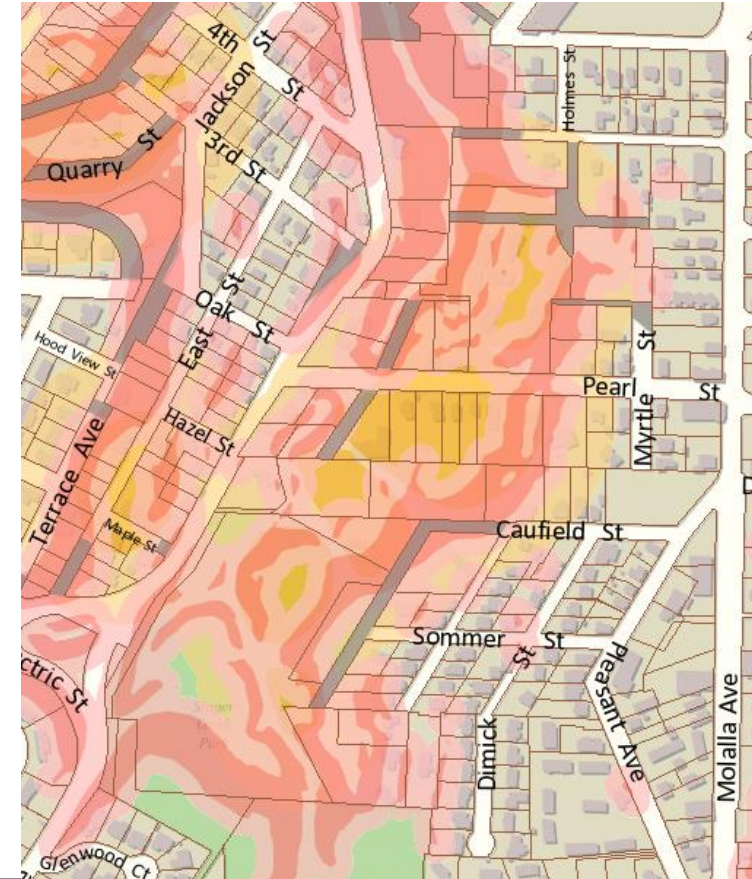
Questions Following Presentations



Up next is Josh Wheeler, Assistant City Engineer

History

- July 1, 2009 – Ord. No. 08-1014
- July 7, 2010 – Ord. No. 10-1003
- Foundation Engineering is the current City on-call consultant for Development Review
- GRI is the current City consultant for oversight on Armory and Trillium Drive



History

- City Commission presentation by DLCD/DOGAMI on October 8, 2019
- Planning Commission presentation by staff in conjunction with Beavercreek concept plan on Sept 23, 2019
- Development Stakeholders Group – March 14, 2019 and February 13, 2020
- Natural Resource Committee – June 10, 2020
- City Commission Work Session – July 7, 2020



New Landslide Guide

- Published October 2019
- By DLCD and DOGAMI
- Oregon City – used as an example in preparing the guide



PREPARING FOR LANDSLIDE HAZARDS

**A LAND USE GUIDE
FOR OREGON COMMUNITIES**

October 2019



Geologic Hazards Community Forum

Areas for Code Enhancement

- Clarification when a review is required
 - Now includes land disturbance
- Clarification on exemptions
- Reference to new State guide



Areas for Code Enhancement

- Additional application requirements
 - Stormwater Management
 - Construction Phasing
 - Construction Methods



Proposed Revisions to City Code 17.44 - Geologic Hazards

Areas for Code Enhancement

- Additional applicability requirements
 - Existing – 1.0 acre property required hydrology report
 - Proposed – requires any property size within a mapped landslide unless exempted to prepare a hydrology report



Areas for Code Enhancement

- Additional Standards
 - Waiver process codified
 - Clarity on Weather Window
 - Requirement of certification by a professional engineer
 - Structural fill
 - Retaining Walls
- Clarity on density calculation
 - Slopes AND mapped landslides
 - AND all buffer zones
- Clarity on Storm Drainage
 - Proper References
 - Infiltration not allowed 25% or greater slopes
 - Report required for slopes 10% or greater in a geologic hazard area
 - Requirement of certification by a professional engineer



Areas for Code Enhancement

- Clarity of Construction Standards
 - Erosion Control
 - Review by other agencies
 - Inspections after rain event
 - Requirement of certification by a professional engineer
- Clarity on Liability
 - Agreements to be recorded and continue with all present and future owners of the property



Existing Resources

- City Code 17.44
- OC Maps – Lidar, Slopes, Landslide Deposits, Landslide Features
- DLCD/DOGAMI Landslide Guide
- DOGAMI Homeowner's Guide
- City Website
- Geologic Hazard Development Checklist
- October 13, 2011 presentation
- This presentation will be added to the City website



Existing Projects

- Staff complete quarterly monitoring of Trillium Drive and the “Upper Yard/Armory” area for ground movement
- Design is ongoing for Trillium Drive to restore utilities and roadway
- Forest Edge Apartments received a permit to restore utilities, stormwater, and roadways



Legislative Hearings- GLUA 20-00033

Legislative Process and Public Comment

- September 28, 2020 Planning Commission- *1st Hearing.*
**multiple hearings will occur this fall*
- Full code package can be found at bit.ly/GLUA20-33
- Send comment to crobertson@orccity.org and questions to jwheeler@orccity.org
- City meeting agendas can be found at www.orccity.org/meetings one week in advance of meetings

PROPOSED: Amendments to the Oregon City Municipal Code (Multiple Chapters)

THIS IS TO NOTIFY YOU THAT THE CITY OF OREGON CITY HAS PROPOSED CHANGES TO THE OREGON CITY MUNICIPAL CODE THAT MAY AFFECT THE PERMISSIBLE USES AND VALUE OF YOUR PROPERTY AND OTHER PROPERTY. THIS PROPOSAL DOES NOT INCLUDE ANY CHANGES TO THE ADOPTED ZONING MAP OR ANY CITY-INITIATED CONSTRUCTION OR DEVELOPMENT

On September 28, 2020, the City of Oregon City Planning Commission will hold a public hearing regarding the adoption of Ordinance Number 20-1009 (Planning File GLUA 20-00033) to consider proposed code revisions to the Geologic Hazards Overlay District, and other ancillary Public Works related development code, including refinements to Public Utility Easements (PUE) and undergrounding utility requirements. The City Commission will hold public hearings on the matter once the Planning Commission has made a recommendation. All meetings will be held at Oregon City, City Hall, 625 Center Street, Oregon City at 7pm unless otherwise noticed. Any interested party may testify at the hearings or submit written comments to crobertson@orccity.org at or prior to the public hearings while the record is open. All hearing materials are available at www.orccity.org seven days prior to the public hearings. The ordinance and code changes are available at the Oregon City Planning Division (695 Warner Parrott Rd) or at bit.ly/GLUA20-33. It is anticipated that these documents will be revised during the review process until final adoption by the Oregon City City Commission. **Sign up to attend the online Geologic Hazards Community Forum at 6pm on September 9, 2020 at bit.ly/OCGeoHazardUpdate** Additional information may be found by calling (503) 496-1548 or emailing jwheeler@orccity.org

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS CHAPTER 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST PROMPTLY BE FORWARDED TO THE PURCHASER.



Geologic Hazards Community Forum

Question and Answers

- Panel Members :
 - Scott Burns, Portland State University
 - George Freitag, GRI
 - Tim Pfeiffer, Foundation Engr.
 - Tricia Sears, DLCD
 - Josh Wheeler, City of Oregon City



Q&A Session Geologic Hazards Webinar

Geologic Hazards Community Forum - September 23, 2020 - 6:00 pm via Zoom

Denyse McGriff 06:57 PM

In considering land that has or will come into the city- what are the standards that Clackamas County uses and how do they relate to our code? Is there any coordination on actions that can or could be taken? How do we minimize disturbance of any sort, to property that may be subject to development but has not yet submitted?

This question has been answered live

Christina Robertson-Gardiner 07:09 PM

One recommendation that could come out of this code process is a more formal agreement with Clackamas County to notify the City when development occurs in geologic hazards area areas regulated by the county but located within the Urban Growth Boundary.

Patty Nelson 06:59 PM

How do you ensure the project is developed consistent with the recommendations in the Geologic Report?

This question has been answered live

Doug Neeley 07:04 PM

What is the underlying nature of upper-yard armory site that warrants an evaluation given the area has underlying basalt?

This question has been answered live

Casey Flesch 07:06 PM

If the City signed off on plans for a new development and a few years later it is determined that the development is a problem, i.e. sliding down a hill in a previously mapped hazard area, why doesn't the City have any liability for their signing off on the plans?

This question has been answered live

Lisa Wilcox 07:07 PM

I notice a project on 5th below Jackson has been halted. Is that related to geologic hazard considerations?

Josh Wheeler 07:09 PM

If you are speaking of 5th and JQ Adams, that project is currently going through land use. They were permitted to do some brush clearing.

Lisa Wilcox 07:09 PM

Thanks Josh.

Josh Wheeler 07:14 PM

No problem

Denyse McGriff 07:11 PM

How can we better coordinate land use applications where a Geotech report or other natural resource overlay that might be required: for example- In some instances the geotech report is completed after a land use review has taken place and the plan originally submitted generally has not taken the geotech information into consideration initially. A geotech report should be completed prior to having a plan or design completed for development. It would seem that the Geotech report could inform the design.

This question has been answered live

Christina Robertson-Gardiner 07:30 PM

Helping to coordinate geologic review and historic review is something staff has consistently communicated to applicants. Knowing that there are two different approval bodies, staff can look at ways we might be able to nudge applicants to submit concurrently.

End of Webinar 07:30PM



Community Development

695 Warner Parrott Road | Oregon City OR 97045
Ph (503) 722-3789 | Fax (503) 722-3880

LEGISLATIVE STAFF REPORT AND RECOMMENDATION

A preliminary analysis of the applicable approval criteria for a legislative proposal is enclosed within the following report. The applicant understands that all applicable criteria shall be met, or met with conditions, in order to be approved. The Planning Commission may choose to adopt the findings as recommended by staff or alter any finding as determined appropriate.

September 21, 2020

HEARING DATE: Planning Commission: September 28, 2020
FILE NUMBER: GLUA 20-00033 LEG-20-00001 Public Works Code Amendments
APPLICATION TYPE: Legislative (OCMC 17.50.170)
APPLICANT: Oregon City Public Works
 C/O Josh Wheeler PE, Assistant City Engineer
 PO Box 3040
 Oregon City, OR 97045
REQUEST: Proposed code revisions to the Geologic Hazards Overlay District, and other ancillary Public Works related development code, including refinements to Public Utility Easements (PUE) and undergrounding utility requirements.
LOCATION(S): City Wide

I. BACKGROUND:

1. Existing Conditions

The City of Oregon City Public Works Department proposes changes to the following sections of the Municipal Code :

- 12.04 Streets, Sidewalks, and Public Places (Ordinance 18-1009, adopted July 3, 2019)
- 13.04 Water Service System (Ordinance 10-1003, adopted July 7, 2010)
- 13.08 Sewer Regulations (Ordinance 10-1003, adopted July 7, 2010)
- 13.24 Telecommunications Facilities (Ordinance 13-1014, adopted November 6, 2013)
- 13.34 Utility Facilities in Public Rights-of-Way (Ordinance 13-1014, adopted November 6, 2013)

- 16.12 Minimum Public Improvements and Design Standards for Development (Ordinance 18-1009, adopted July 3, 2019)
- 17.04 Definitions (Ordinance 18-1009, adopted July 3, 2019)
- 17.08 Low-Density Residential Districts (Ordinance 18-1009; adopted July 3, 2019)
- 17.10 Medium Density Residential Districts (Ordinance 18-1009; adopted July 3, 2019)
- 17.12 High-Density Residential Districts (Ordinance 18-1009; adopted July 3, 2019)
- 17.24 NC Neighborhood Commercial District (Ordinance 18-1009; adopted July 3, 2019)
- 17.26 HC Historic Commercial District (Ordinance 18-1009; adopted July 3, 2019)
- 17.29 MUC Mixed-Use Corridor District (Ordinance 18-1009; adopted July 3, 2019)
- 17.31 MUE Mixed-Use Employment District (Ordinance 18-1009; adopted July 3, 2019)
- 17.32 C General Commercial District (Ordinance 18-1009; adopted July 3, 2019)
- 17.34 MUD Mixed-Use Downtown District (Ordinance 18-1009; adopted July 3, 2019)
- 17.35 Willamette Falls Downtown Design District (Ordinance 18-1009; adopted July 3, 2019)
- 17.36 GI General Industrial District (Ordinance 18-1009; adopted July 3, 2019)
- 17.37 CI Campus Industrial District (Ordinance 18-1009; adopted July 3, 2019)
- 17.39 I Institutional District (Ordinance 18-1009; adopted July 3, 2019)
- 17.44 US Geologic Hazards (Ordinance 10-1003; adopted July 7, 2010)
- 17.52 Off-Street Parking and Loading (Ordinance 18-1009; adopted July 3, 2019)
- 17.62 Site Plan and Design Review (Ordinance 18-1009; adopted July 3, 2019)
- 17.80 Communication Facilities (Ordinance 18-1005; adopted May 2, 2018)

These codes have been established and revised over the years. The most recent adopted revision is stated in parentheses.

2. Project Description

The City of Oregon City Public Works Department is implementing a number of projects which all require various changes to the City Code. Those projects are an enhanced Geologic Hazard Code, an Inflow/Infiltration Reduction Pilot Project, a new policy on Undergrounding Existing Overhead Utilities, and policy on Sidewalk Seating and Obstructions of a Sidewalk. Please refer to the *Detailed Summary of Proposed Changes* and the *GLUA 20-0003 Draft Code Revised August 18, 2020*, attached to the staff report for additional detail. Revision to the draft code that occur during the hearings process will be incorporated in updated versions of these two documents.

The proposed code revisions generally address the need for clarifications in technical development review and to address new policy direction on obstructions in the Right of Way. Larger policy questions about how to strike an appropriate balance between development interests and geologic hazard protections should be addressed during the existing Oregon City Comprehensive Plan Update (www.oc2040.com), which looks at broader community policy within a robust public outreach framework which could result in additional code revisions in the future.

Enhanced Geologic Hazard Code

Oregon City is keenly aware of its location in landslide country and its obligation to reduce and mitigate natural hazards risks in its community. Landslides in Newell Creek Canyon in the 1990s and early 2000s spurred action for the City to enhance geologic reporting and construction

requirements in areas of steep slope initially, and later historic landslides areas with the arrival of Lidar data for the region.

In October 2019, the Department of Land Conservation and Development (DLCD) and the Department of Geology and Mineral Industries (DOGAMI) published a new State landslide hazards document titled “Preparing for Landslide Hazards: A Land Use Guide for Oregon Communities” (Exhibit 9). This document provides cities and counties with a high risk of landslides, such as Oregon City, additional tools and analysis to help them better meet Oregon Land Use Goal 7: Natural Hazards (Exhibit 10) by further reducing landslide risk in their communities. This document provides:

“Landslides are a chronic problem in our state, affecting both infrastructure and private property. Approximately 13,048 documented landslides have occurred in Oregon in the last 150 years The combination of geology, precipitation, topography, and seismic activity makes portions of Oregon especially prone to landslides. The Coast Range and the Cascades Range have the most significant landslide hazards in Oregon; these geographic areas and the valley between them contain the bulk of Oregon’s population. We know that precipitation, earthquakes, and human activity are the main triggers of landslides. While we cannot control precipitation and earthquakes, we can change our human activity. Addressing landslide risk is everyone’s responsibility and is codified in Oregon Revised Statute

(ORS) 195.2533: The Legislative Assembly declares that it is the policy of the State of Oregon that: Each property owner, each highway user and all federal, state and local governments share the responsibility for making sound decisions regarding activities that may affect landslide hazards and the associated risks of property damage or personal injury.”¹

As every jurisdiction chooses how best to respond to risk (legal or geologic) and the need to balance the sometimes competing Oregon Land Use Goals and community’s comprehensive Plan and policies, this important document should not be seen as a prescriptive path or regulatory document with approval criteria. Rather, it should be used a guide to help evaluate the effectiveness of a jurisdictions approach to addressing geologic hazards in their community. Oregon City Development Services, does however, see value in referencing the document in the Geologic Hazards code as a background educational document for the public, applicants, and consultants to better understand the context of geologic hazards in development review.

“DOGAMI and DLCD collaborated on this Guide to help Oregon communities reduce potential losses from landslide events. To do this, we identify land use tools and strategies. The Guide is focused on land use planning approaches to reduce landslide hazard risk and is not intended to address the full range of efforts needed for overall landslide risk reduction and hazard preparedness. Land use planning to reduce landslide hazard risk uses comprehensive plan and implementation provisions (e.g., zoning code, building code, and so forth) and is based on science and policy. Science is a basis for policy, implementation, and decision-making, while policies also shape the science that is pursued and obtained. Much of the expressed need for this Guide (Chapter 4, section C, Key Questions from Interviewees, and Chapter 5, section C, Landslide Guide Interviewees’ Key Points) stemmed from communities that pursued and obtained lidar-based land slide mapping with DOGAMI.”²

¹ Preparing for Landslide Hazards: A Land Use Guide for Oregon Communities, 2019 DOGAMI, DLCD (pages ii)

² Preparing for Landslide Hazards: A Land Use Guide for Oregon Communities, 2019 DOGAMI, DLCD (page 2)

The Guide is an omnibus look at geologic hazards within Oregon- with a goal of sharing knowledge/provide guidance to both jurisdictions and the general public within the framework of land use review. Chapters topics include types of landslide hazards, the role of geotechnical engineering, types of mitigation, the role of lidar mapping, review of existing codes, and links to other resources. The importance of lidar mapping is a strong theme in the Guide.

“Lidar, a form of laser technology, has significantly increased the ability to locate and map existing landslides. Lidar allows mappers to see the earth’s surface with a much higher level of detail than has ever been available, and as the technology continues to improve, so too does the level of detail. Lidar imagery even allows mappers to see the ground beneath vegetation and trees, as if the earth had been stripped bare. This gives geologists the ability to identify and map landslide features that may have previously been unrecognized or overlooked”³

As one of the earliest pilot areas, Oregon City has been fortunate to have access to Lidar data since 2006, which greatly influenced previous code changes in 2009/2011. Both during the creation of this current Guide and after its adoption, Oregon City staff consulted with staff from both DOGAMI and DLCD to understand the strengths and weaknesses of the current Geologic Hazards code, how it compared to other jurisdictions, and how it could be strengthened.

The Guide identifies the following features of a strong Geologic Hazard Zoning Cods (p.79.):

- Are supported by and incorporate the best available science-based landslide hazard maps and analysis.
- Have clear submittal requirements and approval criteria.
- Employ factors in addition to slope to determine when a geotechnical report is required.
- Define and establish the qualified geoprofessional(s) for the required report in accordance with state licensing regulations.
- Require geotechnical reports to determine whether a proposed development is within the community’s risk tolerance level and to properly condition development.
- Link requirements to degree of risk and geotechnical report recommendations.
- Address soil stabilization through grading, erosion control, vegetation management, and water management.
- Require monitoring by the geotechnical report author during construction.
- Are enforced.
- Contain strong grading, erosion control, and land use planning codes. These codes provide clarity in what is applicable; protect the people, property, and environment; and are effective in limiting or preventing deleterious soil movement.
- Are based on maps and reports that provide details on the hazard areas.
- Include specific references to the materials used to establish the code provisions (such as maps and reports) and have those materials adopted and incorporated into the regulatory provisions;
- Have clearly identified application materials (with checklists and handouts to help explain the information) and processes of review.

³ Preparing for Landslide Hazards: A Land Use Guide for Oregon Communities, 2019 DOGAMI, DLCD (pages 2-3)

- Have information located on the community's website so that the code is clear and accessible.
- Have replaced outdated Unified Building Code or UBC references with current International Building Code or IBC references in the code.

In October 2019, DLCD and DOGAMI presented their new landslide guide to the Oregon City City Commission. The City Commission directed staff to review the current city code and determine if any enhancements were needed to achieve these objectives.

As part of furthering this effort, DLCD and DOGAMI commended Oregon City for its use of lidar data and generally meeting all the requirements for a strong geohazard code; however, they recommended improved tracking and reporting post development approval. Since that time, City staff have mapped in the City's GIS system all available geotechnical reports and indemnity agreements received from developers so that this information is now available to the public. In addition, staff identified areas where the code was inconsistent, ambiguous or was the source of confusion for applicants and revisions are proposed to address those issues.

The revisions proposed in this code update provide clarification to existing standards, references the new landslide guide, and codifies the waiver program the City currently follows. Construction specifications, calendar exceptions, and retaining wall standards have also been added. Density, review standards, and stormwater standards have been further clarified. In addition to providing additional data, these standards largely codify existing practice. As mentioned above, the more robust policy discussion about the extent to which development on steep slopes should be limited or development interests protected is reserved for consideration with the new comprehensive plan.

Inflow/Infiltration Reduction Pilot Project

This Pilot Project implements new construction recommended from the Sanitary Sewer Master Plan. Construction recommendations including capital improvement projects. Those projects include installing new storm sewers that will allow disconnection of existing storm sewers from the sanitary sewer system. The Plan also recommends the disconnection of private storm sewers from the sanitary sewer system as well as repair of private sanitary sewer laterals. These two construction projects will reduce inflow and infiltration, respectively, minimizing the amount of stormwater treated at the Tri-City Wastewater Treatment Plant. The Pilot Project is a 5-year project within the McLoughlin and Rivercrest neighborhoods. By using flow monitoring pre and post-construction, the City will determine the success of the Pilot Project. If successful and if budget allows, the City will continue beyond these neighborhoods into other areas of the City.

To implement this project, City Code and Sanitary Sewer Design Standards and Chapter 13.08 of the Oregon City Municipal Code need to be amended to address cross-connections, right of entry, condition of service lines, sewer rates, service lateral improvement program, and reduced rates. Other sections: failure to comply with rules and unlawful substances have also been revised. Language has been proposed referencing the state administrative rule outlining that property on septic must connect to City sewer if the septic is failing and if that property is physically (of the proper elevation and within 300 feet) and legally available (in city limits or able to be annexed) to the existing public sewer. The code also now proposes to explicitly disallow any cross-connections - any place where connections of storm sewer connect with sanitary sewer. New party line sewers are proposed to be prohibited. Property owners are explicitly

required to keep their pipes in good condition to prevent infiltration. The proposed code change also gives the right of public works staff to enter the property so that a service can be televised and inspected. The proposed code changes clarify the sewer rate establishment and reduced rate program to be in line with the water rate program. The service lateral improvement program is also proposed to be codified. Lastly, these code revisions designate the following as unlawful substances within sewer lines: Stormwater, Surface water, groundwater, roof runoff, and subsurface drainage. This follows standards engineering practice. A section prohibiting sending stormwater or groundwater to the sanitary sewer system has also been proposed.

In addition to these changes, staff has taken the opportunity to review the entire sanitary sewer Code - Section 13.08 - to ensure it meets best practices and standards. As a result, the code relating to Sewer Connection – Exemptions, Connections to Existing Work, and Applications Outside City Limits have been revised.

Revisions have also been proposed to Section 13.04 of the Oregon City Municipal Code – Water Service - in order to comply with the Sewer Code of 13.08. Various clarifications have been added to be in conformance with current practices and to be consistent with changes in 13.04.

The Sanitary Sewer Design Standards have proposed revisions to add that no stormwater should be conveyed to the sanitary sewer system. In addition, staff took advantage of the Standards being open to allow for a greater number construction materials and processes to be used as well as changes to Drop Manholes to be in conformance with the current industry standards.

Undergrounding Existing Overhead Utilities Policy

The City of Oregon City Municipal Code currently requires all development to place utility lines underground. This code has been interpreted to apply to all new utilities as well as existing utilities. With the rising cost of moving existing utilities underground, the City is proposing changes to existing code to reduce the requirement to only those properties where undergrounding will have a greater impact and where it is proportional to do so.

The proposed changes create limits of when an existing overhead line must be placed underground-if the property is at least 200 feet long, at least 1.0 acre in size, or if the subdivision is 6 lots or more, the undergrounding requirement is waived for existing overhead lines. The code changes propose to more specifically define the public utility easement, being 10 feet in most zones, and 5 feet in certain other urban zones. This addresses a conflict that has existed within practice, policy, and the code for quite some time. Definitions of Easement have been updated to be consistent throughout code.

Sidewalk Obstructions Policy

In December 2019, the City Commission requested a review of the current ROW obstruction policies. In response, a new written policy outlining current practices of the Department with respect to the permitting of sidewalk seating and sidewalk obstructions in the downtown area and 7th Street and amendments to Chapter 12.04 are proposed. These amendments more clearly define the types of obstructions that require a permit.

It should be noted that in summer 2020, the City Commission passed a resolution to waive the fee for sidewalk seating and allow the use of parklets in the right-of-way to address business needs during COVID-19. These code changes are separate from that Resolution. The purpose of the code change is to add a 3rd type of obstruction called 'temporary long term', which would be

for temporary items (not attached to the ground) for a period of 61-365 days. The current code defines a temporary item for 0-60 days, and a permanent (attached) obstruction has an indefinite time period.

If adopted, this code change more clearly defines the temporary use of the right of way for items like sidewalk seating or parklets when meeting criteria set forth by the Public Works Department thru consultation with the City Commission.

1. **To implement the above projects, The City of Oregon City Public Works Department anticipates adopting revisions to the following chapters by Ordinance.** Please refer to the Detailed Summary of Proposed Changes for more information on specific recommend changes.

- 12.04 Streets, Sidewalks, and Public Places
- 13.04 Water Service System
- 13.08 Sewer Regulations
- 13.24 Telecommunications Facilities
- 13.34 Utility Facilities in Public Rights-of-Way
- 16.12 Minimum Public Improvements and Design Standards for Development
- 17.04 Definitions
- 17.08 Low-Density Residential Districts
- 17.10 Medium Density Residential Districts
- 17.12 High-Density Residential Districts
- 17.24 NC Neighborhood Commercial District
- 17.26 HC Historic Commercial District
- 17.29 MUC Mixed-Use Corridor District
- 17.31 MUE Mixed-Use Employment District
- 17.32 C General Commercial District
- 17.34 MUD Mixed-Use Downtown District
- 17.35 Willamette Falls Downtown Design District
- 17.36 GI General Industrial District
- 17.37 CI Campus Industrial District
- 17.39 I Institutional District
- 17.44 US Geologic Hazards
- 17.52 Off-Street Parking and Loading
- 17.62 Site Plan and Design Review
- 17.80 Communication Facilities

The City of Oregon City Public Works Department also proposes the following changes be adopted by Ordinance:

- Sanitary Sewer Design Standards
- Engineering Fee Schedule- *(adopting a new fee for Temporary Long-Term ROW obstruction through a separate process after code amendment approval)*

-

The City of Oregon City Public Works Department also proposes the following changes be adopted by Resolution:

- Sidewalk Obstructions Policy
- Undergrounding Private Utilities Policy

3. Public Notice and Comments

Public Works staff presented the proposal to the public at the following public meetings:

- Citizen Involvement Committee – December 2, 2019
 - o Discussed Inflow/Infiltration Policy
 - o Discussed Undergrounding Overhead Utility Policy
- Development Stakeholders Group – November 14, 2019, and February 13, 2020
(No published meeting minutes available for the 2-12-20 meeting)
 - o Discussed Inflow/Infiltration Policy
 - o Discussed Undergrounding Overhead Utility Policy
 - o Discussed revisions to Geologic Hazards Code
- City Commission Work Session Meeting – December 10, 2019
 - o Discussed Existing unwritten sidewalk policy
- City Commission Work Session Meeting – October 8, 2019
 - o Presentation by DLCD and DOGAMI of new Landslide Guide (No published meeting minutes available)
- Planning Commission – September 23, 2019 (No published meeting minutes available)
 - o Overview of existing Geologic Hazard Code and preview during LEG 19-00003
- City Commission Work Session – June 9, 2020
 - o Presentation of Geologic Hazards Code
- Natural Resource Committee – June 10, 2020
 - o Presentation of Geologic Hazards Code
- City Commission Work Session – June 7, 2020
 - o Presentation of Sidewalk Obstructions and Chapter 16 and 17 revisions
- City Commission Work Session – May 20, 2020
 - o Presentation of Chapter 13 revisions on utilities
- September 23, 2020 Online Geologic Hazards Community Forum. Noticed as part of the Measure 56 Land Use Notice (Exhibit 11)

Only one written comment from AKS Engineering (Exhibit 12a) was received by the public at any of these informational meetings. AKS recommended revisions to sewer specifications, which were added to the revised Sanitary Sewer Design Standards as they provide additional direction for constrained areas and incorporated them into the proposed document.

GLUA 20-00033 LEG-20-00001 Public Works Code Amendments Land Use Public Comment

An overview of the public comment categories submitted to date can be found below. They are separated into technical questions and more policy questions. Please refer to the public comments matrix attached as an exhibit to this staff report for additional detail. The matrix will be updated throughout the Public Hearings process.

Technical Questions

“Preparing for Landslide Hazards: A Land Use Guide for Oregon Communities” (Exhibit 9) As discussed above, the Guide will be added as a reference document in OCMC 17.44 Geologic Hazards this document should not be seen as a prescriptive path or regulatory document with approval criteria. Oregon City Development Services, does, however, see value in referencing the document in the Geologic Hazards code as a background educational document for the public, applicants, and consultants to better understand the context of geologic hazards in development review.

The text of Oregon Land Use Goal 7 should be added or referenced in the code.

Goal 7, Areas Subject to Natural Hazards (Oregon DLCD, is one of the 19 Oregon Statewide Planning Goals.) It contains both requirements and guidelines that are intended to be implemented by local governments as part of their comprehensive plan and zoning efforts. As part of this planning effort, Goal 7 objectives must be balanced against the other goals and implemented in a way that makes sense for Oregon City. Evaluating and balancing the policy objectives set forth in the Goals is done on a city-wide legislative basis rather than as part of individual quasi-judicial development reviews as a means to streamline review as well as avoid ad hoc decision-making. Rather than adopt Goal 7 as a code criterion, the City has elected to to rely on the joint DLCD and DOGAM created Guide, discussed above, which provides more specific guidance on how to best implement the requirements of Goal 7. In fact, DLCD and DOGAMI staff have never raised any concerns that the current Geologic Hazards code does not meet Goal 7 requirements.

How do we trust the staff with the probability of risk based on existing data?

Acknowledging that there is always some risk with any development anywhere, City staff and its licensed consultants are the most qualified to evaluate this risk. They are educated, trained, hold professional engineering licenses and years of experience,. City staff also have geotechnical consultants available through on-call contracts to seek advice and analysis when a second opinion is appropriate. . Staff also rely on the Lidar data provided through DOGAMI and have relationships with DLCD and DOGAMI when needed, additional advisement is warranted.

Need to ensure an active discovery process during construction and not rely on applicant consultants

The City does not rely solely on an applicant consultant. Rather, in addition to staff qualification, the City has four geotechnical consultants available for on-call services. These consultants all have professional engineers, geologists, and structural engineers who can design, analyze, and advise on development or properties that are proposing to do work within a mapped geologic hazard.

Policy Questions Reserved for the 2040 Comprehensive Plan

Clackamas County Multi-Jurisdictional Natural Hazard Mitigation Plan should be added to Comprehensive Plan as part of this project. In 2019, Clackamas County updated this Multi-Jurisdictional Natural Hazards Mitigation Plan (NHMP) to prepare for the long-term effects resulting from hazards. As part of this process, Oregon City also created an updated addendum that is incorporated as part of that Plan. The relevant substance of the updated Plan and addendum will be considered in the upcoming Comprehensive Plan update process, and specific sections may be added or referenced as part of that review.

Holly Lane should be removed from Transportation System Plan, and a grade-separated interchange should be added to the intersection of Highway 213 and Beavercreek Road based on geohazard of Holly Lane area. As part of the 2013 Transportation Plan update, the City removed the grade-separated interchange at 213 and Beavercreek Road as a transportation project. Any discussion about Transportation Plan projects and their relationship with natural hazards can and should occur during the

upcoming Comprehensive Plan update process, where these larger policy questions can be discussed with the context of all the State Land Use Goals and Oregon City Comprehensive Plan policies.

OCMC 17.44 Geologic Hazard Overlay should further restrict development. Oregon City is not doing enough, especially in very high-risk areas, and reductions in density should not be based on lots of record; they should be based on the area of the historic landslide. Any large-scale changes in the Geologic Hazards code that affect larger policy questions, such as striking the best balance between housing needs, hazard risk, and property rights, will be addressed during the existing Oregon City Comprehensive Plan Update (www.oc2040.com), which looks at broader community policy within a robust public outreach framework and could result in additional code revisions in the future.

II. DECISION-MAKING CRITERIA

Chapter 17.68 - Zoning Changes and Comprehensive Plan Amendments

17.68.010 - Initiation of the amendment.

A text amendment to the comprehensive Plan, or an amendment to the zoning code or map or the Comprehensive Plan map, may be initiated by:

- A. A resolution request by the City Commission;*
- B. An official proposal by the Planning Commission;*
- C. An application to the Planning Division; or.*
- D. A Legislative request by the Planning Division.*

All requests for amendment or change in this title shall be referred to the Planning Commission.

Finding: Complies as Proposed. The proposal qualifies as initiated as a legislative request by the Public Works Director.

17.68.015 –Procedures.

Applications shall be reviewed pursuant to the procedures set forth in Chapter 17.50.

17.50.170 - Legislative hearing process.

A. Purpose. Legislative actions involve the adoption or amendment of the City's land use regulations, comprehensive Plan, maps, inventories and other policy documents that affect the entire City or large portions of it. Legislative actions which affect land use shall begin with a public hearing before the planning commission.

B. Planning Commission Review.

1. Hearing Required. The planning commission shall hold at least one public hearing before recommending action on a legislative proposal. Any interested person may appear and provide written or oral testimony on the proposal at or prior to the hearing. The community development director shall notify the Oregon Department of Land Conservation and Development (DLCD) as required by the post-acknowledgment procedures of ORS 197.610 to 197.625, as applicable.

Finding: Complies as Proposed. This legislative action will follow the procedures found in OCMC 17.50.170 including meetings with the Planning Commission, and City Commission where applicable.

17.68.020 - Criteria.

The criteria for comprehensive plan amendment or text or map amendment in the zoning code are set forth as follows:

A. The proposal shall be consistent with the applicable goals and policies of the comprehensive Plan;

Finding: Complies as Proposed. This legislative action will be consistent with the applicable goals and policies of the Comprehensive Plan. Therefore, the proposed amendments are consistent with Criterion (A).

The proposed code changes implement several ancillary plans to the Oregon City Comprehensive Plan. Regular Updates to Ancillary Documents like the Sewer Master Plan assure consistency with the Oregon City Comprehensive Plan. The applicable sections of the Comprehensive Plan are addressed below as well as State Land Use Goals. No revisions to the Master Plans or Comprehensive Plan are proposed.

The 2004 Oregon City Comprehensive Plan contains criteria for approving changes to the comprehensive Plan and ancillary documents. Review of the Comprehensive Plan should consider:

1. Plan implementation process.
2. Adequacy of the Plan to guide land use actions, including an examination of trends.
3. Whether the Plan still reflects community needs, desires, attitudes and conditions. This shall include changing demographic patterns and economics.
4. Addition of updated factual information including that made available to the City of regional, state and federal governmental agencies.

“Statements of Principle - Page 3.

Provide efficient and cost-effective services. Water, sewer, fire protection, police services, streets, storm drainage, and other public services are directly affected by land-use decisions. This Plan ensures that land-development decisions are linked to master plans for specific services such as water or sewer and to capital improvement plans that affect budgets and require taxes to build. The City Commission believes that citizens are economically well-served through compact urban form, redevelopment of existing areas, and public investments (for example, street improvements) that are carefully tied to private investments when development occurs.”

“Implementing the Plan – Page 4

The Oregon City Comprehensive Plan is implemented through City Codes, **ancillary plans**, concept plans, and master plans.

Ancillary plans are adopted by the City Commission for such things as parks and recreation, transportation systems, water facilities, and sewer facilities. Usually prepared by City departments through a public process, ancillary plans are approved by the City Planning Commission and adopted by the City Commission to provide operational guidance to city

departments in planning for and carrying out city services. These plans are updated more frequently than the comprehensive Plan.”

“Ancillary Plans. – Page 15

Since 1982, several documents have been adopted as ancillary to the 1982 Comprehensive Plan: the *Public Facilities Plan* (1990), *Oregon City Transportation System Plan* (2001), *Oregon City Downtown Community Plan* (1999), *Oregon City Waterfront Master Plan* (2002), *City of Oregon City Water Master Plan* (2003), *City of Oregon City Sanitary Sewer Master Plan (2003)*, *Drainage Master Plan* (1988, updated in 1999 as the *City of Oregon City Public Works Stormwater and Grading Design Standards*), *Caufield Basin Master Plan* (1997), *South End Basin Master Plan* (1997), *Molalla Avenue Boulevard and Bikeway Improvements Plan* (2001), the *Oregon City Park and Recreation Master Plan* (1999), and the *Oregon City Trails Master Plan* (2004).”

Applicable Comprehensive Plan and Statewide Planning Goals and Policies

Goal 7.1 Natural Hazards

Protect life and reduce property loss from the destruction associated with natural hazards.

Policy 7.1.1

Limit loss of life and damage to property from natural hazards by regulating or prohibiting development in areas of known or potential hazards.

Policy 7.1.8

Provide standards in City Codes for planning, reviewing, and approving development in areas of potential landslides that will prevent or minimize potential landslides while allowing appropriate development.

Finding: Complies as Proposed. This legislative update includes revisions to the Geologic Hazard Code Chapter 17.44. The goal of the code amendments is to address concerns we have heard from the public and the elected officials as well as ensure the code conforms to the document titled “Preparing for Landslide Hazards : A Land Use Guide for Oregon Communities” which was published in October 2019 by the Department of Land Conservation and Development (DLCD) and the Department of Geology and Mineral Industries (DOGAMI).

Although the revisions do not map any new or expand existing mapped landslide areas or steep slopes, the revisions provide clarity and consistency between when the geologic hazard code applies and when development is exempt. The revisions include a reference to the new State landslide document. This reference is made in addition to other State Documents that are to be referenced when reviewing a site for geologic hazards. It is merely another reference to ensure a fully thought out review of the mapped geologic hazard. The revisions also include additional requirements to address stormwater impacts to a mapped geologic hazard and clarifies that an existing mapped geologic hazard can include steep slopes or historic landslide areas.

Other miscellaneous improvements have been made. The waiver process that the City has been using via in-house policy is now proposed to be codified. Additional criteria have been added to determine

when a site work may occur outside of the codified months of the year. Retaining wall design requirements have been added. Language has been added, ensuring indemnification documents are recorded and run with the property.

These revisions improve or enhance the protection of life and property by implementing current scientific understanding of landslide susceptibility for lands currently mapped within the Geologic Hazard Overlay, ensuring that these conditions will be addressed by the applicants during the development review process. Including the DOGAMI landslide guide as an application submittal requirement will offer city staff and its consultants a better understanding of current conditions allowing them to make decisions about development that will reduce the likelihood of loss of life or property.

Goal 9.1 Improve Oregon City's Economic Health

Provide a vital, diversified, innovative economy including an adequate supply of goods and services and employment opportunities to work toward an economically reasonable, ecologically sound and socially equitable economy

Finding: Complies as Proposed. This legislative code update will continue to provide a vibrant economy by ensuring downtown businesses can use sidewalks in a way that is beneficial, by reducing stormwater from entering the sanitary system reducing unneeded treatment at the sewer treatment plant which in turn keeps rates low, and by exempting smaller developments from the requirement of relocating overhead utilities underground in turn reducing the cost to develop.

The Sidewalk Code in Chapter 12.04 is proposed to be amended to include standards for sidewalk seating in the right of way as a long term permanent obstruction. This will allow seating to be used for downtown businesses in a way that supplements the business while also allowing for pedestrian movements. This will help in the economic vitality of those businesses. The code amendment also allows for businesses to provide sidewalk sales on a seasonal basis, whereas currently, the code restricts those sales. This amendment should also assist in the economic vitality of those businesses.

The sewer code amendments set forth in OCMC 13.08 will be amended to require that all stormwater be redirected from the sanitary system back to the stormwater system. Currently, due to the City originally consisting of a combined sewer system, many older areas of the City remain connected improperly to the sanitary system, which contributes unnecessary flows to the Tri-City Wastewater Treatment Plant. As that Plant near capacity, rates and system development charges have had to be raised to add new infrastructure. This code amendment will reduce the flows and ensure that no future expansion will be needed beyond what new housing requires. The effect will be to stabilize sewer rates and system development charges rather than a continued substantial increase to those fees.

Amendments to OCMC Chapter 16.12 will exempt the current requirement that all existing overhead utilities be relocated underground. This imposes an undue burden on smaller developments with very little benefit to the neighborhood. While undergrounding is a requirement that reduces visual air pollution, which can stagnate property values, it only makes an impact when completed in a larger manner. This code amendment has the potential to retain or improve property values while also reducing the burden on developments.

Goal 9.2 Cooperative Partnerships

Create and maintain cooperative partnerships with other public agencies and business groups interested in promoting economic development.

Policy 9.2.1

Seek input from local businesses when making decisions that will have a significant economic impact on them.

Policy 9.2.2

Carefully consider the economic impacts of proposed programs and regulations in the process of implementing the City's Comprehensive Plan.

Policy 9.2.3

Simplify, streamline, and continuously improve the permitting and development review process.

Finding: Complies as Proposed. This legislative code amendment has been proposed as a response to what other public agencies, local business, and citizens have conveyed to the City.

Tri-City Sewer Treatment Plant, operated by Water Environment Services(WES), is nearing capacity, and WES has requested a reduction of stormwater flows into the sanitary sewer system. This is completed by inflow and infiltration reduction and is implemented by policy and code changes in OCMC Chapter 13.08.

The Downtown Oregon City Association and Oregon City Chamber of Commerce are partners with respect to the vitality of downtown businesses. The Chamber of Commerce requested the City review its policies with respect to sidewalk obstructions and temporary obstructions. Proposed amendments to OCMC Chapter 12.04 are in response to this request.

In October, 2019, DOGAMI / DLCD issued a document entitled "Preparing for Landslide Hazards: A Land Use Guide for Oregon Communities.". In response, the Oregon City Planning Commission, the Oregon City City Commission, and citizens, proposed amendments to OCMC Chapter 17.44 have to address the Guide recommendations.

The Oregon City Development Stakeholders Group (DSG) requested the City look at the requirement to underground existing overhead utilities. During this investigation, the City met with Portland General Electric(PGE) to discuss the reasons this requirement has become expensive compared to previous years. In that discussion, a conversation also occurred concerning the provision for a Public Utility Easement (PUE) commonly used for electric, gas, telephone, cable, fiberoptic franchise utilities. While OCMC Chapters 13.24 and 13.34 provide regulation on franchise utilities, the development code had only minor references to the PUE. The code amendments within OCMC Chapter 16.12 reflect the discussions with not only PGE and the DSG, but also the City of Oregon City Community Development Department. These discussions led to the proposed revisions of not only reducing the undergrounding requirement but also more clearly regulating the provision for and use of the PUE.

All revisions relate to economic impacts and are intended to streamline the development process by providing clarity and common-sense solutions recommended by these proposed revisions.

Goal 11.1 Provision of Public Facilities

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

Policy 11.1.2

Provide public facilities and services consistent with the goals, policies and implementing measures of the Comprehensive Plan, if feasible.

Policy 11.1.4

Support development on underdeveloped or vacant buildable land within the city where public facilities and services are available or can be provided and where land-use compatibility can be found relative to the environment, zoning, and Comprehensive Plan goals.

Policy 11.1.5

Design the extension or improvement of any major public facility and service to an area to complement other public facilities and services at uniform levels.

Policy 11.1.7

Develop and maintain a coordinated Capital Improvements Plan that provides a framework, schedule, prioritization, and cost estimate for the provision of public facilities and services within the City of Oregon City and its Urban Growth Boundary.

Finding: Complies as Proposed. This legislative code amendment relates to the provision of public facilities while also implementing Capital Improvement Plans.

Concerning proposed amendments to OCMC Chapter 12.04 on sidewalks and temporary obstructions, the purpose is to ensure the public sidewalk is maintained for use by the public while also allowing it to be used for seating for adjacent businesses.

Concerning proposed amendments to OCMC Chapter 13.08, the sewer amendments implement plans and programs set forth in the Sanitary Sewer Master Plan.

Proposed amendments to OCMC Chapter 16.12 provide a clearer definitive space for the franchise utilities to be located so that their service can be provided to all developments with ease of maintenance and reduced disruption of service.

Proposed amendments to OCMC Chapter 17.44 support safe development on underdeveloped or vacant buildable land where utilities exist and ensure that these developments are designed in a safer, effective, and more sustainable manner based on the current science available for geologic hazards.

Goal 11.2 Wastewater

Seek the most efficient and economic means available for constructing, operating, and maintaining the City's wastewater collection system while protecting the environment and meeting state and federal standards for sanitary sewer systems.

Policy 11.2.2

Plan, operate and maintain the wastewater collection system for all current and anticipated city residents within the existing Urban Growth Boundary. Plan strategically for future expansion areas.

Policy 11.2.4

Seek economical means to reduce inflow and infiltration of surface- and groundwater into the wastewater collection system. As appropriate, plant riparian vegetation to slow stormwater, and to reduce erosion and stream sedimentation.

Policy 11.2.5

Implement the City's wastewater policies through the *City of Oregon City Sanitary Sewer Master Plan*.

Finding: Complies as Proposed. This legislative code amendment proposes changes to OCMC Chapter 13.08 concerning sewer flows. These amendments are necessary to implement the inflow and infiltration (I&I) reduction plan. These amendments implement the City of Oregon City Sanitary Sewer Master Plan.

Goal 11.7 Private Utility Operations

Coordinate with utilities that provide electric, gas, telephone and television cable systems, and high-speed internet connection to Oregon City residents to ensure adequate service levels.

Policy 11.7.1

Require local service lines in new subdivisions be placed underground.

Policy 11.7.2

Coordinate with private utility providers to install infrastructure during Street construction and maintenance to reduce the need to repeatedly cut into newly paved streets.

Policy 11.7.3

Adopt lighting practices in streets and other public facilities, and encourage them in private development, that reduce glare, light pollution, light trespass, and energy use, while maintaining even lighting ensuring good visibility and safety for the public.

Policy 11.7.4

Encourage development of broadband networks in street rights-of-way in a coordinated way to provide state-of-the-art technology to residents.

Finding: Complies as Proposed. This legislative code amendment provides for an appropriate Public Utility Easement (PUE) for the franchise utilities (electric, gas, telephone, cable, fiberoptic) and provides exemptions for the relocation of existing overhead utilities to underground. This exemption will not change the requirement to install all new utilities underground to be in line with Policy 11.7.1. The Pavement Cut Standards are not proposed to be amended as part of these amendments; therefore, Policy 11.7.2 is retained. No changes to the lighting requirements are proposed; therefore, Policy 11.7.3 is retained. The details and clarification of the PUE will improve the execution of Policy 11.7.4.

Goal 12.5 Safety

Develop and maintain a transportation system that is safe.

Policy 12.5.1

Identify improvements that are needed to increase the safety of the transportation system for all users.

Policy 12.5.2

Identify and implement ways to minimize conflict points between different modes of travel.

Policy 12.5.3

Improve the safety of vehicular, rail, bicycle, and pedestrian crossings.

Finding: Complies as Proposed. These legislative code amendments will enhance safety thru the proposed revisions to OCMC 12.04 and 17.44. By ensuring proper space for pedestrians on sidewalks by regulating the seating in the right of way through the changes to the temporary obstruction codes, safety will be improved for pedestrians. By providing more stringent standards to the geologic hazard code, developers of vacant property will have safer properties to build on and those properties that could be affected by a landslide are less likely impacted.

Goal 13.1 Energy Sources

Conserve energy in all forms through efficient land-use patterns, public transportation, building siting and construction standards, and city programs, facilities, and activities.

Finding: Complies as Proposed. This legislative code amendment will not affect the City's adopted public facilities master plans.

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

Finding: Complies as Proposed. This legislative action will have no negative effect on the provision of public facilities and services.

Inflow/Infiltration : The amendments to OCMC 13.04 and 13.08 will have no negative effect on the public water and sewer systems. In fact, the proposed amendments will improve the public systems by reducing the negative effects of inflow and infiltration currently being experienced by the system. These amendments implement improvements from the City's Sanitary Sewer and Stormwater Master Plans. Zoning is not impacted by this amendment. These amendments allow for proper implementation of the City's Stormwater and Grading Standards and Sanitary Sewer Standards.

Undergrounding overhead utilities and revising development standards as they relate to the Public Works Standards: The amendments to OCMC 13.24, 13.34, 16.12, and Chapter 17 will have no negative effect on the public transportation system. Reducing the requirement of moving existing utilities underground will retain more physical space for the transportation system and other utilities that may be needed within the public right of way. No impact to the City's Transportation System Plan or Utility Master Plans is anticipated. These amendments will not affect the zoning designations for any lands. However, these amendments will address conflicts within current development standards relating to the provision of a PUE and adjustments to how setbacks are measured as a result as well as limiting development review for activities occurring solely with the City right-of-way. This amendment will remove those conflicts and let zoning standards and public works standards apply in concert with one another.

Sidewalks: The amendments to OCMC 12.04 will have no negative effect on the public transportation system. The amendment and subsequent policy will provide guidelines and requirements for the use of the public right of way, which should reduce the negative impacts experienced in the traveled way. This

amendment ensures proper space for sidewalks as described in the City's Transportation System Plan. Zoning is not affected by this amendment.

Geologic Hazards: The amendments to OCMC 17.44 will have no negative effects to public transportation or utility systems. The amendments strengthen requirements to those properties seeking development within geologic hazards. This will enhance the safety of utilities and roadways and will further minimize negative impacts to those systems. No utility or transportation master plan is affected by this amendment. This amendment does not affect zoning. The current properties with mapped geologic hazards will remain as mapped.

Therefore, the proposed amendments are consistent with Criterion (B).

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

Finding: Complies as Proposed.: Not applicable. None of the proposed amendments will have any impact on the existing or planned functions, capacity, and level of service of the transportation system. Therefore, the proposed amendments are consistent with Criterion (C).

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

STATEWIDE PLANNING GOAL 1:

To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

Finding: Complies as Proposed. This goal is implemented through the applicable Goals and Policies in Section 1 of the Oregon City Comprehensive Plan: Citizen Involvement. Development of the Plan included a public involvement effort. The applicant, Oregon City Public Works Department, has presented the update for input to the Development Stakeholders Group on May 9, 2019. The update was provided on the City's website during the months of February through May 2019. Local civil engineering consultants and developers were notified via email on February 5, 2019 and April 24, 2019. The standards were presented in a City Commission Work Session on May 7, 2019. The City Commission considered these standards for approval on July 17, 2019. An online Geologic Hazards Community Forum was held on September 23, 2020, which was noticed as part of the Measure 56 Land Use Notice sent to all Oregon City households.

September 23, 2020, Virtual online Community Forum

The purpose of the Community Forum was to educate the public on the municipal code with respect to geotechnical issues, educate the public on various facets of geotechnical science, and to listen to concerns from the public so that the City may implement the best-revised code possible as it looks to update existing codes. The Community Forum consisted of a panel of speakers who spoke about geologic hazards in general, as well as the recommended code revisions. The meeting also contained a Question & Answer session. A link to the video will be added to the staff report as soon as it is uploaded to the city website.

Panel Members and Speaking Topics :

- Dr. Scott Burns, PhD - Portland State University, Department of Geology

Slopes and when to be concerned. History of Oregon City.

- George Freitag, CEG, LEG, LHG - GRI, Principal

Rainfall relationship to geologic hazards

- Tim Pfeiffer, PE, GE - Foundation Engineering, Senior Geotechnical Engineer

Geologic and Geotechnical Basis for the City of Oregon City Geologic Hazards Code

- Tricia Sears, Natural Hazards Planner - Dept. Of Land Conservation and Development (DLCD)

Geologic Hazards Planning in Oregon

- Josh Wheeler, PE - City of Oregon City, Assistant City Engineer

Proposed Code Updates to OCMC 17.44

STATEWIDE PLANNING GOAL 2:

To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Finding: Complies as Proposed. This goal is implemented through the applicable Goals and Policies in Section 2 of the Oregon City Comprehensive Plan: Land Use. Because the Plan is an ancillary document to the City's Comprehensive Plan, the application was processed pursuant to the legislative hearing process outlined in Section 17.50.170 of the Oregon City Municipal Code.

Goal 2 also provides that the public and "affected governmental units" be given the opportunity to review and comment on proposed amendments. In furthering that effort, the City has provided the Oregon Department of Fish and Wildlife notice of the proposed amendment and requested comment and no response was received.

STATEWIDE PLANNING GOAL 3: Agricultural Lands and GOAL 4: Forest Lands

Finding: Not Applicable. By definition, Oregon City does not have rural resource lands such as for agricultural or forest use within its city limits or UGB, and therefore, those goals are not applicable.

STATEWIDE PLANNING GOAL 5:

To protect natural resources and conserve scenic and historic areas and open spaces.

Finding: Complies as Proposed OAR 660-023-0250 specifies the circumstances that trigger Goal 5 review. In relevant part, an amendment affects a Goal 5 resource if the PAPA "amends a resource list or a portion of an acknowledged plan or land use regulation adopted in order to protect a significant Goal 5 resource." The proposed amendments do not amend any Goal 5 adopted resource list or any standard adopted in order to protect Goal 5 resources. Therefore, this Goal is met. These amendments further Goal 5 objectives by providing more rigorous review and greater clarity in the Natural Hazards Chapter 17.44 amendments. By clarifying and enhancing the geologic hazard code, natural resources will receive increased protection. The code revisions require stormwater evaluation, which relates to groundwater as well as overland flow and requires the applications to address any downstream impacts ore regional impacts relating to stormwater flow, which in some cases relates to designated Natural Resources. No other code revisions relate to Goal 5. See responses under Comprehensive Plan Goal 7.1 for more information.

The first step in the general Goal 5 process is to compile an inventory of resources to determine which resources are significant. OAR 660-023-0030. The proposed amendment does not alter or amend the City's riparian or wetland inventories.⁴ The quantity, quality, and significance determinations for riparian resources similarly remain unchanged. Therefore, this inventory analysis step is not applicable to the City's adoption of The Geologic Hazards Overlay District Code amendments, or the other revisions to utility standards. The second step is determining a program to achieve Goal 5 based on "an analysis of the economic, social, environmental, and energy (ESEE) consequences that could result from a decision to allow, limit, or prohibit a conflicting use." OAR 660-023-0040. A "conflicting use" is defined by OAR 660-023-0010 to include "a land use, or other activity reasonably and customarily subject to land use regulations, that could adversely affect a significant Goal 5 resource."

The proposed amendments add clarity to the existing standard; they generally do not further restrict or allow development. To the extent, changes occur, the only effects will be to further limit development that could conflict with riparian areas in favor of providing greater protection for Goal 5 inventoried riparian resources. Given that the proposed amendments will have a negligible impact on development, compliance with Goal 5 can be achieved through a very limited ESEE analysis. As a result, examples of the clarifications, along with a discussion of the identified ESEE consequences include:

- Additional requirements to address stormwater impacts to a mapped geologic hazard and clarifies that an existing mapped geologic hazard can either include steep slopes or historic landslide areas or both.

With the minor amendments to the Geologic Hazards Overlay District Code amendments, the City has chosen to amend its program to achieve Goal 5 with respect to inventoried riparian resources by adopting additional measures to protect those resources from an identified conflicting development uses.

STATEWIDE PLANNING GOAL 6: Air and Water Quality

To maintain and improve the quality of the air, water and land resources of the state

Finding: Complies as Proposed. This application meets Goal 6 by how it addresses removing stormwater from the sanitary sewer system in the Code revisions of 13.08. This will improve the function of the Tri City Wastewater Treatment Plant as regulated by the Department of Environmental Quality (DEQ). See response under Comprehensive Plan Goal 11.2 for more information.

STATEWIDE PLANNING GOAL Goal 7: Areas Subject to Natural Hazards

To protect life and property from natural disasters and hazards.

Finding: Complies as Proposed This legislative update includes revisions to the Geologic Hazard Code Chapter 17.44. The goal of the code amendments is to address concerns we have heard from the public

and the elected officials as well as ensure the code conforms to the document titled “Preparing for Landslide Hazards : A Land Use Guide for Oregon Communities” which was published in October 2019 by the Department of Land Conservation and Development (DLCD) and the Department of Geology and Mineral Industries (DOGAMI).

Although the revisions do not map any new or expand existing mapped landslide areas or steep slopes, the revisions provide clarity and consistency between when the geologic hazard code applies and when development is exempt from further review. The revisions include a reference to the new State landslide document that should be considered by applicants and result in a more robust analysis occurring as part of development review. The proposed code revisions also include additional requirements to address stormwater impacts to a mapped geologic hazard and clarifies that an existing mapped geologic hazard can either include steep slopes or historic landslide areas or both.

Other miscellaneous improvements have been made, including:

- The waiver of review in very limited circumstances where the impact of development are deemed to have a *de minimis* impact, as consistent with current city policy. requirements .
- Additional criteria that dictate when site work may occur.
- Retaining wall design requirements have been added.
- Language has been added ensuring indemnification documents are recorded and run with the property.

These revisions improve or enhance the protection of life and property by ensuring current science concerning landslide susceptibility will be addressed. By referencing the new DOGAMI landslide guide, the review requirements have added an additional tool to ensure potential landslide impacts are addressed. Additional tools should make the analysis more informed, potentially leading to reduced risk. If adopted, these standards will be implemented for the review and approval of properties with mapped geologic hazards.

STATEWIDE PLANNING GOAL Goal 9: Economic Development

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Finding: Complies as Proposed. This legislative code update will continue to provide a vibrant economy by ensuring downtown businesses can use sidewalks in a way that is beneficial by reducing stormwater from entering the sanitary system reducing unneeded treatment at the sewer treatment plant which in turn keeps rates low, and by exempting smaller developments from the requirement of relocating overhead utilities underground, in turn, reducing the cost to develop.

The Sidewalk Code in Chapter 12.04 is proposed to be amended to include standards for sidewalk seating in the right of way as a long term permanent obstruction. This will allow seating to be used for downtown businesses in a way that supplements the business while also allow for pedestrian movements. This will help in the economic vitality of those businesses. The code amendment also allows for businesses to provide sidewalk sales on a seasonal basis, whereas now the code restricts those sales. This amendment should also assist in the economic vitality of those businesses.

The sewer code amendments set forth in OCMC 13.08 will be amended to require all stormwater to be redirected from the sanitary system back to the stormwater system. Currently, due to the City originally consisting of a combined sewer system, many older areas of the City remain connected improperly to the sanitary system, which contributes unnecessary flows to the Tri-City Wastewater Treatment Plant.

As that Plant nears capacity, rates and system development charges have had to be raised to add new infrastructure. This code amendment will reduce the flows and ensure that no future expansion will be needed beyond what new housing will require stable rates and system development charges rather than a continued substantial increase to those fees.

Amendments to OCMC Chapter 16.12 will exempt the current requirement that all existing overhead utilities shall be relocated underground. This provides an undue burden on smaller developments with very little benefit to the neighborhood. While undergrounding is a requirement that reduces visual air pollution, which can stagnate property values, it only makes an impact when completed in a larger manner. This code amendment has the potential to retain or improve property values while also reducing the burden on development.

Revisions to the Geologic Hazards Overlay District provided additional clarity in the development review process for all parties. Reducing uncertainty provides real value in the larger analysis a property owner makes in determining if a site will be developed or not.

STATEWIDE PLANNING GOAL 10: Housing

To provide for the housing needs of citizens of the state.

Finding: Complies as Proposed. Revisions to 16.12 and 17.44 positively impact housing. By reducing the burden on smaller developments through exemptions for undergrounding existing overhead utilities, the amendments will make developments cost-effective; therefore, enhancing the likely development of the City's buildable lands. By strengthening the geologic hazard code, the lands become more buildable with less risk due to the rigorous reviews necessary to ensure the site is safe. Without this code revisions, a site may have become unbuildable due to the lack of certainty.

STATEWIDE PLANNING GOAL 11: Urban Development

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Finding: Complies as Proposed. This goal is implemented through the applicable Goals and Policies in Section 11 of the Oregon City Comprehensive Plan: Public Facilities. As stated in Section 11, the Code amendments are necessary to maintain compliance with Statewide Planning Goal 11, Public Facilities. Goal 11 requires that public facilities and services be provided in a timely, orderly, and efficient manner. The goal's central concept is that local governments should plan public services in accordance with the community's needs as a whole rather than be forced to respond to individual developments as they occur. The proposed municipal code amendments are created to serve the health, safety, education, welfare, and recreational needs of all Oregon City residents through the planning and provision of adequate public facilities.

Goal 12: Transportation

To provide and encourage a safe, convenient and economic transportation system.

Finding: Complies as Proposed. Revisions to 12.04 enhance the pedestrian areas in the downtown area by ensuring proper areas are available for pedestrians while also allowing for sidewalk seating. Revisions to 16.12 allow for a proper Public Utility Easement (PUE) to ensure the actual right of way is clear of any additional utilities that could cause disruptions to service when under maintenance or create additional obstructions due to the settlement of sidewalk and roadways.

17.68.025 - Zoning for land annexed into the City.

Upon annexation into the City, the property shall be rezoned from County zoning to the corresponding City zoning designation as identified in Table 17.06.030, provided the criteria for a zone change can be met.

Finding: Not applicable. No land is being rezoned as part of this legislative application.

17.68.040 - Approval by the Commission. If the Planning Commission finds that the request or application for an amendment, or change, complies with the criteria of OCMC 17.68.020, it shall forward its findings and recommendation to the City Commission for action thereon by that body.

Finding: Not applicable. No Planning Commission recommendation will relate to OCMC 17.68.020 as no rezoning or annexation is occurring with this legislative application.

17.68.050 - Conditions.

In granting a change in zoning classification to any property, the Commission may attach such conditions and requirements to the zone change as the Commission deems necessary in the public interest and such conditions and restrictions shall thereafter apply to the zone change or map amendment.

Finding: Not applicable. No land is being rezoned as part of this legislative application.

Chapter 17.50 Administration and Procedures

17.50.050 – Pre-application conference.

- A. *Pre-application Conference. Prior to a Type II – IV or Legislative application, excluding Historic Review, being deemed complete, the applicant shall schedule and attend a pre-application conference with City staff to discuss the proposal, unless waived by the Community Development Director. The purpose of the pre-application 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.*
 - 1. *To schedule a pre-application conference, the applicant shall contact the Planning Division, submit the required materials, and pay the appropriate conference fee.*
 - 2. *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.*
 - 3. *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 pre-application conference.*
- B. *A pre-application 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 shall schedule and attend another conference before the City will accept a permit application. The Community Development Director may waive the pre-application requirement if, in the Director's opinion, the development has not changed significantly and the applicable municipal code or standards have not been significantly amended. In no case shall a pre-application conference be valid for more than one year.*
- C. *Notwithstanding any representations by City staff at a pre-application 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.*

Finding: Complies as Proposed. Public Works attended PA 19-69 on December 3, 2019

17.50.055 - Neighborhood association meeting.

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.

- A. Applicants applying for annexations, zone change, comprehensive plan amendments, conditional use, Planning Commission variances, subdivision, or site plan and design review (excluding minor site plan and design review), general development master plans or detailed development plans applications shall schedule and attend a meeting with the City-recognized neighborhood association in whose territory the application is proposed no earlier than one year prior to the date of application. Although not required for other projects than those identified above, a meeting with the neighborhood association is highly recommended.*
- B. The applicant shall request via email or regular mail a request to meet with the neighborhood association chair where the proposed development is located. The notice shall describe the proposed project. A copy of this notice shall also be provided to the chair of the Citizen Involvement Committee.*
- C. A meeting shall be scheduled within thirty days of the date that the notice is sent. A meeting may be scheduled later than thirty days if by mutual agreement of the applicant and the neighborhood association. If the neighborhood association does not want to, or cannot meet within thirty days, the applicant shall host a meeting inviting the neighborhood association, Citizen Involvement Committee, and all property owners within three hundred feet to attend. This meeting shall not begin before six p.m. on a weekday or may be held on a weekend and shall occur within the neighborhood association boundaries or at a City facility.*
- D. If the neighborhood association is not currently recognized by the City, is inactive, or does not exist, the applicant shall request a meeting with the Citizen Involvement Committee.*
- E. To show compliance with this section, the applicant shall submit a copy of the email or mail notice to the neighborhood association and CIC chair, a sign-in sheet of meeting attendees, and a summary of issues discussed at the meeting. If the applicant held a separately noticed meeting, the applicant shall submit a copy of the meeting flyer, postcard or other correspondence used, and a summary of issues discussed at the meeting and submittal of these materials shall be required for a complete application.*

Finding: Complies as Proposed. Attendance at the Citizen Involvement Committee occurred on December 2, 2019 concerning the inflow/infiltration Policy and Code Amendments and the Undergrounding Overhead Utility Policy and Code amendments. The Citizen Involvement Committee was also invited to participate in the September 23, 2020 Geologic Hazards Webinar, which included a question and answer portion.

17.50.070 - Completeness review and one hundred twenty-day rule.

- C. Once the Community Development Director determines the application is complete enough to process, or the applicant refuses to submit any more information, the City shall declare the application complete. Pursuant to ORS 227.178, the City will reach a final decision on an application within one hundred twenty calendar days from the date that the application is determined to be or deemed complete unless the applicant agrees to suspend the one hundred twenty calendar day time line or*

unless State law provides otherwise. The one hundred twenty-day period, however, does not apply in the following situations:

- 1. Any hearing continuance or other process delay requested by the applicant shall be deemed an extension or waiver, as appropriate, of the one hundred twenty-day period.*
 - 2. Any delay in the decision-making process necessitated because the applicant provided an incomplete set of mailing labels for the record property owners within three hundred feet of the subject property shall extend the one hundred twenty-day period for the amount of time required to correct the notice defect.*
 - 3. The one hundred twenty-day period does not apply to any application for a permit that is not wholly within the City's authority and control.*
 - 4. The one hundred twenty-day period does not apply to any application for an amendment to the City's comprehensive plan or land use regulations nor to any application for a permit, the approval of which depends upon a plan amendment.*
- D. A one-hundred day period applies in place of the one-hundred-twenty day period for affordable housing projects where:*
- 1. The project includes five or more residential units, including assisted living facilities or group homes;*
 - 2. At least 50% of the residential units will be sold or rented to households with incomes equal to or less than 60% of the median family income for Clackamas County or for the state, whichever is greater; and*
 - 3. Development is subject to a covenant restricting the owner and successive owner from selling or renting any of the affordable units as housing that is not affordable for a period of 60 years from the date of the certificate of occupancy.*
- E. The one hundred twenty-day period specified in OCMC 17.50.070.C or D may be extended for a specified period of time at the written request of the applicant. The total of all extensions may not exceed two hundred forty-five calendar days.*
- F. The approval standards that control the City's review and decision on a complete application are those which were in effect on the date the application was first submitted.*

Finding: Complies as Proposed.

Not applicable. Legislative actions are not subject to this standard.

Exhibits

1. Public Works Code Amendments Overview
2. Public Works Code Amendments FAQ
3. Detailed Summary of Proposed Changes
4. GLUA 20-0003 Draft Code Revised September 21, 2020
5. Sanitary Standards -Proposed Revisions
6. Sidewalk Obstruction Policy
7. Undergrounding Utilities Policy- Proposed Revisions
8. Applicant's Narrative
9. Preparing for Landslide Hazards A Land Use Guide For Oregon Communities
10. Goal 7 Natural Hazards
11. September 23, 2020, Geologic Hazards Community Forum- *video link will be added to the record when available.*
12. Public Comments
 - a. Public Comment Matrix (as of 9.21.20)

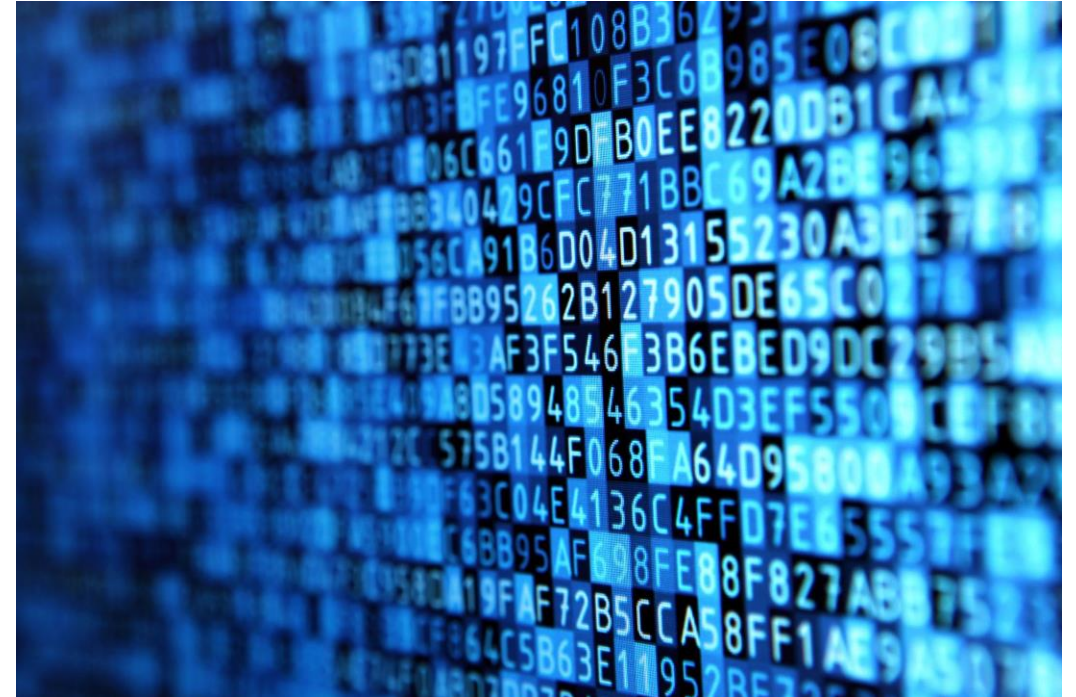
- i. AKS Engineering, December 19, 2020 email
 - ii. Christine Kosinski, September 9, 2020 email
 - iii. Paul Edgar, September 9, 2020 email
- 13. The following meeting agendas, videos, staff report and exhibits for this project are available for viewing at <https://www.orcity.org/meetings> and are part of the record.
 - I. Citizen Involvement Committee – December 2, 2019
 - II. City Commission Work Session Meeting – December 10, 2019
 - III. City Commission Work Session Meeting – October 8, 2019
 - IV. Planning Commission – September 23, 2019
 - V. City Commission Work Session – June 9, 2020
 - VI. Natural Resource Committee – June 10, 2020
 - VII. City Commission Work Session – June 7, 2020
 - VIII. City Commission Work Session – May 20, 2020

Public Works Amendments to Oregon City Municipal Code



Background

- Code is proposed to provide clarity to staff when assessing standards
- Code is proposed to address questions and concerns from City Commission
- Code is proposed to address new Public Works initiatives



Public Works Amendments to Oregon City Municipal Code

Chapter 13.04 and 13.08 – Water and Sewer Services

- Updated code to current practices
- Replaced senior and disabled rates with the more general reduced rate and financial assistance program
- Amendments for implementation of inflow/infiltration reduction program



Chapter 13.04 and 13.08 – Water and Sewer Services

- Added City the right to televise sewer services
- Codified the sewer connection requirement with respect to State OAR
- Established ability to create a rate for lateral improvement program
- Clarified illegal connections and illegal substances



Chapter 12.04 – Sidewalks, Streets, Etc.

- Added long term temporary obstructions for sidewalk seating, etc.
- Based on comments from City Commission in December 2019



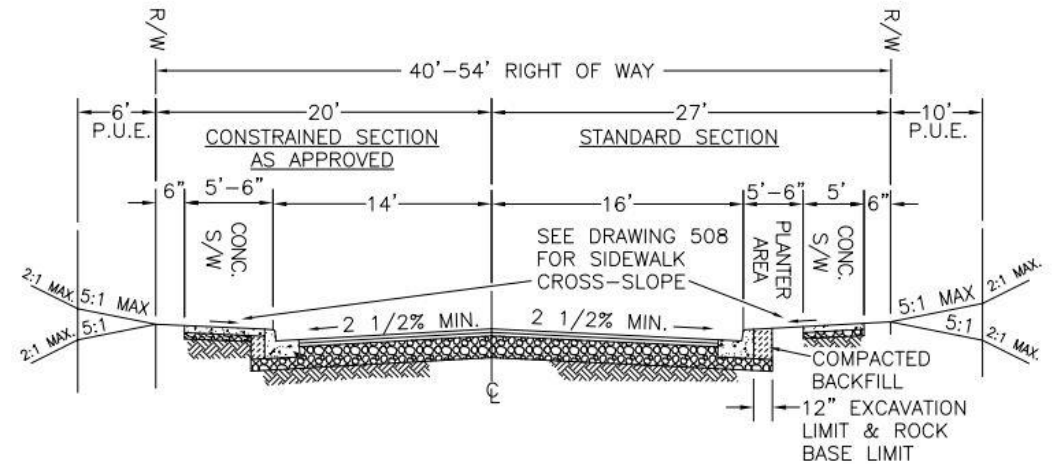
Chapter 16.12 – Land Development

- Removed driveway adjustments and other staff level items to a Type I decision
- Clarification of driveway spacing standards
- Removed Public Works transportation and utility Capital Improvement Projects from land use review



Chapter 16.12 – Land Development

- More clearly defined public utility easement
- Created definition of width of public utility easement



Chapter 16.12 – Land Development

- Provides exemptions for relocating overhead lines underground
 - 5 lots or less
 - Less than 200 feet of frontage
 - Less than 1 acre



Chapter 17.04 - Definitions

- Added or clarified :
 - Easement
 - Public Utility Easement
 - Development
 - Capital Improvement Project
 - Structure



Chapter 17 - Zoning

- Aligned zoning code to public utility easement standards



Public Works Amendments to Oregon City Municipal Code

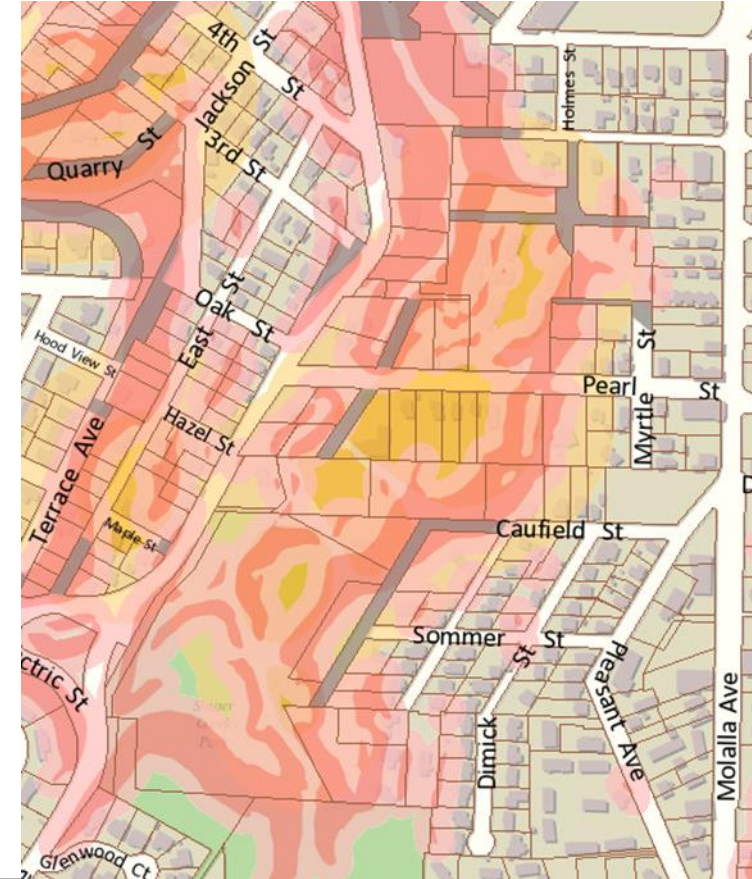
Chapter 17.80 – Communication Facilities

- Small cells are proposed to be exempted from land use
- This was an oversight during the previous code updates



Chapter 17.44 – Geologic Hazards

- Waiver process codified
- Clarity on Weather Window
- Requirement of certification by a professional engineer
- Additional stormwater and construction requirements
- Clarifications throughout
- Based on a request by City Commission



Next Steps

Sign up to attend the online Geologic Hazards Community Forum at 6pm on September 9, 2020 at bit.ly/OCGeoHazardUpdate

1st Planning Commission Hearing: 7PM, September 28, 2020



Public Works Amendments to Oregon City
Municipal Code



Public Works Code Amendments and Geologic Hazard Community Forum

FAQ (Frequently Asked Questions)

Code Revisions

1. What is the general purpose of the code amendments?
 - a. Generally, to provide clarity, specificity, and definition to practices that already are in use.
2. What is the purpose of the code amendments to the utility code 13.04 and 13.08
 - a. Updated code to current practices
 - b. Payment of a water bill to allow for shut off water to be turned back on now includes a fee for water turn on as well as delinquent payment penalty fees
 - c. Responsible party is defined with respect to improper use of service valves.
 - d. Senior citizen and disabled rates have been deleted and replaced with a section for Reduced Rates and Financial Assistance to cover other types of owners that require similar assistance
 - e. Codifying exemption for sewer connection.
 - f. Codifying that sanitary systems must not connect to storm sewers.
 - g. Service Line responsibility is defined
 - h. Right of entry provides access of City to properties for inspection
 - i. Reference to State Administrative Rule is provided for properties not on City sewer
 - j. Sewer rates are established for the lateral improvement program
 - k. Reduced Rates and Financial Assistance are provided for the sewer utility bill
 - l. Failure to comply with rules amended to address non-payment of utility bill
 - m. Added various stormwater substances to the unlawful substances entering a sanitary sewer
3. What is the purpose of code amendments to the sidewalk code in 12.04?
 - a. Added long term temporary obstructions for sidewalk seating and other long term temporary obstructions and listed items like dumpsters or storage units as short term temporary obstructions
4. What is the purpose of amendments to the land development code in 16.12?
 - a. Moving certain processes from a Type II to a Type I decision including Minor Site Plan and Design Review, Driveway adjustments, Lot Line Adjustments
 - b. Removed transportation and public utility capital improvement projects from land use requirements unless impacting an overlay zone
 - c. Added public utility easement (PUE) to the street standard requirements

- d. Clarification of driveway spacing standards
- e. Added a section defining the width of PUEs
- f. Provided exemptions for developments meeting certain criteria from relocating existing overhead utilities and placing them underground
- 5. What is the purpose of amendments to the zoning code in 17?
- a. These amendments align building setbacks with PUEs
- 6. What is the purpose of amendments to the small cell code in 17.80?
- a. When code was adopted, there was an oversight to exempt small cells from the land use process which was not the intent. Federal guidelines require a timeline that prevents small cell permitting to be processed through land use requirements
- 7. What is the purpose of amendments to the definitions code in 17.04?
- a. Defined Capital Improvement Project
- b. Changed definition of Development to align with Capital Improvement Project
- c. Changed definition of Development Site to align with Capital Improvement Project
- d. Defined Easement to align with other definitions in Chapter 12
- e. Changed definition of Property Line to reference the right of way
- f. Defined Public Street
- g. Defined Public Utility Easement
- h. Changed definition of Right of Way for clarification
- i. Removed utility poles from the definition of Structure
- 8. What is the purpose of amendments to the geologic hazards code in 17.44?
- a. Clarifications of guidelines
- b. Addition of stormwater, construction methods, and construction phasing requirements
- c. Requirements of Engineer's certifications
- d. Reference to new landslide guide by DOGAMI/DLCD

Geologic Hazards Community Forum

- 1. When is the Community Forum?
- a. September 9, 2020 at 6:00 PM
- 2. Where is the Community Forum?
- a. Online
- 3. How do I sign up?
- a. <https://www.orcity.org/publicworks/2020-geologic-hazard-code-updates>
- b. https://us02web.zoom.us/webinar/register/WN_0HwtTSSGRoKg7PsZrpwAHg
- 4. What is the purpose of the Forum?
- a. To provide an overview of proposed code amendments
- b. To provide general information about Geologic Hazards
- 5. What if I can't attend?
- a. The Forum will be recorded for future viewing
- b. Any comments can be sent to Josh Wheeler at jwheeler@orcity.org

Summary of Proposed Draft Amendments to the Oregon City Municipal Code

For City Commission – 11.18.20

This is a summary. Please notify staff of any errors or omissions. Please refer to complete chapters for all changes.

OCMC Chapter / Section	Summary	Explanation
Chapter 12.04 Streets, Sidewalks, and Public Places		
12.04.120. A. – Obstructions. Permit required.	Redirects a code user to OCMC 15.28 for signage that acts as an obstruction to the right of way	Signage is covered by OCMC 15.28 and signage that acts as an obstruction should follow that code and not this obstruction code
12.04.120.B. – Temporary Obstructions	Defines temporary obstruction. Adds a submittal requirement. Creates two types of temporary obstructions.	Temporary obstructions needed defined that they are obstructions that are moveable and not bolted or permanent fixed to a surface within the right of way. Temporary obstructions were originally defined as those existing for 0-60 days which were typically dumpsters and moving pods. A new category has been added for long term temporary obstructions for 61-365 days which commonly will refer to seating or parklets. Assures that handicap accessibility is a submittal requirement.
12.04.130 – Obstructions Sidewalk Sales	Added to the title of the section “and displays”. Requires property owners to get a Renewable Right of Way permit when obstructing the sidewalk for sales or displays.	Sidewalk Seating is covered under a Renewable Right of Way permit following section 12.04.120. This revision allows sidewalk sales and displays to seek the same permit if the area is designated by the City Commission to be allowed.
Chapter 13.04 Water Service System		
13.04.010 – Application for service	Changed that applications for service are made to the City instead of printed forms by the water office	Process has changed at the City and a water office no longer exists. Code change is merely for modernization purposes.
13.04.030 – Permits – Renewal – Change of service	Clarified that water disconnections are made by a contractor and inspected by the City	Process has changed. Code change is merely for modernization purposes.
13.04.050 – Service pipe - Installation	Clarified that water connections are made at the meter box by a contractor and inspected by the City	Process has changed. Code change is merely for modernization purposes.
13.04.060 – Stopcock and shutoff box	Renamed the box to a ‘meter’ box installed by a contractor and inspected by the City	Code change is merely for modernization purposes.
13.04.090 – Temporary disconnection	Changed water office to ‘utility billing’ office.	Code change is merely for modernization purposes.

13.04.100 – Service for each house	Added business as a property that requires a separate service. Deleted information about how services are to be addressed. Added the requirement of a Double Check Valve Assembly.	Process has changed. Code change is merely for modernization purposes.
13.04.120 – Plumber's report	Changed the process for documenting unmetered water usage.	Process has changed. Code change is merely for modernization purposes.
13.04.140 – Right of entry	Changed department name from 'water' to 'public works'	Water Division is now part of the Public Works Department. Code change is merely for modernization purposes.
13.04.170 – Fire protection pipes	Added the requirement of a Double Check Detector Assembly	Process has changed. Code change is merely for modernization purposes.
13.04.180 – Use of meters	Changed department name from 'water' to 'public works'	Water Division is now part of the Public Works Department. Agents refers to contractors hired by the City. Code change is merely for modernization purposes.
13.04.190 Ownership of meters	Clarified who owns meters	Process has changed. Code change is merely for modernization purposes.
13.04.200 – Use of private water and city water	Added the requirement of backflow prevention	Process has changed. Code change is merely for modernization purposes.
13.04.220 Failure to comply with rules	Added delinquent payment penalty fees as a reason water can be shut off and added the cost of turning the water back on as a fee.	Process has changed. This is the current operation. Code change is merely for modernization purposes.
13.04.230 Authority to turn on water	Defines the responsible party for damage to a water meter	This is the current operation, but it was never codified.
13.04.240 Water charged to premises	Timing of payments revised	Process has changed. This is the current operation. Code change is merely for modernization purposes.
13.04.260 Water Rates	Removed Senior Citizen and Disabled Rates and relocated to a new section for Reduced Rates and Financial Assistance	Cleans up code and brings code into current operation. Code change is merely for modernization purposes.
13.04.270 Meter Sizes	Changed City manager to City engineer. Added requirement of backflow protection.	This is the current operation. Code change is merely for modernization purposes.
13.04.280 Water rates for hardship and handicapped users	Changed title name and described process	Process has changed. This is the current operation. Code change is merely for modernization purposes.
13.04.310 Water Connection required	Deleted the how portion of the code and referenced City standards instead. Added backflow prevention standards	This cleans up the code and makes the code about policy rather than Standards. Process has changed. This is the current operation. Code change is merely for modernization purposes.
13.04.315 - Definitions	Updated references to manuals	Code change is merely for modernization purposes.

13.04.330 – Back flow prevention devices	Updated language to be current nomenclature	Code change is merely for modernization purposes.
Chapter 13.08 Sewer Regulations		
13.08.010 Sewer connection required	Added that the section refers to a sewer owned by the City	Code change is merely for modernization purposes.
13.08.015 Sewer connections Exemptions	Added new section to reference OAR 340-071-0160	Clarifies the process allowed per State Administrative Rule
13.08.016 Cross Connections	Added new section disallowing sanitary sewer connection to the storm sewers	This allows the City to be in line with our NPDES MS4 permit as well as our Illicit Discharge Ordinance. It also allows the City to require disconnection of sanitary services from the storm sewer mains.
13.08.090 Connections to existing work	Defines that all new development shall connect to City sewers unless the City Engineer provides an alternative.	This is the current operation, but it was never codified.
13.08.115 Condition of service lines	Requires property owners to maintain their service lines.	Needed for the future inflow and infiltration program.
13.08.125 Right of Entry	Allows Public works Staff to inspect sewer laterals	This is all completed by televising and is not invasive and is needed to reduce inflow and infiltration.
13.08.140 Applications outside of city limits	Adds reference to the requirements of OAR-340-071-0160	This is the current operation. Code change is merely for clarification purposes.
13.08.155 Sewer Rates	Added section on sewer rates	This is the current operation, but it was never codified.
13.08.158 Service lateral improvement program	Establishes the right of the City to implement a private property service lateral program	Needed for the future inflow and infiltration program.
13.08.159 Reduced rates and financial assistance	Added this section to align with 13.04.280	This is the current operation. Aligning water and sewer code.
13.08.165 Failure to comply with rules	Added this section to align with 13.04.220	This is the current operation. Aligning water and sewer code.
13.08.180 Unlawful substances	Added 'stormwater, surface water, groundwater, roof runoff, subsurface drainage' to unlawful substances	This allows the City to be in line with our NPDES MS4 permit as well as our Illicit Discharge Ordinance. This also allows for implementation of the future inflow and infiltration program.
13.08.200 Collection	Deleted this section	Moved fee requirement to 13.08.155
13.08.230 – Standard construction specifications	Added reference to standard drawings	Code change is merely for modernization purposes.
13.08.235 – Design standards	Added a reference to the adopted design standards	Code change is merely for modernization purposes.

13.08.240 – Stormwater and Groundwater Prohibited	Added types of Stormwater and Groundwater not allowed in the sanitary sewer system	This is the current operation. This is required by DEQ standards.
13.08.250 – Party Line Sewers Prohibited	Added section to prevent future party lines.	This is the current operation.
Chapter 17.14 Single-Family Detached & Duplex Residential Design Standards		
17.14.020 - Applicability	A. Clarification that this section does not apply to manufactured homes within parks. Add subsection D.	Manufactured homes follow applicable section of OCMC 17.20 instead. Cross-reference to clarify 16.12 applicability
Chapter 13.24 Telecommunications Facilities		
13.24.030 Definitions	Added the word ‘public’ to the phrase utility easements in the “City Property” definition. Added the definition of “easement”. Added the word ‘public’ to the phrase utility easements in the “Franchise” definition. Added the definition of “gross revenue”. Added the definition of “public utility easement”. Deleted the definition of “utility easement”.	Provided clarification to definition. Provided consistency of the definition of easement in 13.24, 13.34, and 17.04. The addition of the definition of gross revenue was needed to align with state and federal laws. The addition of the definition of public utility easement was needed to define an existing practice as well as provide consistency between 13.24, 13.34, and 17.04. Replaced the definition of utility easement with public utility easement.
Chapter 13.34 Utility Facilities in Public Rights of Way		
13.34.050 Definitions	Added the definition of “easement”, “gross revenue”. Revised the definition of “public utility easement”.	The addition of the definition of gross revenue was needed to align with state and federal laws. Provided consistency of the definition of easement and public utility easement in 13.24, 13.34, and 17.04.
Chapter 16.12 Minimum Public Improvements and Design Standards for Development		
16.12.010 Purpose and general provisions	Added to the purpose statement	Addition provides clarification.
16.12.011 Applicability	Relocated the exemption of Minor Site Plan and Design Review to 16.12.011.C. Provided additional exemptions including work in the right of way, driveway adjustments, lot line adjustments, and transportation and utility related capital improvement projects Added modifications as Type I for driveways	These exemptions allow for the projects to not need a Type II, III or IV and use review unless they meet additional criteria. This allows driveway requests to be approved or denied more simply.

16.12.013.B - Modifications	Added modification criteria for a Type I modification	Simplified common modification requests
16.12.014 Administrative provisions	Capitalized the word City. Corrected the word 'maybe' to may.	Grammatical fixes
16.12.016 Street design	Added Note 8 concerning the need for a public utility easement. Capitalized the word City in section C.	Complies with current practice and current Street Section Details OC500, OC501, OC502. Grammatical fix.
16.12.025 Street design – cul de sacs and dead-end streets	Capitalized the word City.	Grammatical fix.
16.12.035 Driveways	Requires development, redevelopment, and capital improvement projects to follow the driveway standards	Complies with current practice and ensures projects exempted from land use still need to follow the design standard.
16.12.035.A. Minimum Driveway Spacing Standards Table	Added the words 'and between driveways' to all standards Removed exception for Local Streets	This was accidentally taken out during the affordable housing code updates. Local Streets should follow standards spacing for safety purposes.
16.12.035.A thru E Minimum Driveway Spacing Standards	Added items of clarity to show when, where, and how many driveways are allowed.	Complies with current practice and clarifies.
16.12.035.F Minimum Driveway Spacing Standards	Changed driveway widths in table	Used regional examples and recent challenges to simplify and provide code that is consistent and relatable to the region and the needs of the City.
16.12.035.I. Exceptions	Allowed for an exception to be a wider or narrower driveway.	This is consistent with 16.12.011.
16.12.085 Easements	Clarified that the easements discussed here are 'public' utility easements. Created standards for public utility easements.	Complies with current practice and current Street Section Details OC500, OC501, OC502. Also coordinates with adjustments in zoning code.
16.12.090 Minimum improvements - Procedures	Replaced the word 'franchise' with 'public'	Provides consistency between definitions and nomenclature.
16.12.095 Minimum improvements – Public facilities and services	Provided specificity of when a new utility or existing utility shall be installed or relocated underground. Provided exemptions to the requirement	Provides clarification that did not previously exist in code. Allows for a more economical requirement assisting with proportional requirements of development.
16.12.100 Same – Road standards and requirements	Clarified that all designs should follow any adopted City Design and Construction Standards.	This is the current operation, but it was never codified.

Chapter 17.04 Definitions		
17.04.020 Accessway	Adds paths and sidewalks to the definition.	This is the current operation. Code change is merely for modernization purposes.
17.04.030 Accessway, pedestrian/bicycle	References the correct code	Was missed during the affordable housing code updates
17.04.176 Capital Improvement Project	Provides new definition	Defines a capital improvement project as one that involves public transportation or utility projects. The definition allows these types of projects to not go through the land use process unless other criteria is met
17.04.195 City engineer	Adds 'Public Works Director' as a person who can designate the City Engineer	This is the current operation. Code change is merely for modernization purposes.
17.04.300 Development	Redefines Development exempting Capital Improvement Projects except when meeting certain criteria.	The definition allows these types of projects to not go through the land use process unless other criteria is met
17.04.305 Development site	Redefines Development Site exempting Capital Improvement Projects as a development site except when meeting certain criteria.	The definition allows these types of projects to not go through the land use process unless other criteria is met
17.04.315 Director	Adds Public Works Director as a second position who can be a Director	This was needed due to the reference of Director throughout code in some cases referring to the current practice where the Public Works Director is that Director. This also allows flexibility for resources in the future in case the positions are ever combined.
17.04.340 Easement	Added a new definition	Provided consistency of the definition of easement in 13.24, 13.34, and 17.04.
17.04.535 Grading	Added clarification that grading is only considered grading if meeting criteria in OCMC 15.48	Provides clarification to definition
17.04.965 Property Line	Added clarification that a property line may also sometimes act as the right of way line	Provides clarification to definition
17.04.982 Public Street	Added a new definition	Added definition to distinguish between private street used by the public and public streets that the City or other government regulates and controls.
17.04.986 Public utility easement	Added a new definition	Provided consistency of the definition of public utility easement in 13.24, 13.34, and 17.04.

17.04.1055 Right of way	Added clarification of what right of way is, that it is not a privately owned parcel	Definition allows for a separation between the definition of 'development', 'development site', and 'capital improvement project'
17.04.1215 Structure	Exempts utility poles and transportation facilities from the definition	Allows for a more streamlined review process of franchise utilities, Union Pacific Railroad Crossing Projects and I-205 Projects.
17.04.1450 Utility facilities	Replaces the word 'structure' with 'features'	Ensures that utility poles are no longer considered structures; therefore, exempting them from land use
17.04.1455 Utility pole placement/replacement	Replaces the word 'structure' with 'features'	Ensures that utility poles are no longer considered structures; therefore, exempting them from land use
Chapter 17.08 Low Density Residential Districts		
17.08.040 Dimensional Standards	Added Note 3 that public utility easements may supersede the minimum setback	Aligns code with 16.12.085
Chapter 17.10 Medium Density Residential Districts		
17.10.040 Dimensional Standards	Added Note 2 that public utility easements may supersede the minimum setback	Aligns code with 16.12.085
Chapter 17.12 High Density Residential Districts		
17.12.040 Dimensional Standards	Added Note 2 that public utility easements may supersede the minimum setback. Added Note 3 that the maximum setback may be increased per Chapter 17.62.	Aligns code with 16.12.085
Chapter 17.24 NC Neighborhood Commercial District		
17.24.040 Dimensional Standards	Added notes that public utility easements may supersede the minimum setback and that the maximum setback may be increased per Chapter 17.62.	Aligns code with 16.12.085
Chapter 17.26 HC Historic Commercial District		
17.26.050 Dimensional Standards	Added notes that public utility easements may supersede the minimum setback and that the maximum setback may be increased per Chapter 17.62.	Aligns code with 16.12.085
Chapter 17.29 MUC Mixed Use Corridor District		
17.29.050 Dimensional Standards	Added notes that public utility easements may supersede the minimum setback and that the maximum setback may be increased per Chapter 17.62.	Aligns code with 16.12.085

Chapter 17.31 MUE Mixed Use Employment District		
17.31.060 Dimensional Standards	Added notes that public utility easements may supersede the minimum setback and that the maximum setback may be increased per Chapter 17.62.	Aligns code with 16.12.085
Chapter 17.32 C General Commercial District		
17.32.050 Dimensional Standards	Added notes that public utility easements may supersede the minimum setback and that the maximum setback may be increased per Chapter 17.62.	Aligns code with 16.12.085
Chapter 17.34 MUD Mixed Use Downtown District		
17.34.070 Dimensional Standards	Added notes that public utility easements may supersede the minimum setback and that the maximum setback may be increased per Chapter 17.62.	Aligns code with 16.12.085
Chapter 17.35 Willamette Falls Downtown District		
17.35.060 Dimensional Standards	Added notes that public utility easements may supersede the minimum setback and that the maximum setback may be increased per Chapter 17.62.	Aligns code with 16.12.085
Chapter 17.36 GI General Industrial District		
17.36.040 Dimensional Standards	Added notes that public utility easements may supersede the minimum setback and that the maximum setback may be increased per Chapter 17.62.	Aligns code with 16.12.085
Chapter 17.37 CI Campus Industrial District		
17.37.040 Dimensional Standards	Added notes that public utility easements may supersede the minimum setback and that the maximum setback may be increased per Chapter 17.62.	Aligns code with 16.12.085
Chapter 17.39 I Institutional District		
17.39.050 Dimensional Standards	Added notes that public utility easements may supersede the minimum setback and that the maximum setback may be increased per Chapter 17.62.	Aligns code with 16.12.085
Chapter 17.62 – Site Plan and Design Review		

17.62.015 Modifications that will better meet design review requirements	Removed Utility Undergrounding Requirement reference	This is processed instead by Chapter 16.12.
17.62.050 General Standards	Added requirements that new utilities shall be placed underground	Aligns with 13.24 and 13.34
Chapter 17.80 – Communication Facilities		
17.80.030 – Applicability and exemptions	Added small wireless facilities as an exemption if within the right of way	This was the intent of the original code provided for small cell facilities
Chapter 17.44 - Geologic Hazards		
17.44.25 – When required; regulated activities; permit and approval requirements	Clarifies that activities are regulated in mapped areas. Moved criteria to exemption section 17.44.035	Adds clarity to align with 17.44.35. Creates grammatical changes for clarity.
17.44.30 Procedures	Clarifies how a project is to be processed which contains mapped geologic hazards	Creates clarity to applicants and staff how a project is to be reviewed.
17.44.35 - Exemptions	Clarifies the amount of cut and fill allowed without a permit. Clarifies the size of structure that is exempt. Clarifies what type of utility work is exempt.	Clarify existing standards and align with 17.44.25. Adds heavy equipment to prevent destabilization of land during the winter season.
17.44.50 - Development – Application requirements and review procedures and approvals	Sentence structure change. Added reference to new Landslide Hazards Land Use Guide. Clarifies what maps can be used. Changes the word subdrainage to ‘subsurface’ drainage. Adds requirements to address construction phasing, construction methods, and stormwater management. Adds any mapped landslide area as a regulated development. Adds the waiver process.	Grammatical changes. Allows new reference guides to be referenced. Adds stronger standards concerning construction and stormwater. Ensures existing landslide areas are looked at with more scrutiny. Codifies an existing policy.
17.44.60 – Development standards	Clarifies winter weather window. Requires structural fill and retaining walls to have designs stamped and signed by a professional engineer. Requires retaining walls to be inspected by a professional engineer. Clarifies the density calculation and includes the mapped landslide and buffer zone as well as slope.	Provides a clear and objective standard for determining an expansion of the weather window. Requires stronger oversight and design by an engineer. Provides more stringent requirements on density.
17.44.080 - Utilities	Clarifies how utilities should be addressed in regulated areas.	Clarifies existing standards.

17.44.090 – Stormwater drainage	Requires stormwater analysis for slopes greater than 10%. Eliminates infiltration for slopes greater than 25 percent. Requires the design and inspection of a professional engineer.	Adds more stringent standards for stormwater review.
17.44.100 – Construction standards	Adds clarification on erosion control. Adds clarification that the City may review watercourses with other state agencies. Adds requirement of inspection of the site during ½ inch rainfall of greater. Requires a certification letter from a professional engineer.	Clarifies existing standards. Provides more stringent requirement of inspections.
17.44.110 – Approval of Development	Capitalizes City Engineer	Grammatical changes.
17.44.120 - Liability	Adds the recording of the indemnity and hold harmless agreement.	Adds recording of the document, in addition to the completion of the document.

This is a summary. Please notify staff of any errors or omissions. Please refer to complete code amendment chapters for all changes.



Oregon City Municipal Code

FILE: GLUA 20-00033 LEG 20-00001

Draft Public Works Code Amendments

Version: November 10, 2020 - Redlined Copy

Deletions are shown with ~~strikeouts~~, additions and new standards shown with an underline, relative to existing standards.

OCMC 12.04 -Streets Sidewalks and Public Place - Sidewalk Policy

OCMC 13.04 - Water Service System

OCMC 13.08 - Sewer Regulations

OCMC 13.24 -Telecommunications Facilities

OCMC 16.12- Minimum Public Improvement and Design Standards

OCMC 17.04-Definitions

OCMC 17.08 - Low Density Residential Districts

OCMC 17.10 - Medium Density Residential Districts

OCMC 17.12 - High Density Residential District

OCMC 17.24 - NC Neighborhood Commercial District

OCMC 17.29 - MUC Mixed Use Corridor District

OCMC 17.31 - MUE—Mixed Use Employment District

OCMC 17.32 - C General Commercial District

OCMC 17.34 - MUD Mixed Use Downtown District

OCMC 17.35 - Willamette Falls Downtown Design District

OCMC 17.36 - GI General Industrial District

OCMC 17.37 - CI Campus Industrial District

OCMC 17.39 - I Institutional District

OCMC 17.44- Geologic Hazards

OCMC 17.62 - Site Plan and Design Review

OCMC 17.80 - Communication Facilities



OREGON CITY

Community Development – Planning

698 Warner Parrott Road | Oregon City OR 97045
Ph (503) 722-3789 | Fax (503) 722-3880

Oregon City Municipal Code

Chapter 12.04 Streets, Sidewalks, and Public Places

12.04.003 Definitions.

Whenever the words or terms and their derivatives are used in this chapter, they shall be given the meaning set forth in OCMC 17.04, unless the context dictates applying a different meaning.

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

- A. The City has jurisdiction and exercises regulatory management over all public rights-of-way within the City under authority of the City Charter and state law by issuing separate public works right-of-way permits or permits as part of issued public infrastructure construction plans. No work in the public right-of-way shall be done without the proper permit. Some public rights-of-way within the city are regulated by the State of Oregon Department of Transportation (ODOT) or Clackamas County and as such, any work in these streets shall conform to their respective permitting requirements.
- B. Public rights-of-way include, but are not limited to, streets, roads, highways, bridges, alleys, sidewalks, trails, paths, public easements and all other public ways or areas, including the subsurface under and air space over these areas.
- C. The City has jurisdiction and exercises regulatory management over each public right-of-way whether the City has a fee, easement, or other legal interest in the right-of-way. The City has jurisdiction and regulatory management of each right-of-way whether the legal interest in the right-of-way was obtained by grant, dedication, prescription, reservation, condemnation, annexation, foreclosure or other means.
- D. No person may occupy or encroach on a public right-of-way without the permission of the City. The City grants permission to use rights-of-way by franchises, licenses and permits.
- E. The exercise of jurisdiction and regulatory management of a public right-of-way by the City is not official acceptance of the right-of-way, and does not obligate the City to maintain or repair any part of the right-of-way.

12.04.025 - Driveways.

Driveways shall be reviewed in accordance with OCMC 16.12.035. Driveway requirements may be modified through the procedures in OCMC 16.12.013.

12.04.030 - Maintenance and repair.

The owner of land abutting the street where a sidewalk has been constructed shall be responsible for maintaining said sidewalk and abutting curb, if any, in good repair.

12.04.031 - Liability for sidewalk injuries.

- A. The owner or occupant of real property responsible for maintaining the adjacent sidewalk shall be liable to any person injured because of negligence of such owner or occupant in failing to maintain the sidewalk in good condition.

- B. If the City is required to pay damages for an injury to persons or property caused by the failure of an owner or occupant to perform the duty that this ordinance imposes, the owner or occupant shall compensate the City for the amount of the damages paid. The City may maintain an action in a court of competent jurisdiction to enforce this section.

12.04.032 - Required sidewalk repair.

- A. When the Public Works Director determines that repair of a sidewalk is necessary, written notice shall be provided to the owner of property adjacent to the defective sidewalk.
- B. The notice shall require the owner of the property adjacent to the defective sidewalk to complete the repair of the sidewalk within ninety days after the service of notice. The notice shall also state that if the repair is not made by the owner, the City may do the work and the cost of the work shall be assessed against the property adjacent to the sidewalk.
 - 1. All sidewalks hereafter constructed in the City on improved streets shall be constructed to city standards and widths required in the Oregon City Transportation System Plan and OCMC 16.12. Sidewalks and curbs are to be constructed according to plans and specifications provided by the City Engineer.
 - 2. Sidewalks constructed on unimproved streets shall be constructed of concrete according to lines and grades established by the City Engineer. On unimproved streets, curbs do not have to be constructed.
- C. The Public Works Director shall cause a copy of the notice to be served personally upon the owner of the property adjacent to the defective sidewalk, or the notice may be served by registered or certified mail, return receipt requested. If after diligent search the owner is not discovered, the Public Works Director shall cause a copy of the notice to be posted in a conspicuous place on the property, and such posting shall have the same effect as service of notice by mail or by personal service upon the owner of the property.
- D. The person serving the notice shall file with the City recorder a statement stating the time, place and manner of service or notice.

12.04.033 - City may do work.

If repair of the sidewalk is not completed within ninety days after the service of notice, the Public Works Director shall carry out the needed work on the sidewalk. Upon completion of the work, the Public Works Director shall submit an itemized statement of the cost of the work to the finance director. The City may, at its discretion, construct, repair or maintain sidewalks deemed to be in disrepair by the Public Works Director for the health, safety and general welfare of the residents of the City.

12.04.034 - Assessment of costs.

Upon receipt of the report, the Finance Director shall assess the cost of the sidewalk work against the property adjacent to the sidewalk. The assessment shall be a lien against the property and may be collected in the same manner as is provided for in the collection of street improvement assessment.

12.04.040 – Sidewalks—Enforcement.

Any person whose duty it is to maintain and repair any sidewalk, as provided by this chapter, and who fails to do so shall be subject to the enforcement procedures of OCMC 1.16, 1.20 and 1.24. Failure to comply with the provisions of this chapter shall be deemed a nuisance. Violation of any provision of this chapter is subject to the code enforcement procedures of OCMC 1.16, 1.20 and 1.24.

12.04.050 - Retaining walls—Required.

Every owner of a lot within the City, abutting upon an improved street, where the surface of the lot or tract of land is above the surface of the improved street and where the soil or earth from the lot, or tract of land is liable to, or does slide or fall into the street or upon the sidewalk, or both, shall build a

retaining wall, the outer side of which shall be on the line separating the lot, or tract of land from the improved street, and the wall shall be so constructed as to prevent the soil or earth from the lot or tract of land from falling or sliding into the street or upon the sidewalk, or both, and the owner of any such property shall keep the wall in good repair.

12.04.060 - Retaining walls—Maintenance.

When a retaining wall is necessary to keep the earth from falling or sliding onto the sidewalk or into a public street and the property owner or person in charge of that property fails or refuses to build such a wall, such shall be deemed a nuisance. The violation of any provision of this chapter is subject to the code enforcement procedures of OCMC 1.16, 1.20 and 1.24.

12.04.070 - Removal of sliding dirt.

It shall be the duty of the owner of any property as mentioned in OCMC 12.04.050, and in case the owner is a nonresident, then the agent or other person in charge of the same, to remove from the street or sidewalk or both as the case may be, any and all earth or dirt falling on or sliding into or upon the same from the property, and to build and maintain in order at all times, the retaining wall as herein required; and upon the failure, neglect or refusal of the land owner, the agent or person in charge of the same to clean away such earth or dirt, falling or sliding from the property into the street or upon the sidewalk, or both, or to build the retaining wall, shall be deemed guilty of a misdemeanor.

12.04.080 - Excavations—Permit required.

It shall be unlawful for any person to dig up, break, excavate, disturb, dig under or undermine any public street or alley, or any part thereof or any macadam, gravel, or other street pavement or improvement without first applying for and obtaining from the engineer a written permit so to do.

12.04.090 - Excavations—Permit restrictions.

The permit shall designate the portion of the street to be so taken up or disturbed, together with the purpose for making the excavation, the number of days in which the work shall be done, and the trench or excavation to be refilled and such other restrictions as may be deemed of public necessity or benefit.

12.04.100 - Excavations—Restoration of pavement.

Whenever any excavation shall have been made in any pavement or other street improvement on any street or alley in the City for any purpose whatsoever under the permit granted by the engineer, it shall be the duty of the person making the excavation to restore the pavement in accordance with the City of Oregon City Public Works Pavement Cut Standard in effect at the time a right-of-way permit is granted. The City Commission may adopt and modify the City of Oregon City Public Works Pavement Cut Standards by resolution as necessary to implement the requirements of this chapter.

12.04.110 - Excavations—Nuisance—Penalty.

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

12.04.120 - Obstructions—Permit required.

- A. Permanent Obstructions. It is unlawful for any person to place, put or maintain any obstruction, other than a temporary obstruction, as defined in subsection B. of this section, in any public street or alley in the City, without obtaining approval for a right-of-way permit from the City Commission by passage of a resolution.

1. The City Engineer shall provide applicants with an application form outlining the minimum submittal requirements.
2. The applicant shall submit at least the following information in the permitting process in order to allow the City Commission to adequately consider whether to allow the placement of an obstruction and whether any conditions may be attached:
 - a. Site plan showing right-of-way, utilities, driveways as directed by staff;
 - b. Sight distance per OCMC 10.32, Traffic Sight Obstructions;
 - c. Traffic control plan including parking per Manual on Uniform Traffic Control Devices (MUTCD);
 - d. Alternative routes if necessary;
 - e. Minimizing obstruction area; and
 - f. Hold harmless/maintenance agreement.
3. If the City Commission adopts a resolution allowing the placement of a permanent obstruction in the right-of-way, the City Engineer shall issue a right-of-way permit with any conditions deemed necessary by the City Commission.

4. Signage that acts as an obstruction is approved through OCMC 15.28

B. Temporary Obstructions.

1. A "temporary obstruction" is defined as an object placed in a public street, sidewalk, road or alley which is not permanently anchored to another surface such as the pavement, sidewalk, or a building for a period of not more than sixty consecutive days. A "temporary obstruction" includes, but is not limited to, moving containers, ~~and~~ debris dumpsters, and seating.
 - a. Planters and benches are exempt from permitting unless the City Engineer finds by inspection that the planter or bench is impeding use of the right-of-way. If deemed an impeding use, a planter or bench will comply with the requirements for temporary obstructions.
2. The City Engineer, or designee, is authorized to grant a permit for a temporary obstruction.
3. The City Engineer shall provide applicants with an application form outlining the minimum submittal requirements.
4. The applicant shall submit, and the City Engineer, or designee, shall consider, at least the following items in the permitting process. Additional information may be required in the discretion of the City Engineer:
 - a. Site plan showing right-of-way, utilities, driveways as directed by staff;
 - b. Sight distance per OCMC 10.32, Traffic Sight Obstructions;
 - c. Traffic control plan including parking per Manual on Uniform Traffic Control Devices (MUTCD);

d. Handicap Accessible accessible route complying with Americans with Disability Act (ADA) standards.

- d. Alternative routes if necessary;
 - e. Minimizing obstruction area; and
 - f. Hold harmless/maintenance agreement.
5. In determining whether to issue a right-of-way permit to allow a temporary obstruction, the City Engineer may issue such a permit only after finding that the following criteria have been satisfied:
 - a. The obstruction will not unreasonably impair the safety of people using the right-of-way and nearby residents;

- b. The obstruction will not unreasonably hinder the efficiency of traffic affected by the obstruction;
 - c. No alternative locations are available that would not require use of the public right-of-way; and
 - d. Any other factor that the City Engineer deems relevant.
6. The permittee shall post a weatherproof copy of the temporary obstruction permit in plain view from the right-of-way.

7. Types

- a. A short-term temporary obstruction is allowed for a period of not more than 60 consecutive calendar days. It is permitted with a temporary obstruction in the right-of-way permit.
- b. A long-term temporary obstruction is allowed for a period of not more than one year, and it is permitted with a renewable right-of-way permit.
 - 1. Sidewalk seating and planters that act as temporary obstructions shall be limited to March 15 to November 30 of each calendar year.

8. Signage that acts as an obstruction is approved through OCMC 15.28

- C. Fees. The fee for obtaining a right-of-way permit for either a permanent obstruction or a temporary obstruction shall be set by resolution of the City Commission.

12.04.130 - Obstructions—Sidewalk sales and displays.

- A. It is unlawful for any person to use the public sidewalks of the city for the purpose of packing, unpacking or storage of goods or merchandise or for the display of goods or merchandise for sale. It is permissible to use the public sidewalks for the process of expeditiously loading and unloading goods and merchandise.
- B. The City Commission may, in its discretion, designate certain areas of the City to permit the display and sale of goods or merchandise on the public sidewalks under such conditions as may be provided on a regular basis. A business in a designated area will be required to obtain a Renewable Right of Way Permit for this use.

12.04.140 - Obstructions—Nuisance—Penalty.

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

12.04.150 - Street and alley vacations—Cost.

At the time of filing a petition for vacation of a street, alley or any part thereof, a fee as established by City Commission resolution shall be paid to the City. The City Commission, upon hearing such petition, may grant the same in whole or in part, or may deny the same in whole or in part, or may grant the same with such reservations as would appear to be for the public interest, including reservations pertaining to the maintenance and use of underground public utilities in the portion vacated.

12.04.170 - Street design—Purpose and general provisions.

All development shall be in conformance with the city's public facility master plans, public works policies, standard drawings and engineering specifications. All streets shall be reviewed and approved by the city engineer prior to construction. All streets and driveway connections to another jurisdiction's facility or right-of-way must be

reviewed by the appropriate jurisdiction as a condition of the preliminary plat or site planning and when required by law or intergovernmental agreement shall be approved by the appropriate jurisdiction.

12.04.194 - Traffic sight obstructions.

All streets shall comply with the Traffic Sight Obstructions in OCMC 10.32.

12.04.270 - Standard construction specifications.

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

12.04.280 - Violation—Penalty.

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

Chapter 13.04 - WATER SERVICE SYSTEM

13.04.010 - Application for service.

When water service is requested where connection of the premises to the city mains is required, applications must be made ~~to the City on printed forms furnished by the water office~~, signed by the owner, or agent of the premises to be served, and the applicant must state fully and truly all the purposes for which water may be required, and must agree to conform to the rules and regulations that are now in force or may hereafter be adopted for the proper operation of the water system. The charges for supplying a water service connection shall be in accordance with a schedule of charges adopted by the city commission. All new water service connections shall be metered.

(Prior code § 3-3-1)

13.04.020 - Use by applicant only.

No person supplied with water from the city mains will be entitled to use it for any purpose other than that stated in his application, or to supply in any way other persons or families.

(Prior code § 3-3-2)

13.04.030 - Permits—Renewal—Change of service.

- A. The city issues engineering permits for water line work in the right-of-way either as a separate public works permit or as part of overall issued public infrastructure construction plans. The various fees for these permits are approved and modified from time to time by the city commission. Failure to meet the conditions of the issued permit shall constitute a violation of the Municipal Code.
- B. When permits for renewal or change of service are granted, the old service will be shut-off and disconnected at the main by ~~the contractor and inspected by~~ employees of the city. The charge for same shall be the reasonable costs as determined by administrative policy. (Prior code § 3-3-3)

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

13.04.040 - Service pipe—Approval.

Service pipes, of all sizes, within or without the premises, whether for domestic, commercial or fire protection purposes, must be approved by the city.

(Prior code § 3-3-4)

13.04.050 - Service pipe—Installation.

The installation of all service pipes from the main to ~~a point at the curb line the meter box~~ shall be made by ~~the contractor and inspected by~~ employees of the water department.

(Prior code § 3-3-5)

13.04.060 - Stopcock and shutoff box.

A stopcock of approved pattern and material will be placed, and protected by means of ~~the meter a suitable~~ box, which will be furnished and installed by the ~~contractor and inspected by the~~ water department.

(Prior code § 3-3-6)

13.04.070 - Stop and waste cocks.

Just inside the basement wall a stop and waste cock of approved pattern, protected from frost, must in all cases be placed in a convenient location, by means of which the pipes in the building may be

drained at night during freezing weather. If the building is not provided with a basement, the stop and waste cock must be placed near the outside wall thereof. All stores and offices in the building must have separate shutoffs.

(Prior code § 3-3-7)

13.04.080 - Service pipes—Repair and protection.

The service pipe, within the premises, and throughout its entire length to the curb cock must be kept in repair, and protected from freezing at the expense of the owner, who shall be responsible for all damages resulting from leaks or breaks in the service pipe.

(Prior code §3-3-8)

13.04.090 - Temporary disconnection.

Should it be desired to discontinue the use of all water supplied to the premise for a period of not less than fifteen days, notice must be given, and payment in full of all arrears made at the utility billing ~~water~~ office. The water will then be turned off, and turned on again on application, without charge; provided however, no remission of rates will be made for a period of less than fifteen days.

(Prior code §3-3-9)

13.04.100 - Service for each house.

Hereafter, a separate service direct to the tap in the main, will be required for each house or business that is to be supplied with water ~~;- provided that when there are two houses on an inside lot the service shall be divided at the curb, and a~~ separate meter provided for each place to be so supplied. Where two or more separate residential or business buildings are presently served by a single service the water superintendent may require separate meter installations wherever possible. A Double Check Valve Assembly (DCVA) is required for services that are commercial in nature (includes multi-family dwellings)

(Prior code §3-3-10)

13.04.110 - Discontinuance—Defective fixtures.

Water will not be furnished where there are defective or leaking faucets, toilets or other fixtures, or where there are toilets or urinals without self-closing valves, or tanks without self-acting float valves; and when such may be discovered the water superintendent shall have authority to immediately install a meter.

(Prior code §3-3-11)

13.04.120 - Plumber's report.

~~Plumbers doing any work by which additional water may be drawn from the city mains, must report the same at the water department as soon as the work is completed, or within twenty-four hours thereafter. Contractors must obtain a "hydrant meter" from the City for any unmetered City water usage.~~

(Prior code §3-3-13)

13.04.130 - Shut-off for repairs.

The water may at any time be shut off from the mains without notice, for repairs or other necessary purposes, and the city will not be responsible for any consequent damages. Water for steam boilers for power purposes will not be furnished by direct pressure from the city mains; tanks for holding an ample reserve of water shall always be provided by the owners of the boilers. While water is temporarily shut off from the mains, the hot water faucets should be kept open by the occupants of the premises to allow the

steam to escape from the water heater, and should damage result to meters by reason of steam or hot water, the owner shall be charged for repairs.

(Prior code §3-3-14)

13.04.140 - Right-of-entry.

Agents of the ~~Public Works~~~~water De~~partment may have free access at proper hours of the day to all parts of the building and premises in which water may be delivered from the city mains, for the purpose of inspecting the condition of the pipes and fixtures and the manner in which the water is used, and for the purpose of fixing water rates for the premises.

(Prior code §3-3-15)

13.04.150 - Emergency regulations.

Under emergency conditions the city manager may enforce such regulation of the use of water as conditions require.

(Prior code §3-3-16)

13.04.160 - Water for building purposes.

Water for building purposes may be obtained at the rates herein prescribed.

(Prior code §3-3-18)

13.04.170 - Fire protection pipes.

Pipes to be used for fire purposes only will be allowed within buildings only where such pipes are entirely disconnected from those used for any other purposes, and have a separate connection to the mains. A Double Check Detector Assembly (DCDA) is required for all stand alone fire lines and is to be installed in a vault as close to the property line as possible. The connection with the city main must be made as prescribed in Sections 13.04.050 and 13.04.060.

(Prior code §3-3-19)

13.04.180 - Use of meters.

- A. The ~~Public Works~~~~superintendent of the water De~~partment and its agents shall have the right at any time to attach a meter to, or detach a meter from the service pipe of such places and of such places only, as he may deem best; and where water is supplied through a meter to charge for the quantity of water used or measured at the regular established meter rates. When a meter fails to register accurately, the charge shall be according to the average quantity used daily, as shown by the meter when in order.
- B. The ~~Public Works Department and its agents~~~~water superintendent~~ shall immediately install a meter for any unmetered consumer who is found guilty of violating any of the rules and regulations of the water department.
- C. Any householder desiring metered water service may obtain the service by making written application to the city for the installation of a meter and by agreeing to pay for the quantity of water used or measured at the regular established meter rates.

(Prior code §3-3-20)

13.04.190 - Ownership of meters.

All meters, ~~except such as are required to be purchased by the water users,~~ shall be and remain the property of the city, and may be removed whenever the Public Works Department superintendent may decide to do so.

(Prior code §3-3-21)

13.04.200 - Use of private water and city water.

Buildings supplied with water other than that furnished by the city, may obtain city water at meter rates; provided, that no physical connection shall in any way, directly or indirectly exist between the private system and the city's water system. Approved backflow protection is required immediately behind the meter when potential for cross connection exists (wells). The backflow assembly must be tested in place before city water is turned on. When a connection is found to exist the water will be shut off.

(Prior code §3-3-22)

13.04.210 - Testing and correcting meters.

When any consumer whose water supply is metered shall make a complaint that the bill for any particular month is excessive, the water superintendent will, upon request, have the meter reread.

(Prior code §3-3-23)

13.04.220 - Failure to comply with rules.

Should anyone fail to comply with the rules and regulations established as conditioned to the use of water, or to pay the water rates at the time and manner hereafter provided, the water may be shut off until payment is made of the amount due, including delinquent payment penalty fees, as well as with five dollars in addition the amount for the expense of turning the water on. Failure to comply with required annual testing of backflow assemblies will also result in discontinuation of water service.

(Prior code §3-3-24)

13.04.230 - Authority to turn on water.

After the water has been shut off at the curb cock, if it should be turned on by any person other than an employee of the water department, the water will be again shut off, a section of the service pipe removed, and service will not be furnished until the arrears, current month and an additional charge for the reasonable cost of disconnection and resumption of service, as determined by administrative policy, are paid. If the curb cock is damaged from being operated by parties other than city agents, the party who is responsible will be billed for city agents to repair.

(Prior code §3-3-25)

13.04.240 - Water charged to premises.

All charges for furnishing water within the city shall be chargeable to the premises where water is supplied. Whenever any charge for furnishing water shall not be paid when due on or before the fifteenth day following the due date shown on the billing, the same shall become delinquent and shall be subject to a delinquent payment penalty fee and discontinuance of service. Written notice of shutoff of water shall be given by mail at least fifteen days in advance of such shutoff. After water service has been discontinued, water shall not again be furnished until all outstanding charges shall have been paid in full. All charges for furnishing water or for services relating to the furnishing of water shall be a lien on the property to which the water or water services are supplied. Enforcement of the lien may be commenced at any time after the charge or charges are delinquent for thirty days by suit in equity following the procedures for foreclosure of a mortgage.

(Prior code §3-3-26)

13.04.250 - Applications.

Applications for permits to connect premises with the city water system, or requests to turn off water, shall, in all cases, be in writing and signed by the owner, lessee, or agent of the premises to be served.

(Prior code §3-3-27)

13.04.260 - Water rates.

- A. Water Rates in City. The rates for water furnished by the city to each user within the city limits shall be established by city commission resolution.
- B. Water Rates Outside City. The rates for water furnished by the city to each user outside of the city limits shall be one and one-half times the rate charged to users within the city limits.

~~C. Senior Citizen or Disabled Rates. The principal residence of a person sixty-five years of age or older or certifiable disabled, residing in a residence with a three-quarter inch meter may qualify for a special user rate if meeting certain income criteria as established by city commission resolution. Senior or disabled citizens requesting the special user rate shall make annual written application for this rate and shall certify as to meeting the income criteria established by the city commission.~~

(Prior code §3-3-28)

13.04.270 - Meter sizes.

The minimum meter sizes shall be as follows:

Unit	Size in Inches
1 unit	$\frac{3}{4}$
2—4 units	1 (or two $\frac{3}{4}$ " for duplexes)
5—10 units	1- $\frac{1}{2}$
11—30 units	2 disc
31—50 units	2 compound

All services shall have the proper size meters as designated by the water superintendent and approved by the city ~~engineer~~ manager on existing and future meter installations, and the user shall pay the minimum charge per Section 13.04.260 above for large-size meters. Proper backflow protection is required on all services 2" and greater in size.

(Prior code §3-3-29)

~~13.04.280 — Reduced rates and financial assistance Water rates for hardship and handicapped users. The commission may grant water users under sixty-five years in hardship and handicap cases the same adjusted minimum water rates applicable to senior citizens and under their same restrictions. An owner-occupied residence with a 5/8 x 3/4 inch water meter may qualify for a reduced user rate, or other financial assistance, if the income of its residents meets certain criteria. Customers requesting the reduced user rates, or other financial assistance, shall make written application and shall certify as to meeting the income criteria established.~~

(Prior code §3-3-30)

13.04.300 - Cost participation.

In the event it is necessary for any developer to extend a city water main larger than necessary to serve the particular development, the city may agree to participate with the developer in the excess cost, said cost participation may be paid from the water fund.

(Prior code §3-3-32)

13.04.310 - Water connection—Required.

- A. All new residences, other new buildings, or any other new use requiring domestic water must be connected to the city water service if the same is available at the time of construction and prior to the use thereof.
- B. All residential and other uses connected to a public water supply system must be connected to the city system within sixty days of the city water being made available. ~~In the event the existing meter or tap does not meet city standards, required modifications will be performed by the city and the reasonable costs thereof as determined by administrative policy shall be paid by the user. These costs shall be in lieu of the connection charge ordinarily imposed. All water connections must meet current City standards and regulations.~~

C. Domestic Services

Backflow prevention is required on services that:

- 1. Are commercial in nature (includes multi-family dwellings),
- 2. Are greater than or equal to two-inches in diameter,
- 3. Have piping higher than 32 feet above the water main, or
- 4. Have a potential hazard to the public water supply, in the discretion of the Oregon City Water Division (includes new or existing wells)

D. Irrigation

Backflow prevention is required on all irrigation systems.

(Prior code §3-3-33)

13.04.315 - Definitions.

The following definitions shall apply to this chapter:

"Back-flow" means any reversal of the normal flow of water from the distribution system that may allow contamination or pollution of the public water supply and render it nonpotable.

"Back-flow prevention device or assembly" means any devices or assemblies or methods approved by the appropriate regulatory agencies for use in the prevention of back-flow.

"Contamination" means an impairment of the quality of water that creates an actual hazard to the public health through poisoning or through the spread of disease by sewage, industrial fluids, wastes, etc.

"Cross-connection" means any actual or potential piping connection or structural arrangement allowing the introduction of any liquid, gas, material or substance into any potable water system, thereby rendering it nonpotable.

"Distribution system" means the network of storage facilities, pumps, pipes, valves and other appurtenances between the source and the point of delivery of potable water in the public water system.

"Nonpotable water" means potable water that has been chemically, biologically or physically altered and thereby rendered unfit for human consumption.

"Point of delivery" means the terminal end of a service connection between the distribution system and the consumer's water system at which point the city of Oregon City loses its jurisdiction of and sanitary control over the potable water supply.

"Pollution" means an impairment of the quality of water to a degree that does not create a hazard to public health, but affects the aesthetic qualities of such water for domestic use.

"Potable water" means water from any source that has been investigated by the health agency having jurisdiction, and has been approved for human consumption.

"Public water supply" means the distribution system supplying potable water to the city of Oregon City consumers.

"Regulatory agencies" means one or more of the following agencies whose specifications and requirements, as presented in their associated publications are accepted as industry standards:

American Water Works Association—Standards C510, C511 and Manual M14.

American Water Works Association, Pacific Northwest Section—Cross-Connection Control Manual, ~~Sixth~~ Seventh Edition, ~~December 1995~~ 2012.

Department of Human Services—OAR 333-~~061~~-0025 (9), OAR 333-~~061~~-0070 ~~(1)~~, OAR 333-~~061~~-0071.

University of Southern California, Foundation for Cross-Connection Control and Hydraulic Research—Manual of Cross Connection Control, ~~Ninth~~ Tenth Edition, ~~December 1993~~ 2009.

"Service connection" means the supply piping between the distribution system main and the consumer's water system, normally terminating at the downstream end of the water meter.

"Unprotected cross-connection" means any cross-connection which may exist that allows the introduction of any liquid, gas, material or substance into the public water supply, thereby rendering it nonpotable.

(Ord. 04-1006 §1, 2004: Ord. 98-1001 (part), 1998)

13.04.320 - Control of cross-connections.

The city shall establish, maintain and monitor an on-going cross-connection control program which shall be administered by the public works director and/or their designated appointee(s). Information pertaining to the policies and procedures of the program can be obtained from the public works director.

(Ord. 98-1001 (part), 1998)

13.04.330 - Back-flow prevention ~~devices~~ assemblies.

The public water supply shall be protected from any existing and/or future unprotected cross-connections by the installation of ~~a back-flow-an approved backflow~~ prevention ~~device-assembly~~ at or near the point of delivery according to standards and procedures established by one or more of the defined regulatory agencies. Back-flow prevention shall be required in circumstances where an unprotected cross-connection condition may exist. Failure to install an approved back-flow ~~device~~ assembly or conduct a required annual test on a back-flow ~~device-assembly~~ shall result in denial or discontinuation of water service.

(Ord. 04-1006 §2, 2004: Ord. 98-1001 (part), 1998)

13.04.340 - Standard construction specifications.

The workmanship and materials for any work performed under permits issued per this chapter shall be in accordance with the edition of the "Standard Specifications for Public Works Construction," as prepared by the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the city, in effect at the time of application. The exception to this requirement is where this chapter and the Public Works Water Distribution System Design Standards provide other design details, in which case the requirements of this chapter and the Public Works Water Distribution System Design Standards shall be complied with.

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

Chapter 13.08 - SEWER REGULATIONS

13.08.010 - Sewer connections—Required.

- A. All water closets, privies, sinks, bathtubs and drains containing or carrying sewerage in all houses located within the boundaries of any sewer district heretofore established or that may hereafter be established and in which persons are residing shall be connected with the public system of sewers, and within the time specified in the ordinance creating the sewer district.
- B. It is unlawful for any person to reside in any house or upon any premises within the boundaries of any sewer district in the city, after the time specified for connecting the house or premises as provided in the ordinance establishing the sewer district in which the house or premises is located unless the house or premises has been connected with the sewer system owned and operated by the City as provided in this section.

(Prior code §8-5-1)

13.08.015 – Sewer connections – Exemptions

Properties may remain on septic if the public sewer is not physically and legally available as defined by OAR 340-071-0160.

13.08.16 – Cross Connections.

Sanitary sewers may not connect or convey any sewage to storm sewers.

13.08.020 - Connection required—Notice.

It shall be the duty of the chief of police to ascertain all houses and premises in the districts, whose owners have not complied with the ordinance providing for the connection of the privies, located therein or upon such premises, and to post a notice thereon, that it shall be unlawful for any person to reside in the house or upon the premises, while the water closets, sinks, bathtubs and drains used in connection with the house or premises, remain unconnected with the public sewer in such district.

(Prior code §8-5-2)

13.08.030 - Privies.

All property owners within a sewer district are required to close and properly fill with earth all privy vaults, cesspools and septic tanks within the time specified in the ordinance establishing the sewer district and hereafter it is unlawful for any property owner to dig or make use of any cesspool, privy vault or septic tank within any sewer district in which there has been a public sewer constructed to serve the premises.

(Prior code §8-5-3)

13.08.040 - Engineer—Approval required.

All connections made with any public sewer or drain in the city shall be made according to the specifications made or approved by the engineer.

(Prior code §8-5-4)

13.08.050 - Engineer—Permits.

- A. The city issues engineering permits for sewer line work in the right-of-way either as a separate Public Works permit or as part of overall issued public infrastructure construction plans. The various fees for these permits are approved and modified from time to time by the city commission. Failure to meet the conditions of the issued permit shall constitute a violation of the Municipal Code.
- B. The engineer is authorized to grant such permits as he may deem necessary for allowing persons to tap the public sewers, and to make connections therewith; provided however, that the permit shall be granted on the express condition that the owner or tenant for whose benefit such connection shall be made, and each succeeding tenant shall in consideration of the privilege thereby granted, hold the city harmless for any loss or damage that may in any way result from or be occasioned by any such tap or connection. (Prior code §8-5-5)

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

13.08.060 - Bond required.

No person shall be authorized by the engineer to do this work of making connections with any of the public sewers or drains until he has furnished and filed a surety company bond in the office of the recorder in the sum of five hundred dollars conditioned that he will indemnify and save harmless the city from all loss or damage that may be occasioned in any way by accident or the want of care or skill on his part in the prosecution of such work or that may be occasioned by reason of any opening by him made or caused to be made in a street, market place, or public ground in making of any public or private sewer or drain as aforesaid; and conditioned also that he will promptly at the proper time replace and restore the street and pavement over the opening to as good state and condition as he found it previous to the opening of the same, and that he will conform in all respects to the rules and regulations which may from time to time be established by the commission in relation to putting junctions and tapping of the sewers and drains.

(Prior code §8-5-6)

13.08.070 - Acceptance of connection by city.

Each person so licensed who shall make connections with the sewers or drains, shall keep in repair and good order the whole of the work executed by him until the same is accepted by the engineer, or such other person as may be designated for that purpose, which acceptance shall be given in writing, and shall not be given until the expiration of one year after the completion of the work.

(Prior code §8-5-7)

13.08.080 - Notification of engineer.

After the permit has been issued notice in writing must in all cases be left in the office of the engineer by the person who is about to make the connection with any sewer or drain, stating the time when the work will be ready for inspection previous to making the connection.

(Prior code §8-5-8)

13.08.090 - Connections to existing work.

- A. No drain pipe can be extended from work previously done and accepted, or new connection at any time be made with such work unless previous notice of at least twenty-four hours is given to the engineer and permit issued.

B. In case it shall be necessary to connect a drain or sewer pipe with a public sewer when no junction is left in the same, the new connection with the public sewer can only be made when an officer of the city, duly authorized, is present to see the whole of the work done.

C. Connections from new development shall connect to the system of drains and sewers operated by the City of Oregon City. Alternative connections may be allowed solely at the discretion of the City Engineer.

(Prior code §8-5-9)

13.08.100 - Barriers.

All openings and obstructions in any street must be carefully guarded by the person holding the permit authorizing such opening or obstructions at all times with sufficient barriers, and during the nighttime shall be indicated by colored lights, and such other precautions shall be taken as shall be necessary to guard the public against accidents, and at all times the work shall be so done as to cause the least inconvenience to property owners and the general public.

(Prior code §8-5-10)

13.08.110 - Condition of fixtures.

It is unlawful for any person in possession of premises into which a pipe or other connection with the public sewers or drains has been laid for the purpose of carrying off animal refuse from privies or water closets, slops from kitchens, or other purposes, to allow the same to remain without good and perfect fixtures so attached as to allow a sufficiency of water to be so applied as to properly carry off such matters and to keep the same unobstructed.

(Prior code §8-5-11)

13.08.115 – Condition of service lines.

The service pipe, within the premises, as defined in the Sanitary Sewer Design Standards, and throughout its entire length must be kept in good repair at the expense of the owner, who shall be responsible for all damages resulting from leaks or breaks in the service pipe.

13.08.120 - Permit revocation.

Any person authorized to make connections with sewers or drains who shall be guilty of any violation of the provisions of this chapter shall be immediately deprived of his permit.

(Prior code §8-5-12)

13.08.125 – Right of Entry

Agents of the Public Works Department may access property for the purpose of completing a sewer line assessment solely by using a camera within private sewer laterals extending from city sewer mains up to within five feet of the structure. Public Works Department staff will not physically enter private property for the purpose of sewer assessment. Public Works Department staff shall provide written notice prior to entering into private property with a camera to conduct condition assessments.

Should physical access to private property be necessary, Public Works Department staff shall provide written notice in advance and shall receive consent of the property owner prior to doing so.

13.08.130 - Development and user charges.

The city may also establish connection charges and sewer user fees. The amounts of such charges and fees shall be set by resolution of the city commission. Any connection charge shall be no greater than the amount necessary to reimburse the city for its average cost in inspecting and installing connections.

(Ord. 91-1021 §4, 1991)

13.08.140 - Applications outside city limits.

An applicant owning property outside the city limits may apply for permission to connect with the sewer in like manner as one within the city limits and outside of a created sewer district. An applicant owning property outside the City limits, but within the Urban Growth Boundary, may be forced to connect to public sewer, and annex to the City, if the septic is failing and the public sewer is physically and legally available as defined in OAR 340-071-0160. The City may charge different rates for those properties not within City limits.

(Prior code §8-5-14)

13.08.150 - Permit issuance—Connection supervision.

When permission is granted by the commission and the fees paid by the applicant a copy of the permit shall be given to the engineer who, at the expense of the applicant, shall superintend the connection of the sewer with the sewer system in the sewer district in which the privilege has been granted and upon the completion of the connection shall return the same to the recorder with his endorsement of the time and place of connection.

(Prior code §8-5-15)

13.08.155 – Sewer rates.

A. Sewer Rates. The rates for sewer furnished by the city to each user within the city limits shall be established by city commission resolution.

13.08.158 – Service lateral improvement program.

When a sewer service falls into disrepair as determined by the Public Works Department, a fee may be assessed to the property owner. The fee may be paid at one time or through a payment program. The fee for repairing or replacing the service shall be in accordance with a schedule of charges adopted by the city commission.

13.08.159 - Reduced rates and financial assistance

An owner-occupied residence with a 5/8 x 3/4 inch water meter may qualify for a reduced user rate, or other financial assistance, if the income of its residents meets certain criteria. Customers requesting the reduced user rates, or other financial assistance, shall make written application and shall certify as to meeting the income criteria established.

13.08.160 - Entry in lien record.

The recorder shall enter the permit in the docket of the city liens immediately following the entered matter which relates to the system of that sewer district to which permission to connect has been granted, and shall credit the fees paid to the general fund.

(Prior code §8-5-16)

13.08.165 – Failure to comply with rules

Should anyone fail to comply with the rules and regulations established as conditioned to the use of sewer, or to pay the sewer rates or fees at the time and manner hereafter provided, the property may be assessed fines or liens to recover the costs associated with unpaid rates or fees. Failure to pay the charges imposed by this chapter shall subject the user and the premises to the collection and lien provisions imposed for water charges.

13.08.170 - Private connections prohibited.

It is unlawful for any person to connect a private sewer from his property with a private sewer on any other property which is connected with the public sewers without first having made the foregoing application and paying the amount computed by the recorder, as the charge for the privilege, it shall also be unlawful to connect any lot or premises, either directly or indirectly, lying outside of the limits of a sewer district with any public sewer without first complying with the provisions of this chapter.

(Prior code §8-5-17)

13.08.180 - Unlawful substances.

It is unlawful for any person to permit to be drained, any oils, greases, chemicals, storm water, surface water, ground water, roof runoff, subsurface drainage, liquids and substances which might be detrimental to the sewage treatment plant, into any sewer, drain or pipe leading to the plant from any premises in the city.

(Prior code §8-5-18)

13.08.190 - Sanitary requirements.

In factories and workshops where there are fifteen persons or less of each sex, there shall be provided by the proprietor or owner one water closet for each sex, and one for each additional fifteen persons of each sex or minimum thereof. Toilets shall be separate in all cases. Every tenement or lodging house shall be provided with one water closet for every ten rooms or minimum thereof, and one sink for each floor. All residences and public halls shall be provided with at least one water closet and one sink.

(Prior code §8-5-19)

~~13.08.200 – Collection.~~

~~The charges imposed by this chapter shall be charged against the occupants and/or owner of the affected premises and shall be collectible with and in the same manner as charges imposed for water service.~~

(Prior code §8-5-20)

13.08.210 - STEP systems.

- A. "STEP system" which means a septic tank effluent pump system, meeting the standards and specifications of the city engineer (hereinafter "engineer"), shall be permitted as an alternative to the standard sewer used in the city. Such system shall be owned, operated, and maintained by the city as provided in this section.

- B. The engineer shall require, as a condition of approval of any STEP system that the property owner utilizing such system grant the city any easements, permits of entry, or licenses which are necessary or convenient for the construction, operation, or maintenance of the STEP system.
- C. Generally, sewer service through normal sewer facilities (i.e. house sewer, laterals, trunks, and treatment plants) shall be provided when available. However, if service through such normal sewer facilities is unavailable, the engineer may permit use of a STEP system, on an interim basis, when such sewer service is determined by the engineer to be practical, and necessary or convenient to the use of the property proposed to be served or when such service is required by the city. The use of a STEP system is declared to be an interim service to served properties and each property owner shall provide the city with a nonremonstrance agreement, waiving all objections, jurisdictional or otherwise, to participation in the formation of a local improvement district to provide such normal sewer facilities in future. The city may record any such waiver of remonstrances in the deed records of the county.
- D. Installation, operation, and, before acceptance by the city, maintenance of a STEP system shall be in accordance with the directions of the engineer and at the expense of the owner of the property serviced by such system. Upon installation, inspection and approval by the engineer, and acceptance by the city, the STEP system shall be owned by the city, which shall thereafter be responsible for maintenance of the system, except as provided in this section. No STEP system shall be accepted unless and until all easements, licenses, and permits necessary for control of the operation, use, and maintenance of such system have been granted. The city may record in the deed records of the county any such easement, license, or permit granted. It shall be the responsibility of the property owner to keep clean and maintain the building sewer from the building to the connection with the public sewer.
- E. The costs of electricity necessary to operate the STEP system shall be borne by the property owner. Any STEP system which is rendered nonoperational by virtue of failure to pay for such costs shall cause the property benefited to be deemed unavailable for human habitation. The owner or occupier of the property served shall be entitled to written notice at least five days before a declaration by the city that the property is to be declared unavailable for occupancy and such person may request in writing a hearing before the city manager prior to such declaration. The decision of the city manager shall be final.
- F. Subject to applicable constitutional limitation, the property owner shall permit entry on the site served for purposes of installation, maintenance, inspection, observation, measurement, sampling or testing of the STEP system. The property owner shall agree to such entry evidenced by a written permit of entry, as a condition precedent to the permit for the use of the STEP system.
- G. The property owner shall be liable for damage to any portion of the STEP system if not caused by the city. The STEP system permit shall indicate that the owner agrees to assume such liability and such assumption shall be a condition precedent to issuance of the permit.
- H. Application for use of a STEP system shall be made by the property owner or owners, who shall remain responsible for compliance with this section and permits thereunder. The property owner may delegate responsibility to the person occupying land for the duties imposed on the property owner under subsections D and G of this section. Such delegation shall be in writing in which the occupier of property accepts such responsibility filed with the engineer and shall be valid for such period as the delegee occupies the property, unless a shorter period is designated by the engineer. Thereafter, the property owner shall reassume responsibility.
- I. No provision of this section shall be construed to exempt an applicant for obtaining additional permits or meeting additional requirements of city, county, state or other appropriate public body with jurisdiction.

(Ord. 90-1052 §1, 1990: prior code §8-5-22)

13.08.220 - Violation—Penalty.

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

(Ord. 99-1004 §19, 1999: prior code §8-5-21)

13.08.230 - Standard construction specifications.

The workmanship and materials for any work performed under permits issued per this chapter shall be in accordance with the edition of the "Standard Specifications for Public Works Construction," as prepared by the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the city, in effect at the time of application. The exception to this requirement is where this chapter and the Public Works Sanitary Sewer Design Standards, the City of Oregon City standard notes, or City of Oregon City standard drawings provide other design details, in which case the requirements of this chapter and the Public Works Sanitary Sewer Design Standards shall be complied with.

13.08.235 – Design Standards.

The current version of the Oregon City Public Works Sanitary Sewer Design Standards shall be adhered to for all new sewer construction and connections.

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

13.08.240 – Stormwater and Groundwater Prohibited

- A. Stormwater, including street, roof, or footing drainage, shall not be designed or constructed in a manner to allow discharge into the sanitary sewer system, but shall be removed by a system of storm drains or by some other method separate from the sanitary sewer system. (Language from City of Oregon City Sanitary Sewer Design Standards, §2.00, paragraph three, page 10).
- B. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or ground water to a public sanitary sewer.
- C. Service laterals from building structure to the face of curb or edge of pavement line shall be maintained by the owner of said structure in such a manner as to prevent infiltration of ground water into the sanitary sewer system.
- D. Historic buildings established before the separation of stormwater and sanitary sewer systems may be exempt from groundwater and subsurface discharge into the sanitary sewer system.
- E. Properties may be exempt if removal of stormwater connections to sanitary sewer system is infeasible due to topography or public system constraints.

13.08.250 – Party Line Sewers Prohibited

No new sewer service lines shall be used by more than one property. Existing party lines shall be modified and separated where practicable per Oregon City Policies and Procedures when repairs or replacements of existing sewers is proposed.

Chapter 13.24 - TELECOMMUNICATIONS FACILITIES

13.24.010 - Scope of chapter.

Chapter 13.24 shall apply to telecommunications carriers, as defined below, with valid telecommunications franchises granted pursuant to this chapter prior to December 6, 2013. After December 6, 2013, all telecommunications carriers that do not have a valid franchise, or whose franchise expires, shall be subject to the provisions of Chapter 13.34 and the provisions of this chapter shall not apply to such telecommunications carriers.

(Ord. 99-1003 §1 (part), 1999)

(Ord. No. 13-1014, § 4, 11-6-2013)

Editor's note— Ord. No. 13-1014, § 4, adopted Nov. 6, 2013, deleted § 13.24.010 in its entirety and replaced it to read as herein set out. Former § 13.24.010 pertained to jurisdiction and management of the public rights-of-way.

13.24.020 - Regulatory fees and compensation not a tax.

- A. The fees and costs provided for in this chapter, and any compensation charged or paid for use of the public rights-of-way provided for in this chapter, are separate from, and in addition to, any and all federal, state, local, and city charges as may be levied, imposed, or due from a telecommunications carrier, its customers or subscribers, or on account of the lease, sale, delivery, or transmission of telecommunications services.
- B. The city has determined that any fee provided for by this chapter is not subject to the property tax limitations of Article XI, Sections 11 and 11b of the Oregon Constitution. These fees are not imposed on property or property owners, and these fees are not new or additional fees.
- C. The fees and costs provided for in this chapter are subject to applicable federal and state laws.

(Ord. 99-1003 §1 (part), 1999)

13.24.030 - Definitions.

For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The words "shall" and "will" are mandatory and "may" is permissive. Words not defined herein shall be given the meaning set forth in the Communications Policy Act of 1934, as amended, the Cable Communications Policy Act of 1984, the Cable Television Consumer Protection and Competition Act of 1992, and the Telecommunications Act of 1996. If not defined there, the words shall be given their common and ordinary meaning.

"Aboveground facilities" means utility poles, utility facilities and telecommunications facilities above the surface of the ground, including the underground supports and foundations for such facilities.

"Affiliated interest" means (1) every corporation and person owning or holding directly or indirectly five percent or more of the voting securities of such telecommunications utility; (2) every corporation and person in any chain of successive ownership of five percent or more of voting securities of such telecommunications utility; (3) every corporation five percent or more of whose voting securities are owned by any person or corporation owning five percent or more of the voting securities of such telecommunications utility or by any person or corporation in any chain of successive ownership of five

percent or more of voting securities of such telecommunications utility; (4) every person who is an officer or director of such telecommunications utility or of any corporation in any chain of successive ownership of five percent or more of voting securities of such telecommunications utility; (5) every corporation which has two or more officers or two or more directors in common with such telecommunications utility; (6) every corporation and person, five percent or more of which is directly or indirectly owned by a telecommunications utility; (7) every corporation or person which the Public Utility Commission determines as a matter of fact, after investigation and hearing, actually is exercising any substantial influence over the policies and actions of such telecommunications utility, even though such influence is not based upon stockholdings, stockholders, directors or officers to the extent specified herein; and, (8) every person or corporation who or which the Public Utility Commission determines as a matter of fact, after investigation and hearing, actually is exercising such substantial influence over the policies and actions of such telecommunications utility in conjunction with one or more other corporations or persons with whom they are related by ownership or blood or by action in concert that together they are affiliated with such telecommunications utility within the meaning herein even though no one of them alone is so affiliated.

"Cable Act" means the Cable Communications Policy Act of 1984, 47 U.S.C. 521 et seq., as now and hereafter amended.

"Cable service" is to be defined consistent with federal laws and means the one-way transmission to subscribers of video programming, or other programming service; and subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service.

"City" means the city of Oregon City, an Oregon municipal corporation, and individuals authorized to act on the city's behalf.

"City commission" means the elected governing body of the city of Oregon City, Oregon.

"Control or controlling interest" means actual working control in whatever manner exercised.

"City property" means and includes all property owned by the city, other than public rights-of-way and [public](#) utility easements as those are defined herein, and all property held in a proprietary capacity by the city, which are not subject to right-of-way franchising as provided in this chapter.

"Conduit" means any structure, or portion thereof, containing one or more ducts, conduits, manholes, handholes, bolts, or other facilities used for any telegraph, telephone, cable television, electrical, or communications conductors, or cable right-of-way, owned or controlled, in whole or in part, by one or more public utilities.

"Construction" means any activity in the public rights-of-way resulting in physical change thereto, including excavation or placement of structures, but excluding routine maintenance or repair of existing facilities.

"Days" means calendar days unless otherwise specified.

"Duct" means a single enclosed raceway for conductors or cable.

["Easement" means the space in, upon, above, along, across, over or under a private property for constructing, reconstructing, operating, maintaining, inspecting, and repairing a facility owned by someone other than the private property owner whereby the easement is located.](#)

"Emergency" shall have the meaning provided for in ORS 401.025.

"Federal Communications Commission or FCC" means the federal administrative agency, or its lawful successor, authorized to regulate and oversee telecommunications carriers, services and providers on a national level.

"Franchise" means an agreement between the city and a grantee which grants a privilege to use public right-of-way and [public](#) utility easements within the city for a dedicated purpose and for specific compensation.

"Grantee" means the person to which a franchise is granted by the city.

"Gross revenue" means any and all revenue, of any kind, nature or form, without deduction for expense, less net uncollectible, derived from the operation of utility facilities in the City, subject to all applicable limitations in federal or state law.

"Oregon Public Utilities Commission or OPUC" means the statutorily created state agency in the state of Oregon responsible for licensing, regulation and administration of certain telecommunications carriers as set forth in Oregon law, or its lawful successor.

"Overhead or aboveground facilities" means utility poles, utility facilities and telecommunications facilities above the surface of the ground, including the underground supports and foundations for such facilities.

"Person" means an individual, corporation, company, association, joint stock company or association, firm, partnership, or limited liability company.

"Private telecommunications network" means a system, including the construction, maintenance or operation of the system, for the provision of a service or any portion of a service which is owned or operated exclusively by a person for their use and not for resale, directly or indirectly. "Private telecommunications network" includes services provided by the state of Oregon pursuant to ORS 190.240 and 283.140.

"Public rights-of-way" means and includes, but is not limited to, streets, roads, highways, bridges, alleys, sidewalks, trails, paths, public easements, and all other public ways or areas, including the subsurface under and air space over these areas. This definition applies only to the extent of the city's right, title, interest or authority to grant a franchise to occupy and use such areas for telecommunications facilities. "Public rights-of-way" shall also include public utility easements as defined below.

"Public utility easement" means an easement that allows a utility the right to use and access specific areas of another's property for constructing and maintaining gas, electric, telecommunication, fiberoptic, water, and sewer lines.

"State" means the state of Oregon.

"Telecommunications Act" means the Communications Policy Act of 1934, as amended by subsequent enactments including the Telecommunications Act of 1996 (47 U.S.C. 151 et seq.) and as hereafter amended.

"Telecommunications carrier" means any provider of telecommunications services and includes every person that directly or indirectly owns, controls, operates or manages telecommunications facilities within the city.

"Telecommunications facilities" means the plant and equipment, other than customer premises equipment, used by a telecommunications carrier to provide telecommunications services.

"Telecommunications service" means any service provided for the purpose of transmission of information including, but not limited to, voice, video, or data, without regard to the transmission protocol employed and whether or not the transmission medium is owned by the provider itself. Telecommunications service includes all forms of telephone services and voice, video, data or information transport, but does not include: (1) cable service; (2) open video system service, as defined in 47 C.F.R. 76; (3) private communications system services provided without using the public rights of way; (4) over-the-air radio or television broadcasting to the public-at-large from facilities licensed by the Federal Communications Commission or any successor thereto; and (5) direct-to-home satellite service within the meaning of Section 602 of the Telecommunications Act; and (6) commercial mobile radio services as defined in 47 C.F.R. 20.

"Telecommunications system" means the plant and equipment, other than customer premises equipment, used by a telecommunications carrier to provide telecommunications services.

"Telecommunications utility" shall have the same meaning as ORS 759.005(1).

"Underground facilities" means utility and telecommunications facilities located under the surface of the ground, excluding the underground foundations or supports for "overhead facilities."

"Usable space" means all the space on a pole, except the portion below ground level, the twenty feet of safety clearance space above ground level, and the safety clearance space between communications and power circuits. There is a rebuttable presumption that six feet of a pole is buried below ground level.

~~"Utility easement" means any easement granted to or owned by the city and acquired, established, dedicated or devoted for public utility purposes.~~

"Utility facilities" means the plant, equipment and property, including but not limited to the poles, pipes, mains, conduits, ducts, cable, wires, plant and equipment located under, on, or above the surface of the ground within the public right-of-way of the city and used or to be used for the purpose of providing utility or telecommunications services. (Ord. 99-1003 §1 (part), 1999)

(Ord. No. 11-1009, §§ 1, 2, 9-7-2011)

13.24.040 - Registration of telecommunications carriers.

A. Purpose. The purpose of registration is:

1. To assure that all telecommunications carriers who have facilities and/or provide services within the city comply with the ordinances, rules and regulations of the city.
2. To provide the city with accurate and current information concerning the telecommunications carriers who offer to provide telecommunications services within the city, or that own or operate telecommunications facilities within the city.
3. To assist the city in the enforcement of this chapter and the collection of any city franchise fees or charges that may be due the city.

B. Registration Required. Except as provided in subsection D of this section, all telecommunications carriers having telecommunications facilities within the corporate limits of the city, and all telecommunications carriers that offer or provide telecommunications service to customer premises within the city, shall register. The appropriate application and license from: (a) the Oregon Public Utility Commission (PUC); or (b) the Federal Communications Commission (FCC) qualify as necessary registration information. Applicants also have the option of providing the following information:

1. The identity and legal status of the registrant, including the name, address, and telephone number of the duly authorized officer, agent, or employee responsible for the accuracy of the registration information.
2. The name, address, and telephone number for the duly authorized officer, agent, or employee to be contacted in case of an emergency.
3. A description of the registrant's existing or proposed telecommunications facilities within the city, a description of the telecommunications facilities that the registrant intends to construct, and a description of the telecommunications service that the registrant intends to offer or provide to persons, firms, businesses, or institutions within the city.
4. Information sufficient to determine whether the transmission, origination or receipt of the telecommunications services provided, or to be provided, by the registrant constitutes an occupation or privilege subject to any business license requirements. A copy of the business license or the license number must be provided.

C. Registration Fee. Each application for registration as a telecommunications carrier shall be accompanied by a nonrefundable registration fee in the amount of thirty-five dollars, or as otherwise established by resolution of the city commission.

D. Exceptions to Registration. The following telecommunications carriers are excepted from registration:

1. Telecommunications carriers that are owned and operated by the state or a political subdivision of this state exclusively for its own use.
2. A private telecommunications network, provided that such network does not occupy any public rights-of-way of the city. (Ord. 99-1003 §1 (part), 1999)

13.24.050 - Construction standards.

A. General. No person shall commence or continue with the construction, installation or operation of telecommunications facilities within a public right-of-way except as provided in this chapter and in compliance with all applicable codes, rules, and regulations.

B. Construction Codes. Telecommunications facilities shall be constructed, installed, operated and maintained in accordance with all applicable federal, state and local codes, rules and regulations including the National Electrical Code and the National Electrical Safety Code.

C. Construction Permits. No person shall construct or install any telecommunications facilities within a public right-of-way without first obtaining a construction permit, and paying the construction permit fee established pursuant to subsection G of this section. No permit shall be issued for the construction or installation of telecommunications facilities within a public right-of-way:

1. Unless the telecommunications carrier has first filed a registration statement with the city pursuant to Section 13.24.040(B) of this code; and if applicable,
2. Unless the telecommunications carrier has first applied for and been granted a franchise pursuant to Section 13.24.070 of this code.

D. Permit Applications. Applications for permits to construct telecommunications facilities shall be submitted on forms to be provided by the city and shall be accompanied by drawings, plans and specifications. The drawings, plans and specifications must:

1. Provide sufficient detail to demonstrate that the facilities will be constructed in accordance with all applicable codes, rules and regulations;
2. Demonstrate that the facilities will be constructed in accordance with the franchise agreement;
3. Provide the location and route of all facilities to be installed aboveground or on existing utility poles;
4. Provide the location and route of all new facilities to be installed underground on or in a public right-of-way, including the line and grade proposed for the burial at all points along the route that are within the public right-of-way. Existing facilities shall be distinguished from new construction;
5. Provide the location of all of the applicant's existing underground utilities, conduits, ducts, pipes, mains and installations that are within the public rights-of-way along the underground route proposed by the applicant. A cross section shall be provided showing new or existing facilities in relation to the street, curb, sidewalk or right-of-way; and
6. Provide a summary of the construction methods to be employed in performing the work and protecting existing structures, fixtures and facilities within or adjacent to the public right-of-way; including a description of any improvements that the applicant proposes to temporarily or permanently remove or relocate.

E. Applicant's Verification. All permit applications shall be accompanied by the verification of a registered professional engineer, or other qualified and duly authorized representative of the applicant, and the drawings, plans and specifications submitted with the application must comply with applicable technical codes, rules and regulations.

- F. Construction Schedule. All permit applications shall be accompanied by a written construction schedule, which shall include a deadline for completion of construction. The construction schedule is subject to approval by the city.
- G. Construction Permit Fee. Unless otherwise provided in a franchise agreement, prior to issuance of a construction permit, the applicant shall pay a permit fee in an amount consistent with this chapter or as otherwise determined by resolution of the city commission. Such fee shall be designed to defray the costs of city administration of the requirements of this chapter.
- H. Issuance of Permit. If satisfied that the applications, plans and documents submitted comply with all requirements of this chapter, the franchise agreement, and all applicable provisions of the city code or other law, the city shall issue a permit authorizing construction of the facilities, subject to such further conditions, restrictions or regulations affecting the time, place and manner of performing the work as the city may deem necessary or appropriate.
- I. Notice of Construction. Except in the case of an emergency, the permittee shall notify the city not less than two working days in advance of any excavation or construction in the public rights-of-way.
- J. Compliance with Permit. All construction practices and activities shall be in accordance with the permit and approved final plans and specifications for the facilities. The city shall be provided access to the work site and such further information as it may require to ensure compliance with such requirements.
- K. Noncomplying Work. Subject to the notice requirements in Section 13.24.060(C), all work which does not comply with the permit, the approved or corrected plans and specifications for the work, or the requirements of this chapter, shall be removed at the sole expense of the permittee.
- L. Completion of Construction. The permittee shall promptly complete all construction activities so as to minimize disruption of the city rights-of-way and other public and private property. All construction work within city rights-of-way, including restoration, must be completed within one hundred twenty days of the date of issuance of the construction permit unless an extension or an alternate schedule has been approved pursuant to the schedule submitted and approved by the appropriate city official as contemplated by subsection F of this section.
- M. As-Built Drawings. If requested by the city, the permittee shall furnish the city with two complete sets of plans drawn to scale and certified to the city as accurately depicting the location of all telecommunications facilities constructed pursuant to the permit. These plans shall be submitted to the city engineer or designee within sixty days after completion of construction, in a format mutually acceptable to the permittee and the city.
- N. Restoration of Public Rights-of-Way and City Property:
 - 1. When a permittee, or any person acting on its behalf, does any work in or affecting any public rights-of-way or city property, it shall, at its own expense, promptly remove any obstructions therefrom and restore such ways or property to good order and condition unless otherwise directed by the city and as determined by the city engineer or designee.
 - 2. If weather or other conditions do not permit the complete restoration required by this section, the permittee shall temporarily restore the affected rights-of-way or property. Such temporary restoration shall be at the permittee's sole expense and the permittee shall promptly undertake and complete the required permanent restoration when the weather or other conditions no longer prevent such permanent restoration. Any corresponding modification to the construction schedule shall be subject to approval by the city.
 - 3. If the permittee fails to restore rights-of-way or property to good order and condition, the city shall give the permittee written notice and provide the permittee a reasonable period of time not exceeding thirty days to restore the rights-of-way or property. If, after said notice, the permittee fails to restore the rights-of-way or property to as good a condition as existed before the work was undertaken, the city shall cause such restoration to be made at the expense of the permittee.

4. A permittee or other person acting in its behalf shall use suitable barricades, flags, flagging attendants, lights, flares and other measures that are required for the safety of all members of the general public and to prevent injury or damage to any person, vehicle or property by reason of such work in or affecting such rights-of-way or property.
- O. Performance and Completion Bond. Unless otherwise provided in a franchise agreement, a performance bond or other form of surety acceptable to the city equal to at least one hundred percent of the estimated cost of constructing permittee's telecommunications facilities within the public rights-of-way of the city, shall be provided before construction is commenced.
1. The surety shall remain in force until sixty days after substantial completion of the work, as determined in writing by the city, including restoration of public rights-of-way and other property affected by the construction.
 2. The surety shall guarantee, to the satisfaction of the city:
 - a. Timely completion of construction;
 - b. Construction in compliance with applicable plans, permits, technical codes and standards;
 - c. Proper location of the facilities as specified by the city;
 - d. Restoration of the public rights-of-way and other property affected by the construction; and
 - e. Timely payment and satisfaction of all claims, demands or liens for labor, material, or services provided in connection with the work.

(Ord. 99-1003 §1 (part), 1999)

13.24.060 - Location of telecommunications facilities.

- A. Location of Facilities. All facilities located within the public rights-of-way shall be constructed, installed and located in accordance with the following terms and conditions, unless otherwise specified in a franchise agreement:
1. Whenever all existing electric utilities, cable facilities or telecommunications facilities are located underground within a public right-of-way of the city, a grantee with permission to occupy the same public right-of-way must also locate its telecommunications facilities underground.
 2. Whenever all new or existing electric utilities, cable facilities or telecommunications facilities are located or relocated underground within a public right-of-way of the city, a grantee that currently occupies the same public right-of-way shall relocate its facilities underground concurrently with the other affected utilities to minimize disruption of the public right-of-way, absent extraordinary circumstances or undue hardship as determined by the city and consistent with applicable state and federal law.
- B. Interference with the Public Rights-of-Way. No grantee may locate or maintain its telecommunications facilities so as to unreasonably interfere with the use of the public rights-of-way by the city, by the general public or by other persons authorized to use or be present in or upon the public rights-of-way. All use of public rights-of-way shall be consistent with city codes, ordinances and regulations.
- C. Relocation or Removal of Facilities. Except in the case of an emergency, within ninety days following written notice from the city, a grantee shall, at no expense to grantor, temporarily or permanently remove, relocate, change or alter the position of any telecommunications facilities within the public rights-of-way whenever the city shall have determined that such removal, relocation, change or alteration is reasonably necessary for:
1. The construction, repairs, maintenance or installation of any city or other public improvement in or upon the public rights-of-way.
 2. The operations of the city or other governmental entity in or upon the public rights-of-way.

3. The public interest.
- D. Removal of Unauthorized Facilities. Within thirty days following written notice from the city, any grantee, telecommunications carrier, or other person that owns, controls or maintains any unauthorized telecommunications system, facility, or related appurtenances within the public rights-of-way of the city shall, at its own expense, remove such facilities or appurtenances from the public rights-of-way of the city. A telecommunications system or facility is unauthorized and subject to removal in the following instances:
1. One year after the expiration or termination of the grantee's telecommunications franchise.
 2. Upon abandonment of a facility within the public rights-of-way of the city. A facility will be considered abandoned when it is deactivated, out of service, or not used for its intended and authorized purpose for a period of ninety days or longer. A facility will not be considered abandoned if it is temporarily out of service during performance of repairs or if the facility is being replaced.
 3. If the system or facility was constructed or installed without the appropriate prior authority at the time of installation.
 4. If the system or facility was constructed or installed at a location not permitted by the grantee's telecommunications franchise or other legally sufficient permit.
- E. Coordination of Construction Activities. All grantees are required to make a good faith effort to cooperate with the city.
1. By January 1st of each year, grantees shall provide the city with a schedule of their proposed construction activities that may affect the public rights-of-way, including specifically any proposed construction activities in or around a public right-of-way.
 2. If requested by the city, each grantee shall meet with the city annually or as determined by the city, to schedule and coordinate construction in the public rights-of-way. At that time, city will provide available information on plans for local, state, and/or federal construction projects.
 3. All construction locations, activities and schedules shall be coordinated, as ordered by the city engineer or designee, to minimize public inconvenience, disruption or damages.

(Ord. 99-1003 §1 (part), 1999)

13.24.070 - Telecommunications franchise.

- A. Telecommunications Franchise. A telecommunications franchise shall be required of any telecommunications carrier who desires to occupy public rights-of-way of the city.
- B. Application. Any person that desires a telecommunications franchise must register as a telecommunications carrier and shall file with the city an application which includes the following information:
1. The identity of the applicant.
 2. A description of the telecommunications services that are to be offered or provided by the applicant over its telecommunications facilities.
 3. Engineering plans, specifications, and a network map in a form customarily used by the applicant of the facilities located or to be located within the public rights-of-way in the city, including the location and route requested for applicant's proposed telecommunications facilities.
 4. The area or areas of the city the applicant desires to serve and a preliminary construction schedule for build-out to the entire franchise area.

5. Information to establish that the applicant has obtained all other governmental approvals and permits to construct and operate the facilities and to offer or provide the telecommunications services proposed.
 6. An accurate map showing the location of any existing telecommunications facilities in the city that applicant intends to use or lease.
- C. Application and review fee:
1. Subject to applicable state law, applicant shall reimburse the city for such reasonable costs as the city incurs in entering into the franchise agreement.
 2. An application and review fee of two thousand dollars shall be deposited with the city as part of the application filed pursuant to subsection B of this section. Expenses exceeding the deposit will be billed to the applicant or the unused portion of the deposit will be returned to the applicant following the determination granting or denying the franchise.
- D. Determination by the City. The city shall issue a written determination granting or denying the application in whole or in part. If the application is denied, the written determination shall include the reasons for denial.
- E. Rights Granted. No franchise granted pursuant to this chapter shall convey any right, title or interest in the public rights-of-way, but shall be deemed a grant to use and occupy the public rights-of-way for the limited purposes and term stated in the franchise agreement.
- F. Term of Grant. Unless otherwise specified in the franchise agreement, a telecommunications franchise granted hereunder shall be in effect for a term of five years.
- G. Franchise Territory. Unless otherwise specified in a franchise agreement, a telecommunications franchise granted hereunder shall be limited to a specific geographic area of the city to be served by the franchise grantee, and the public rights-of-way necessary to serve such areas, and may include the entire city.
- H. Franchise Fee. Each franchise granted by the city is subject to the city's right, which is expressly reserved, to fix a fair and reasonable compensation to be paid for the privileges granted; provided, nothing in this code shall prohibit the city and a grantee from agreeing to the compensation to be paid. The compensation shall be subject to the specific payment terms and conditions contained in the franchise agreement and applicable state and federal laws.
- I. Amendment of Grant. Conditions for amending a franchise:
1. A new application and grant shall be required of any telecommunications carrier that desires to extend or locate its telecommunications facilities in public rights-of-way of the city which are not included in a franchise previously granted under this chapter.
 2. If ordered by the city to locate or relocate its telecommunications facilities in public rights-of-way not included in a previously granted franchise, the city shall grant an amendment without further application.
 3. A new application and grant shall be required of any telecommunications carrier that desires to provide a service which was not included in a franchise previously granted under this chapter.
- J. Renewal Applications. A grantee that desires to renew its franchise under this chapter shall, not less than one hundred eighty days before expiration of the current agreement, file an application with the city for renewal of its franchise which shall include the following information:
1. The information required pursuant to subsection B of this section.
 2. Any information required pursuant to the franchise agreement between the city and the grantee.
- K. Renewal Determinations. Within ninety days after receiving a complete application, the city shall issue a written determination granting or denying the renewal application in whole or in part, applying the following standards. If the renewal application is denied, the written determination shall include the reasons for non-renewal.

1. The financial and technical ability of the applicant.
 2. The legal ability of the applicant.
 3. The continuing capacity of the public rights-of-way to accommodate the applicant's existing and proposed facilities.
 4. The applicant's compliance with the requirements of this chapter and the franchise agreement.
 5. Applicable federal, state and local telecommunications laws, rules and policies.
 6. Such other factors as may demonstrate that the continued grant to use the public rights-of-way will serve the community interest.
- L. **Obligation to Cure as a Condition of Renewal.** No franchise shall be renewed until any ongoing violations or defaults in the grantee's performance of the agreement, or of the requirements of this chapter, have been cured, or a plan detailing the corrective action to be taken by the grantee has been approved by the city.
- M. **Assignments or Transfers of System or Franchise.** Ownership or control of a majority interest in a telecommunications system or franchise may not, directly or indirectly, be transferred, assigned or disposed of by sale, lease, merger, consolidation or other act of the grantee, by operation of law or otherwise, without the prior consent of the city, which consent shall not be unreasonably withheld or delayed, and then only on such reasonable conditions as may be prescribed in such consent.
1. Grantee and the proposed assignee or transferee of the franchise or system shall agree, in writing, to assume and abide by all of the provisions of the franchise.
 2. No transfer shall be approved unless the assignee or transferee has the legal, technical, financial and other requisite qualifications to own, hold and operate the telecommunications system pursuant to this chapter.
 3. Unless otherwise provided in a franchise agreement, the grantee shall reimburse the city for all direct and indirect fees, costs, and expenses reasonably incurred by the city in considering a request to transfer or assign a telecommunications franchise.
 4. Any transfer or assignment of a telecommunications franchise, system or integral part of a system without prior approval of the city under this code or pursuant to a franchise agreement shall be void and is cause for revocation of the franchise.
- N. **Revocation or Termination of Franchise.** A franchise to use or occupy public rights-of-way of the city may be revoked for the following reasons:
1. Construction or operation in the city or in the public rights-of-way of the city without a construction permit.
 2. Construction or operation at an unauthorized location.
 3. Failure to comply with subsection M of this section with respect to sale, transfer or assignment of a telecommunications system or franchise.
 4. Misrepresentation by or on behalf of a grantee in any application to the city.
 5. Abandonment of telecommunications facilities in the public rights-of-way.
 6. Failure to relocate or remove facilities as required in this chapter.
 7. Failure to pay taxes, compensation, fees or costs when and as due the city under this chapter.
 8. Insolvency or bankruptcy of the grantee.
 9. Violation of material provisions of this chapter.
 10. Violation of the material terms of a franchise agreement.
- O. **Notice and Duty to Cure.** In the event that the city believes that grounds exist for revocation of a franchise, the city shall give the grantee written notice of the apparent violation or noncompliance,

providing a short and concise statement of the nature and general facts of the violation or noncompliance, and providing the grantee a reasonable period of time, not exceeding thirty days, to furnish evidence that:

1. Corrective action has been, or is being actively and expeditiously pursued, to remedy the violation or noncompliance;
 2. Rebuts the alleged violation or noncompliance; and/or
 3. It would be in the public interest to impose some penalty or sanction less than revocation.
- P. Public Hearing. In the event that a grantee fails to provide evidence reasonably satisfactory to the city of its compliance with the franchise or with this chapter, city staff shall refer the apparent violation or noncompliance to the city commission. The Commission shall provide the grantee with notice and a reasonable opportunity to be heard concerning the matter.
- Q. Standards for Revocation or Lesser Sanctions. If persuaded that the grantee has violated or failed to comply with material provisions of this chapter, or of a franchise agreement, the city commission shall determine whether to revoke the franchise, or to establish some lesser sanction and cure, considering the nature, circumstances, extent, and gravity of the violation as reflected by one or more of the following factors:
1. Whether the violation or failure to comply was egregious;
 2. Whether substantial harm resulted from the violation or failure to comply;
 3. Whether the violation or failure to comply was intentional;
 4. Whether the grantee has violated or failed to comply with the provision(s) before;
 5. Whether the violation or failure to comply was voluntarily disclosed, admitted or cured; and
 6. The grantee's overall history of compliance.
- R. Other City Costs. All grantees shall, within thirty days after written demand therefore, reimburse the city for all reasonable direct and indirect costs and expenses incurred by the city in connection with any modification, amendment, renewal or transfer of the franchise or any franchise agreement consistent with applicable state and federal laws.

(Ord. 99-1003 §1 (part), 1999)

13.24.080 - General franchise terms.

- A. Facilities. Upon request, each grantee shall provide the city with an accurate map or maps certifying the location of all of its telecommunications facilities within the public rights-of-way. Each grantee shall provide updated maps annually.
- B. Damage to Grantee's Facilities. Unless directly and proximately caused by wilful, intentional or malicious acts by the city, the city shall not be liable for any damage to or loss of any telecommunications facility within the public rights-of-way of the city as a result of or in connection with any public works, public improvements, construction, excavation, grading, filling, or work of any kind in the public rights-of-way by or on behalf of the city, or for any consequential losses resulting directly or indirectly therefrom.
- C. Duty to Provide Information. Within ten business days of a written request from the city, each grantee shall furnish the city with information sufficient to demonstrate that the grantee has complied with all requirements of this chapter. All books, records, maps and other documents, maintained by the grantee with respect to its facilities within the public rights-of-way shall be made available for inspection by the city at reasonable times and intervals.
- D. Service to the City. If the city contracts for the use of telecommunications facilities, telecommunications services, installation, or maintenance from the grantee, the grantee shall charge

the city the grantee's most favorable rate offered at the time of the request charged to similar users within Oregon for a similar volume of service, subject to any of grantee's tariffs or price lists on file with the OPUC. With the city's permission, the grantee may deduct the applicable charges from fee payments. Other terms and conditions of such services may be specified in a separate agreement between the city and grantee.

- E. Compensation for City Property. If any right is granted, by lease, franchise or other manner, to use/or occupy city property for the installation of telecommunications facilities, the compensation to be paid for such right and use shall be fixed by the city.
- F. Cable Franchise. Telecommunication carriers providing cable service shall be subject to the separate cable franchise requirements of the city and other applicable authority.
- G. Leased Capacity. A grantee shall have the right, without prior city approval, to offer or provide capacity or bandwidth to its customers; provided that the grantee shall notify the city that such lease or agreement has been granted to a customer or lessee.
- H. Grantee Insurance. Unless otherwise provided in franchise agreement, each grantee shall, as condition of the grant, secure and maintain the following liability insurance policies insuring both the grantee and the city, and its elected and appointed officers, officials, agents and employees as coinsured:
 - 1. Comprehensive general liability insurance with limits not less than:
 - a. Three million dollars for bodily injury or death to each person;
 - b. Three million dollars for property damage resulting from any one accident; and,
 - c. Three million dollars for all other types of liability.
 - 2. Automobile liability for owned, non-owned and hired vehicles with a limit of one million dollars for each person and three million dollars for each accident.
 - 3. Worker's compensation within statutory limits and employer's liability insurance with limits of not less than one million dollars.
 - 4. Comprehensive form premises-operations, explosions and collapse hazard, underground hazard and products completed hazard with limits of not less than three million dollars.
 - 5. The liability insurance policies required by this section shall be maintained by the grantee throughout the term of the telecommunications franchise, and such other period of time during which the grantee is operating without a franchise hereunder, or is engaged in the removal of its telecommunications facilities. Each such insurance policy shall contain the following endorsement:

It is hereby understood that, at least ninety (90) days before this policy is canceled or an intention not to renew this policy is stated, the grantee and the insurer must provide written notice addressed to the city of such intent to cancel or not to renew.
 - 6. Within sixty days after receipt by the city of said notice, and in no event later than thirty days prior to said cancellation, the grantee shall obtain and furnish to the city evidence that the grantee otherwise meets the requirements of this section.
 - 7. As an alternative to the insurance requirements contained herein, a grantee may provide evidence of self-insurance subject to review and acceptance by the city.
- I. General Indemnification. Each franchise agreement shall include, to the extent permitted by law, grantee's expressed undertaking to defend, indemnify and hold the city and its officers, employees, agents and representatives harmless from and against any and all damages, losses and expenses, including reasonable attorney's fees and costs of suit or defense, arising out of, resulting from or alleged to arise out of or result from the negligent, careless or wrongful acts, omissions, failures to act or misconduct of the grantee or its affiliates, officers, employees, agents, contractors or subcontractors in the construction, operation, maintenance, repair or removal of its

telecommunications facilities, and in providing or offering telecommunications services over the facilities or network, whether such acts or omissions are authorized, allowed or prohibited by this chapter or by a franchise agreement made or entered into pursuant to this chapter.

- J. Performance Surety. Before a franchise granted pursuant to this chapter is effective, and as necessary thereafter, the grantee shall provide a performance bond, in form and substance acceptable to the city, as security for the full and complete performance of a franchise granted under this chapter, including any costs, expenses, damages or loss the city pays or incurs because of any failure attributable to the grantee to comply with the codes, ordinances, rules, regulations or permits of the city. This obligation is in addition to the performance surety required for construction of facilities.

(Ord. 99-1003 §1 (part), 1999)

13.24.090 - General provisions.

- A. Governing Law. Any franchise granted under this chapter is subject to the provisions of the Constitution and laws of the United States, and the state of Oregon and the ordinances and Charter of the city.
- B. Written Agreement. No franchise shall be granted hereunder unless the agreement is in writing.
- C. Nonexclusive Grant. No franchise granted under this chapter shall confer any exclusive right, privilege, license or franchise to occupy or use the public rights-of-way of the city for delivery of telecommunications services or any other purposes.
- D. Severability and Preemption. If any article, section, subsection, sentence, clause, phrase, term, provision, condition, covenant or portion of this chapter is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, or superseded by state or federal legislation, rules, regulations or decision, the remainder of the chapter shall not be affected thereby but shall be deemed as a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof, and each remaining section, subsection, sentence, clause, phrase, provision, condition, covenant and portion of the chapter shall be valid and enforceable to the fullest extent permitted by law. In the event that federal or state laws, rules or regulations preempt a provision or limit the enforceability of a provision of the chapter, then the provision shall be read to be preempted to the extent and or the time required by law. In the event such federal or state law, rules or regulation is subsequently repealed, rescinded, amended or otherwise changed so that the provision hereof that had been preempted is no longer preempted, such provision shall thereupon return to full force and effect, and shall thereafter be binding, without the requirement of further action on the part of the city, and any amendments hereto.
- E. Penalties. Any person found guilty of violating, disobeying, omitting, neglecting or refusing to comply with any of the provisions of this chapter shall be fined not less than one hundred dollars nor more than one thousand dollars for each offense. A separate and distinct offense shall be deemed committed each day on which a violation occurs. The enforcement of this provision shall be consistent with the provisions of this code regulating code enforcement.
- F. Other Remedies. Nothing in this chapter shall be construed as limiting any judicial remedies that the city may have, at law or in equity, for enforcement of this chapter.
- G. Captions. The captions to sections throughout this chapter are intended solely to facilitate reading and reference to the sections and provisions contained herein. Such captions shall not affect the meaning or interpretation of this chapter.
- H. Compliance With Laws. Any grantee under this chapter shall comply with all federal and state laws and regulations, including regulations of any administrative agency thereof, as well as all ordinances, resolutions, rules and regulations of the city heretofore or hereafter adopted or established during the entire term of any franchise granted under this chapter, which are relevant and relate to the construction, maintenance and operation of a telecommunications system.

- I. Consent. Wherever the consent of either the city or of the grantee is specifically required by this chapter or in a franchise granted, such consent will not be unreasonably withheld.
- J. Application to existing ordinance and agreements. To the extent that this chapter is not in conflict with and can be implemented with existing code and franchise agreements, this chapter shall apply to all existing ordinances and franchise agreements for use of the public rights-of-way for telecommunications.
- K. Confidentiality. The city agrees to use its best efforts to preserve the confidentiality of information as requested by a grantee, to the extent permitted by the Oregon public records law.
- L. Interest on late payments. If any fee or charge provided for under this chapter or in a franchise agreement shall not be timely paid, interest shall accrue on such fees at the rate of nine percent per annum, commencing the fifteenth day after payment was due. If such fee or charge is not paid within sixty days of the due date, an additional penalty in the amount of ten percent of such fee shall be assessed and due as of the date the underlying fee was due. Such penalty amount shall also bear interest at the rate provided for herein until paid.

(Ord. 02-1012, 2002: Ord. 99-1003 §1 (part), 1999)

Chapter 13.34 - UTILITY FACILITIES IN PUBLIC RIGHTS-OF-WAY

Sections :

13.34.010 - Title.

The ordinance codified in this chapter shall be known and may be referenced as the utility facilities in public rights-of-way ordinance.

(Ord. No. 13-1014, § 1(Exh. A), 11-6-2013)

13.34.020 - Purpose and intent.

The purpose and intent of this chapter is to:

- A. Permit and manage reasonable access to the rights-of-way of the city for utility purposes and conserve the limited physical capacity of those rights-of-way held in trust by the city consistent with applicable state and federal law;
- B. Assure that the city's current and ongoing costs of granting and regulating access to and the use of the rights-of-way are fully compensated by the persons seeking such access and causing such costs;
- C. Secure fair and reasonable compensation to the city and its residents for permitting use of the rights-of-way;
- D. Assure that all utility companies, persons and other entities owning or operating facilities and/or providing services within the city register and comply with the ordinances, rules and regulations of the city;
- E. Assure that the city can continue to fairly and responsibly protect the public health, safety and welfare of its citizens;
- F. Encourage the provision of advanced and competitive utility services on the widest possible basis to businesses and residents of the city; and
- G. Comply with applicable provisions of state and federal law.

(Ord. No. 13-1014, § 1(Exh. A), 11-6-2013)

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

- A. The city has jurisdiction and exercises regulatory management over all rights-of-way within the city under authority of the city charter and state law.
- B. The city has jurisdiction and exercises regulatory management over each right-of-way whether the city has a fee, easement, or other legal interest in the right-of-way, and whether the legal interest in the right-of-way was obtained by grant, dedication, prescription, reservation, condemnation, annexation, foreclosure or other means.
- C. The exercise of jurisdiction and regulatory management of a right-of-way by the city is not official acceptance of the right-of-way, and does not obligate the city to maintain or repair any part of the right-of-way.
- D. The provisions of this chapter are subject to and will be applied consistent with applicable state and federal laws, rules and regulations, and, to the extent possible, shall be interpreted to be consistent with such laws, rules and regulations.

(Ord. No. 13-1014, § 1(Exh. A), 11-6-2013)

13.34.040 - Regulatory fees and compensation not a tax.

- A. The fees and costs provided for in this chapter, and any compensation charged and paid for use of the rights-of-way provided for in this chapter, are separate from, and in addition to, any and all other federal, state, local, and city charges as may be levied, imposed, or due from a utility operator, its customers or subscribers, or on account of the lease, sale, delivery, or transmission of utility services.
- B. The city has determined that any fee or tax provided for by this chapter is not subject to the property tax limitations of Article XI, Sections 11 and 11b of the Oregon Constitution. These fees or taxes are not imposed on property or property owners.
- C. The fees and costs provided for in this chapter are subject to applicable federal and state laws.

(Ord. No. 13-1014, § 1(Exh. A), 11-6-2013)

13.34.050 - Definitions.

For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The words "shall" and "will" are mandatory and "may" is permissive.

"Cable service" is to be defined consistent with federal laws and means the one-way transmission to subscribers of: (i) video programming, or (ii) other programming service; and subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service.

"City" means the city of Oregon City, an Oregon municipal corporation, and individuals authorized to act on the city's behalf.

"City commission" means the elected governing body of the city of Oregon City, Oregon.

"City facilities" means city- or publicly-owned structures or equipment located within the right-of-way or public easement used for governmental purposes.

"Communications services" means any service provided for the purpose of transmission of information, including, but not limited to, voice, video, or data, without regard to the transmission protocol employed, whether or not the transmission medium is owned by the provider itself. Communications service includes all forms of telephone services and voice, video, data or information transport, but does not include:

1. Cable service;
2. Open video system service, as defined in 47 C.F.R. 76;
3. Private communications system services provided without using the public rights-of-way;
4. Public communications systems;
5. Over-the-air radio or television broadcasting to the public-at-large from facilities licensed by the Federal Communications Commission or any successor thereto; and
6. Direct-to-home satellite service within the meaning of Section 602 of the Telecommunications Act.

"Easement" means the space in, upon, above, along, across, over or under a private property for constructing, reconstructing, operating, maintaining, inspecting, and repairing a facility owned by someone other than the private property owner whereby the easement is located.

"Gross revenue" means any and all revenue, of any kind, nature or form, without deduction for expense, less net uncollectible, derived from the operation of utility facilities in the City, subject to all applicable limitations in federal or state law.

"License" means the authorization granted by the city to a utility operator pursuant to this chapter.

"Person" means and includes any individual, firm, sole proprietorship, corporation, company, partnership, co-partnership, joint-stock company, trust, limited liability company, governmental entity, association or other organization, including any natural person or any other legal entity.

"Private communications system" means a system, including the construction, maintenance or operation of the system, for the provision of a service or any portion of a service which is owned or operated exclusively by a person for their use and not for sale or resale, including trade, barter or other exchange of value, directly or indirectly.

"Public communications system" means any system owned or operated by a government entity or entities for their exclusive use for internal communications or communications with other government entities, and includes services provided by the state of Oregon pursuant to ORS 190.240 and 283.140. "Public communications system" does not include any system used for sale or resale, including trade, barter or other exchange of value, of communications services or capacity on the system, directly or indirectly, to any person.

"Public utility easement" means an easement that allows a utility the right to use and access specific areas of another's property for constructing and maintaining gas, electric, telecommunication, fiberoptic, water, and sewer lines.
~~means the space in, upon, above, along, across, over or under an easement for the constructing, reconstructing, operating, maintaining, inspecting, and repairing of utilities facilities.~~
~~"Public utility easement" does not include an easement solely for the constructing, reconstructing, operating, maintaining, inspecting, and repairing of city facilities, or where the proposed use by the utility operator is inconsistent with the terms of any easement granted to the city.~~

"Public works director" means the public works director for the city of Oregon City or any designee.

"Right-of-way" means and includes, but is not limited to, the space in, upon, above, along, across, over or under the public streets, roads, highways, lanes, courts, ways, alleys, boulevards, bridges, trails, paths, sidewalks, bicycle lanes, public utility easements and all other public ways or areas, including the subsurface under and air space over these areas, but does not include parks, parkland, or other city

property not generally open to the public for travel. This definition applies only to the extent of the city's right, title, interest and authority to grant a license to occupy and use such areas for utility facilities.

"State" means the state of Oregon.

"Utility facility" or "facility" means any physical component of a system, including but not limited to the poles, pipes, mains, conduits, ducts, cables, wires, transmitters, plant, equipment and other facilities, located within, under or above the rights-of-way, any portion of which is used or designed to be used to deliver, transmit or otherwise provide utility service.

"Utility operator" or "operator" means any person who owns, places, operates or maintains a utility facility within the city.

"Utility service" means the provision, by means of utility facilities permanently located within, under or above the rights-of-way, whether or not such facilities are owned by the service provider, of electricity, natural gas, communications services, cable services, water, sewer, and/or storm sewer to or from customers within the corporate boundaries of the city, and/or the transmission of any of these services through the city whether or not customers within the city are served by those transmissions.

"Work" means the construction, demolition, installation, replacement, repair, maintenance or relocation of any utility facility, including but not limited to any excavation and restoration required in association with such construction, demolition, installation, replacement, repair, maintenance or relocation.

13.34.060 - Registration.

- A. Registration Required. Every person that desires to provide utility services to customers within the city shall register with the city prior to providing any utility services to any customer in the city. Every person providing utility services to customers within the city as of the effective date of this chapter shall register within sixty days of the effective date of this chapter.
- B. Annual Registration. After registering with the city pursuant to subsection A of this section, the registrant shall, by December 31 of each year, file with the city a new registration form if it intends to provide utility service at any time in the following calendar year. Registrants that file an initial registration pursuant to subsection A of this section on or after September 30 shall not be required to file an annual registration until December 31 of the following year.
- C. Registration Application. The registration shall be on a form provided by the city, and shall be accompanied by any additional documents required by the city to identify the registrant and its legal status, describe the type of utility services provided or to be provided by the registrant and list the facilities over which the utility services will be provided.
- D. Registration Fee. Each application for registration shall be accompanied by a nonrefundable registration fee in an amount to be determined by resolution of the city commission in an amount sufficient to fully recover all of the city's costs of administering the registration program.
- E. Exception. A person with a valid franchise agreement or license from the city shall not be required to register to provide the utility services expressly permitted by the franchise agreement or license.

(Ord. No. 13-1014, § 1(Exh. A), 11-6-2013)

13.34.070 - Right-of-way usage licenses.

- A. License Required.
 - 1. Except those utility operators with a valid franchise agreement from the city, every person shall obtain a license from the city prior to conducting any work in the rights-of-way.
 - 2. Every person that owns or controls utility facilities in the rights-of-way as of the effective date of this chapter shall apply for a license from the city within sixty days of the later of: (I) the effective

date of this chapter, or (2) the expiration of a valid franchise from the city, unless a new franchise is granted by the city pursuant to subsection E of this section.

- B. **License Application.** The license application shall be on a form provided by the city, and shall be accompanied by any additional documents required by the application to identify the applicant, its legal status, including its authorization to do business in Oregon, a description of the type of utility service provided or to be provided by the applicant, and the facilities over which the utility service will be provided, and other information reasonably necessary to determine the applicant's ability to comply with the terms of this chapter.
- C. **License Application Fee.** The application shall be accompanied by a nonrefundable application fee or deposit set by resolution of the city commission in an amount sufficient to fully recover all of the city's costs related to processing the application for the license.
- D. **Determination by City.** The city shall issue, within a reasonable period of time, a written determination granting or denying the license in whole or in part. If the license is denied, the written determination shall include the reasons for denial. The license shall be evaluated based upon the provisions of this chapter, the continuing capacity of the rights-of-way to accommodate the applicant's proposed utility facilities and the applicable federal, state and local laws, rules, regulations and policies.
- E. **Franchise Agreements.** If the public interest warrants, as determined by the city, the city and utility operator may enter into a written franchise agreement that includes terms that clarify, enhance, expand, waive or vary the provisions of this chapter, consistent with applicable state and federal law. The franchise may conflict with the terms of this chapter with the review and approval of [the] city commission. The franchisee shall be subject to the provisions of this chapter to the extent such provisions are not in conflict with any such franchise.
- F. **Rights Granted.**
 - 1. The license granted hereunder shall authorize and permit the licensee, subject to the provisions of the city code and other applicable provisions of state or federal law, to construct, place, maintain and operate utility facilities in the rights-of-way for the term of the license.
 - 2. Any license granted pursuant to this chapter shall not convey equitable or legal title in the rights-of-way, and may not be assigned or transferred except as permitted in subsection K of this section.
 - 3. Neither the issuance of the license nor any provisions contained therein shall constitute a waiver or bar to the exercise of any governmental right or power, police power or regulatory power of the city as may exist at the time the license is issued or thereafter obtained.
- G. **Term.** Subject to the termination provisions in subsection M of this section, the license granted pursuant to this chapter will remain in effect for a term of five years.
- H. **License Nonexclusive.** No license granted pursuant to this section shall confer any exclusive right, privilege, license or franchise to occupy or use the rights-of-way for delivery of utility services or any other purpose. The city expressly reserves the right to grant licenses, franchises or other rights to other persons, as well as the city's right to use the rights-of-way, for similar or different purposes. The license is subject to all recorded deeds, easements, dedications, conditions, covenants, restrictions, encumbrances, and claims of title of record that may affect the rights-of-way. Nothing in the license shall be deemed to grant, convey, create, or vest in licensee a real property interest in land, including any fee, leasehold interest or easement.
- I. **Reservation of City Rights.** Nothing in the license shall be construed to prevent the city from grading, paving, repairing and/or altering any rights-of-way, constructing, laying down, repairing, relocating or removing city facilities or establishing any other public work, utility or improvement of any kind, including repairs, replacement or removal of any city facilities. If any of licensee's utility facilities interfere with the construction, repair, replacement, alteration or removal of any rights-of-way, public work, city utility, city improvement or city facility, except those providing utility services in competition with a licensee, licensee's facilities shall be removed or relocated as provided in subsections C, D

and E of Section 13.34.090, in a manner acceptable to the city and consistent with industry standard engineering and safety codes.

J. Multiple Services.

1. A utility operator that provides or transmits or allows the provision or transmission of utility services and other services over its facilities is subject to the license and right-of-way usage fee requirements of this chapter for the portion of the facilities and extent of utility services delivered over those facilities.
2. A utility operator that provides or transmits more than one utility service over its facilities is not required to obtain a separate license or franchise for each utility service, provided that it gives notice to the city of each utility service provided or transmitted and pays the applicable right-of-way usage fee for each utility service.

K. Transfer or Assignment. To the extent permitted by applicable state and federal laws, the licensee shall obtain the written consent of the city prior to the transfer or assignment of the license. The license shall not be transferred or assigned unless the proposed transferee or assignee is authorized under all applicable laws to own or operate the utility system and the transfer or assignment is approved by all agencies or organizations required or authorized under federal and state laws to approve such transfer or assignment. If a license is transferred or assigned, the transferee or assignee shall become responsible for all facilities of the licensee at the time of transfer or assignment. A transfer or assignment of a license does not extend the term of the license.

L. Renewal. At least ninety, but no more than one hundred eighty, days prior to the expiration of a license granted pursuant to this section, a licensee seeking renewal of its license shall submit a license application to the city, including all information required in subsection B of this section and the application fee required in subsection C of this section. The city shall review the application as required by subsection D of this section and grant or deny the license within ninety days of submission of the application. If the city determines that the licensee is in violation of the terms of this chapter at the time it submits its application, the city may require that the licensee cure the violation or submit a detailed plan to cure the violation within a reasonable period of time, as determined by the city, before the city will consider the application and/or grant the license. If the city requires the licensee to cure or submit a plan to cure a violation, the city will grant or deny the license application within ninety days of confirming that the violation has been cured or of accepting the licensee's plan to cure the violation.

M. Termination.

1. Revocation or Termination of a License. The city commission may terminate or revoke the license granted pursuant to this chapter for any of the following reasons:
 - a. Material violation of any of the provisions of this chapter;
 - b. Material violation of any provision of the license;
 - c. Material misrepresentation in a license application;
 - d. Failure to pay related taxes, compensation, fees or costs due the city after final determination of the taxes, compensation, fees or costs;
 - e. Failure to restore the rights-of-way after construction as required by this chapter or other applicable state and local laws, ordinances, rules and regulations;
 - f. Failure to comply with technical, safety and engineering standards related to work in the rights-of-way; or
 - g. Failure to obtain or maintain any and all licenses, permits, certifications and other authorizations required by state or federal law for the placement, maintenance and/or operation of the utility facilities.
2. Standards for Revocation or Termination. In determining whether termination, revocation or some other sanction is appropriate, the following factors shall be considered:

- a. The egregiousness of the misconduct;
 - b. The harm that resulted;
 - c. Whether the violation was intentional;
 - d. The utility operator's history of compliance; and/or
 - e. The utility operator's cooperation in discovering, admitting and/or curing the violation.
3. Notice and Cure. The city shall give the utility operator written notice of any apparent violations before terminating a license. The notice shall include a short and concise statement of the nature and general facts of the violation or noncompliance and provide a reasonable time (no less than twenty and no more than forty days) for the utility operator to demonstrate that the utility operator has remained in compliance, that the utility operator has cured or is in the process of curing any violation or noncompliance, or that it would be in the public interest to impose a penalty or sanction less than termination or revocation. If the utility operator is in the process of curing a violation or noncompliance, the utility operator must demonstrate that it acted promptly and continues to actively work on compliance. If the utility operator does not respond or if the city manager or designee determines that the utility operator's response is inadequate, the city manager or designee shall refer the matter to the city commission, which shall provide a duly noticed public hearing to determine whether the license shall be terminated or revoked.

(Ord. No. 13-1014, § 1(Exh. A), 11-6-2013)

13.34.080 - Construction and restoration.

- A. Construction Codes. Utility facilities shall be constructed, installed, operated and maintained in accordance with all applicable federal, state and local codes, rules and regulations, including but not limited to the National Electrical Code and the National Electrical Safety Code and the city's pavement cut standards. When a utility operator, or any person acting on its behalf, does any work in or affecting the rights-of-way, the utility operator shall, at its own expense, promptly restore the rights-of-way as directed by the city consistent with applicable city codes, rules and regulations. A utility operator or other person acting on its behalf shall use suitable barricades, flags, flagging attendants, lights, flares and other measures as required for the safety of all members of the general public and to prevent injury or damage to any person, vehicle or property by reason of such work in or affecting the rights-of-way or property.
- B. Construction Permits.
- 1. No person shall perform any work on utility facilities within the rights-of-way without first obtaining all required permits. The city shall not issue a permit for the construction, installation, maintenance or repair of utility facilities unless the utility operator of the facilities has applied for and received the license required by this chapter, or has a current franchise with the city, and all applicable fees have been paid. No permit is required for service drops to customer premises or routine maintenance or repairs where such drops, repairs or maintenance do not require cutting, digging, or breaking of, or damage to, the right-of-way and do not result in closing or blocking any portion of the travel lane for vehicular traffic, bicycle lanes or sidewalks.
 - 2. In the event of an emergency, a utility operator with a license pursuant to this chapter or its contractor may perform work on its utility facilities without first obtaining a permit from the city, provided that, to the extent reasonably feasible, it attempts to notify the city prior to commencing the emergency work and in any event applies for a permit from the city as soon as reasonably practicable, but not more than forty-eight hours after commencing the emergency work. As used in this subsection, "emergency" means a circumstance in which immediate repair to damaged or malfunctioning facilities is necessary to restore lost service or prevent immediate harm to persons or property.

3. Applications for permits to construct utility facilities shall be submitted upon forms to be provided by the city and shall be accompanied by drawings, plans and specifications in sufficient detail to demonstrate:
 - a. That the facilities will be constructed in accordance with all applicable codes, rules and regulations.
 - b. The location and route of all utility facilities to be installed aboveground or on existing utility poles.
 - c. The location and route of all utility facilities on or in the rights-of-way to be located under the surface of the ground, including the line and grade proposed for the burial at all points along the route that are within the rights-of-way. Applicant's existing utility facilities shall be differentiated on the plans from new construction. The public works director may require additional information necessary to demonstrate that the proposed location can accommodate the utility facilities.
 - d. The construction methods to be employed for protection of existing structures, fixtures, and facilities within or adjacent to the rights-of-way, and description of any improvements that applicant proposes to temporarily or permanently remove or relocate.
 4. All permit applications shall be accompanied by the verification of a professional engineer, or other qualified and duly authorized representative of the applicant, that the drawings, plans and specifications submitted with the application comply with applicable technical codes, rules and regulations.
 5. All permit applications shall be accompanied by a written construction schedule, which shall include a deadline for completion of construction. The construction schedule is subject to approval by public works director.
 6. Prior to issuance of a construction permit, the applicant shall pay a permit fee in an amount to be determined by resolution of the city commission.
 7. If satisfied that the applications, plans and documents submitted comply with all requirements of this chapter, the public works director shall issue a permit authorizing construction of the utility facilities, subject to such further conditions, restrictions or regulations affecting the time, place and manner of performing the work as they may deem necessary or appropriate.
 8. Except in the case of an emergency, the permittee shall notify the public works director not less than two working days in advance of any excavation or construction in the rights-of-way.
 9. All construction practices and activities shall be in accordance with the permit and approved final plans and specifications for the utility facilities. The public works director and designated representatives shall be provided access to the work site and such further information as they may require to ensure compliance with such requirements.
 10. All work which does not comply with the permit, the approved or corrected plans and specifications for the work, or the requirements of this chapter, shall be removed at the sole expense of the permittee. The city is authorized to stop work in order to assure compliance with the provision of this chapter. If the permittee fails to remove work as required in this subsection, the city may remove the work at the expense of the permittee, after notice and opportunity to cure.
 11. The permittee shall promptly complete all construction activities so as to minimize disruption of the city rights-of-way and other public and private property. All construction work within the rights-of-way, including restoration, must be completed within sixty days of the date of issuance of the construction permit unless an extension or an alternate schedule has been approved by the appropriate city official.
- C. Performance Surety.

1. The city may require a performance bond or other form of surety acceptable to the city equal to at least one hundred percent of the estimated cost of the work within the rights-of-way of the city be provided before construction is commenced.
 2. In the event the performance bond or other form of surety acceptable to the city is required, it shall:
 - a. Remain in force until sixty days after substantial completion of the work, as determined in writing by the city, including restoration of rights-of-way and other property affected by the construction; and
 - b. The performance bond or other form of surety acceptable to the city shall guarantee, to the satisfaction of the city:
 - i. Timely completion of the work;
 - ii. That the work is performed in compliance with applicable plans, permits, technical codes and standards;
 - iii. Proper location of the facilities as specified by the city;
 - iv. Restoration of the rights-of-way and other property affected by the work; and
 - v. Timely payment and satisfaction of all claims, demands or liens for labor, material, or services provided in connection with the work.
- D. Injury to Persons or Property. A utility operator shall preserve and protect from injury or damage other utility operators' facilities in the rights-of-way, the public using the rights-of-way and any adjoining property, and take other necessary measures to protect life and property, including but not limited to buildings, walls, fences, trees or facilities that may be subject to damage from the permitted work. A utility operator shall be responsible for all injury to persons or damage to public or private property resulting from its failure to properly protect people and property and to carry out the work.
- E. Restoration.
1. When a utility operator, or any person acting on its behalf, does any work in or affecting any rights-of-way, it shall, at its own expense, promptly restore such ways or property to the same or better condition as existed before the work was undertaken, in accordance with applicable federal, state and local laws, codes, ordinances, rules and regulations, unless otherwise directed by the city and as determined by the public works director.
 2. If weather or other conditions beyond the utility operator's control do not permit the complete restoration required by the city, the utility operator shall temporarily restore the affected rights-of-way or property. Such temporary restoration shall be at the utility operator's sole expense and the utility operator shall promptly undertake and complete the required permanent restoration when the weather or other conditions no longer prevent such permanent restoration. Any corresponding modification to the construction schedule may be subject to approval by the city.
 3. If the utility operator fails to restore rights-of-way or property as required in this chapter, the city shall give the utility operator written notice and provide the utility operator a reasonable period of time not less than ten days, unless an emergency or threat to public safety is deemed to exist, and not exceeding thirty days, or such additional time agreed to in writing by the city, to restore the rights-of-way or property. If, after said notice, the utility operator fails to restore the rights-of-way or property as required in this chapter, the city shall cause such restoration to be made at the expense of the utility operator.
- F. Inspection. Every utility operator's facilities shall be subject to the right of periodic inspection by the city to determine compliance with the provisions of this chapter and all other applicable state and city codes, ordinances, rules and regulations. Every utility operator shall cooperate with the city in permitting the inspection of utility facilities upon request of the city. The utility operator shall perform all testing, or permit the city to perform any testing at the utility operator's expense, required by the city to determine that the installation of the utility operator's facilities and the restoration of the right-

of-way comply with the terms of this chapter and applicable state and city codes, ordinances, rules and regulations.

- G. Coordination of Construction. All utility operators are required to make a good faith effort to both cooperate with and coordinate their construction schedules with those of the city and other users of the rights-of-way.
1. Prior to January 1 of each year, utility operators shall provide the city with a schedule of known proposed construction activities for that year in, around or that may affect the rights-of-way.
 2. Utility operators shall meet with the city annually, or as determined by the city, to schedule and coordinate construction in the rights-of-way.
 3. All construction locations, activities and schedules within the rights-of-way shall be coordinated as ordered by the public works director, to minimize public inconvenience, disruption, or damages.

(Ord. No. 13-1014, § 1(Exh. A), 11-6-2013)

13.34.090 - Location of facilities.

- A. Location of Facilities. Unless otherwise agreed to in writing by the city:
1. Utility facilities shall be installed underground in all areas of the city where there are no existing poles in the right-of-way or no space on existing poles in the right-of-way. This requirement shall not apply to pedestals, cabinets or other above-ground equipment of any utility operator. The city reserves the right to require written approval of the location of any such above-ground equipment in the right-of-way.
 2. Whenever any existing electric utilities, cable facilities or communications facilities are located underground within a right-of-way of the city, the utility operator with permission to occupy the same right-of-way shall locate its facilities underground at its own expense. This requirement shall not apply to facilities used for transmission of electric energy at nominal voltages in excess of thirty-five thousand volts in areas where there are existing poles in the right-of-way, or to pedestals, cabinets or other above-ground equipment of any utility operator. The city reserves the right to require written approval of the location of any such above-ground equipment in the right-of-way.
- B. Interference with the Rights-of-Way. No utility operator or other person may locate or maintain its facilities so as to unreasonably interfere with the use of the rights-of-way by the city, by the general public or by other persons authorized to use or be present in or upon the rights-of-way. All use of the rights-of-way shall be consistent with city codes, ordinances, rules and regulations.
- C. Relocation of Utility Facilities.
1. A utility operator shall, at no cost to the city, temporarily or permanently remove, relocate, change or alter the position of any utility facility within a right-of-way, including relocation of aerial facilities underground, when requested to do so in writing by the city.
 2. Nothing herein shall be deemed to preclude the utility operator from requesting reimbursement or compensation from a third party, pursuant to applicable laws, regulations, tariffs or agreements, provided that the utility operator shall timely comply with the requirements of this section regardless of whether or not it has requested or received such reimbursement or compensation.
 3. The city shall provide written notice of the time by which the utility operator must remove, relocate, change, alter or underground its facilities. If a utility operator fails to remove, relocate, alter or underground any utility facility as requested by the city and by the date reasonably established by the city, the utility operator shall pay all costs incurred by the city due to such failure, including but not limited to costs related to project delays, and the city may cause the

utility facility to be removed, relocated, altered or undergrounded at the utility operator's sole expense. Upon receipt of a detailed invoice from the city, the utility operator shall reimburse the city for the costs the city incurred within thirty days.

D. Removal of Unauthorized Facilities.

1. Unless otherwise agreed to in writing by the public works director, within thirty days following written notice from the city or such other time agreed to in writing by the city, a utility operator and any other person that owns, controls, or maintains any abandoned or unauthorized utility facility within a right-of-way shall, at its own expense, remove the facility and restore the right-of-way.
2. A utility system or facility is unauthorized under any of the following circumstances:
 - a. The utility facility is outside the scope of authority granted by the city under the license, franchise or other written agreement. This includes facilities that were never licensed or franchised and facilities that were once licensed or franchised but for which the license or franchise has expired or been terminated. This does not include any facility for which the city has provided written authorization for abandonment in place.
 - b. The facility has been abandoned and the city has not provided written authorization for abandonment in place. A facility is abandoned if it is not in use and is not planned for further use. A facility will be presumed abandoned if it is not used for a period of twelve consecutive months. A utility operator may overcome this presumption by presenting plans for future use of the facility.
 - c. The utility facility is improperly constructed or installed or is in a location not permitted by the construction permit, license, franchise or this chapter.
 - d. The utility operator is in violation of a material provision of this chapter and fails to cure such violation within thirty days of the city sending written notice of such violation, unless the city extends such time period in writing.

E. Removal by City.

1. The city retains the right and privilege to cut or move the facilities of any utility operator or similar entity located within the rights-of-way of the city, without notice, as the city may determine to be necessary, appropriate or useful in response to a public health or safety emergency. The city will use qualified personnel or contractors consistent with applicable state and federal safety laws and regulations to the extent reasonably practicable without impeding the city's response to the emergency. The city will use best efforts to provide the utility operator with notice prior to cutting or moving facilities. If prior notice is not possible, the city will provide such notice as soon as reasonably practicable after taking such action.
2. If the utility operator fails to remove any facility when required to do so under this chapter, the city may, upon at least ten days' prior written notice, remove the facility using qualified personnel or contractors consistent with applicable state and federal safety laws and regulations and industry standards, and the utility operator shall be responsible for paying the full cost of the removal and any administrative costs incurred by the city in removing the facility and obtaining reimbursement. Upon receipt of a detailed invoice from the city, the utility operator shall reimburse the city for the costs the city incurred within thirty days. The obligation to remove shall survive the termination of the license or franchise.
3. The city shall not be liable to any utility operator for any damage to utility facilities, or for any consequential losses resulting directly or indirectly therefrom, by the city or its contractor in removing, relocating or altering the facilities pursuant to subsections B, C or D of this section or undergrounding its facilities as required by subsection A of this section, or resulting from the utility operator's failure to remove, relocate, alter or underground its facilities as required by those subsections, unless such damage arises directly from the city's negligence or willful misconduct.

- F. Engineering Record Drawings. The utility operator shall provide the city with two complete sets of record drawings in a form acceptable to the city upon completion of construction.

(Ord. No. 13-1014, § 1(Exh. A), 11-6-2013)

13.34.100 - Leased capacity.

A utility operator may lease capacity on or in its systems to others, provided that, upon request, the utility operator provides the city with the name and business address of any lessee. A utility operator is not required to provide such information if applicable law or a valid agreement between the utility operator and the lessee expressly prohibits such disclosure.

(Ord. No. 13-1014, § 1(Exh. A), 11-6-2013)

13.34.110 - Maintenance.

- A. Every utility operator shall install and maintain all facilities in a manner that complies with applicable federal, state and local laws, rules, regulations and policies. The utility operator shall, at its own expense, repair and maintain facilities from time to time as may be necessary to accomplish this purpose.
- B. If, after written notice from the city of the need for repair or maintenance to address a significant risk to life or property, a utility operator fails to repair and maintain facilities as requested by the city and by the date reasonably established by the city, the city may perform such repair or maintenance using qualified personnel or contractors at the utility operator's sole expense. Upon receipt of a detailed invoice from the city, the utility operator shall reimburse the city for the costs the city incurred within thirty days.

(Ord. No. 13-1014, § 1(Exh. A), 11-6-2013)

13.34.120 - Vacation.

If the city vacates any right-of-way, or portion thereof, that a utility operator uses, the utility operator shall, at its own expense, remove its facilities from the right-of-way unless the city reserves a public utility easement, which the city shall make a reasonable effort to do provided that there is no expense to the city, or the utility operator obtains an easement for its facilities. If the utility operator fails to remove its facilities within thirty days after a right-of-way is vacated, or as otherwise directed or agreed to in writing by the city, the city may remove the facilities at the utility operator's sole expense. Upon receipt of an invoice from the city, the utility operator shall reimburse the city for the costs the city incurred within thirty days.

(Ord. No. 13-1014, § 1(Exh. A), 11-6-2013)

13.34.130 - Right-of-way usage fee.

- A. Except as set forth in subsection B of this section, every person that owns utility facilities in the city and every person that uses utility facilities in the city to provide utility service, whether or not the person owns the utility facilities used to provide the utility services, shall pay the right-of-way usage fee for every utility service provided using the rights-of-way in the amount determined by resolution of the city commission.
- B. A utility operator whose only facilities in the right-of-way are facilities mounted on structures within the right-of-way, which structures are owned by another person, and with no facilities strung between

such structures or otherwise within, under or above the right-of-way, shall pay the attachment fee set by commission resolution for each attachment, or such other fee set forth in the license granted by the city. Unless otherwise agreed to in writing by the city, the fee shall be paid annually, in arrears, for each year during the term of this license within thirty days after the end of each calendar year, and shall be accompanied by information sufficient to illustrate the calculation of the amount payable. The utility shall pay interest at the rate of nine percent per year for any payment made after the due date.

- C. Right-of-way usage fee payments required by this section shall be reduced by any franchise fee payments received by the city, but in no case will be less than zero dollars.
- D. Unless otherwise agreed to in writing by the city, the right-of-way usage fee set forth in subsection A of this section shall be paid quarterly, in arrears, for each quarter during the term of the license within thirty days after the end of each calendar quarter, and shall be accompanied by an accounting of gross revenues, if applicable, and a calculation of the amount payable. The utility shall pay interest at the rate of nine percent per year for any payment made after the due date.
- E. The calculation of the right-of-way usage fee required by this section shall be subject to all applicable limitations imposed by federal or state law.
- F. The city reserves the right to enact other fees and taxes applicable to the utility operators subject to this chapter. Unless expressly permitted by the city in enacting such fee or tax, or required by applicable state or federal law, no utility operator may deduct, offset or otherwise reduce or avoid the obligation to pay any lawfully enacted fees or taxes based on the payment of the right-of-way usage fee or any other fees required by this chapter.

(Ord. No. 13-1014, § 1(Exh. A), 11-6-2013)

13.34.140 - Audits.

- A. Within thirty days of a written request from the city, or as otherwise agreed to in writing by the city:
 - 1. Every provider of utility service shall furnish the city with information sufficient to demonstrate that the provider is in compliance with all the requirements of this chapter and its franchise agreement, if any, including but not limited to payment of any applicable right-of-way usage fee or franchise fee.
 - 2. Every utility operator shall make available for inspection by the city at reasonable times and intervals all maps, records, books, diagrams, plans and other documents, maintained by the utility operator with respect to its facilities within the rights-of-way or public utility easements. Access shall be provided within the city unless prior arrangement for access elsewhere has been made with the city.
- B. If the city's audit of the books, records and other documents or information of the utility operator or utility service provider demonstrate that the utility operator or provider has underpaid the right-of-way usage fee or franchise fee by three percent or more in any one year, the utility operator shall reimburse the city for the cost of the audit, in addition to any interest owed pursuant to Section 13.34.130 or as specified in a franchise.
- C. Any underpayment, including any interest or audit cost reimbursement, shall be paid within thirty days of the city's notice to the utility service provider of such underpayment.

(Ord. No. 13-1014, § 1(Exh. A), 11-6-2013)

13.34.150 - Insurance and indemnification.

- A. Insurance.

1. All utility operators shall maintain in full force and effect the following liability insurance policies that protect the utility operator and the city, as well as the city's officers, agents, and employees:
 - a. Comprehensive general liability insurance with limits not less than:
 - i. Three million dollars for bodily injury or death to each person;
 - ii. Three million dollars for property damage resulting from any one accident; and
 - iii. Three million dollars for all other types of liability.
 - b. Motor vehicle liability insurance for owned, non-owned and hired vehicles with a limit of one million dollars for each person and three million dollars for each accident.
 - c. Worker's compensation within statutory limits and employer's liability with limits of not less than one million dollars.
 - d. If not otherwise included in the policies required by subsection A.1.a. above, maintain comprehensive form premises-operations, explosions and collapse hazard, underground hazard and products completed hazard with limits of not less than three million dollars.
 - e. Utility operator may utilize primary and umbrella liability insurance policies to satisfy the preceding insurance policy limit requirements.
 2. The limits of the insurance shall be subject to statutory changes as to maximum limits of liability imposed on municipalities of the state of Oregon. The insurance shall be without prejudice to coverage otherwise existing and shall name, or the certificate of insurance shall name, with the exception of worker's compensation, as additional insureds the city and its officers, agents, and employees. The coverage must apply as to claims between insureds on the policy. The policy shall provide that the insurance shall not be canceled or no longer comply with this section, without thirty days prior written notice first being given to the city. If the insurance is canceled or materially altered, the utility operator shall obtain a replacement policy that complies with the terms of this section and provide the city with a replacement certificate of insurance. The utility operator shall maintain continuous uninterrupted coverage, in the terms and amounts required. The utility operator may self insure, or keep in force a self-insured retention plus insurance, for any or all of the above coverage.
 3. The utility operator shall maintain on file with the city a certificate of insurance, or proof of self-insurance acceptable to the city, certifying the coverage required above.
- B. Financial Assurance. Unless otherwise agreed to in writing by the city, before a franchise granted or license issued pursuant to this chapter is effective, and as necessary thereafter, the utility operator shall provide a performance bond or other financial security, in a form acceptable to the city, as security for the full and complete performance of the franchise or license, if applicable, and compliance with the terms of this chapter, including any costs, expenses, damages or loss the city pays or incurs because of any failure attributable to the utility operator to comply with the codes, ordinances, rules, regulations or permits of the city. This obligation is in addition to the performance surety required by subsection C of Section 13.34.080.
- C. Indemnification.
1. Each utility operator shall defend, indemnify and hold the city and its officers, employees, agents and representatives harmless from and against any and all liability, causes of action, claims, damages, losses, judgments and other costs and expenses, including attorney fees and costs of suit or defense (at both the trial and appeal level, whether or not a trial or appeal ever takes place) that may be asserted by any person or entity in any way arising out of, resulting from, during or in connection with, or alleged to arise out of or result from the negligent, careless, or wrongful acts, omissions, failure to act, or other misconduct of the utility operator or its affiliates, officers, employees, agents, contractors, subcontractors, or lessees in the construction, operation, maintenance, repair, or removal of its facilities, and in providing or offering utility services over the facilities, whether such acts or omissions are authorized, allowed, or prohibited by this chapter or by a franchise agreement, unless the utility operator's

failure arises directly from the city's negligence or willful misconduct. The acceptance of a license under Section 13.34.070 shall constitute such an agreement by the applicant whether the same is expressed or not. Upon notification of any such claim the city shall notify the utility operator and provide the utility operator with an opportunity to provide defense regarding any such claim.

2. Every utility operator shall also indemnify the city for any damages, claims, additional costs or expenses assessed against or payable by the city arising out of or resulting, directly or indirectly, from the utility operator's failure to remove or relocate any of its facilities in the rights-of-way or easements in a timely manner, unless the utility operator's failure arises directly from the city's negligence or willful misconduct.

(Ord. No. 13-1014, § 1(Exh. A), 11-6-2013)

13.34.160 - Compliance.

Every utility operator shall comply with all federal and state laws and regulations, including regulations of any administrative agency thereof, as well as all applicable ordinances, resolutions, rules and regulations of the city, heretofore or hereafter adopted or established during the entire term of any license granted under this chapter.

(Ord. No. 13-1014, § 1(Exh. A), 11-6-2013)

13.34.170 - Confidential/proprietary information.

If any person is required by this chapter to provide books, records, maps or information to the city that the person reasonably believes to be confidential or proprietary, the city shall take reasonable steps to protect the confidential or proprietary nature of the books, records or information, to the extent permitted by Oregon public records laws, provided that all documents are clearly marked as confidential by the person at the time of disclosure to the city. The city shall not be required to incur any costs to protect such document, other than the city's routine internal procedures for complying with the Oregon public records law.

(Ord. No. 13-1014, § 1(Exh. A), 11-6-2013)

13.34.180 - Penalties.

- A. Any person found guilty of violating any of the provisions of this chapter or the license shall be subject to a penalty of not less than one hundred dollars nor more than one thousand dollars for each offense. A separate and distinct offense shall be deemed committed each day on which a violation occurs or continues.
- B. Nothing in this chapter shall be construed as limiting any judicial or other remedies the city may have at law or in equity, for enforcement of this chapter.

(Ord. No. 13-1014, § 1(Exh. A), 11-6-2013)

13.34.190 - Severability and preemption.

- A. The provisions of this chapter shall be interpreted to be consistent with applicable federal and state law, and shall be interpreted, to the extent possible, to cover only matters not preempted by federal or state law.

- B. If any article, section, subsection, sentence, clause, phrase, term, provision, condition or portion of this chapter is for any reason declared or held to be invalid or unenforceable by any court of competent jurisdiction or superseded by state or federal legislation, rules, regulations or decision, the remainder of this chapter shall not be affected thereby but shall be deemed as a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof, and each remaining section, subsection, clause, phrase, term, provision, condition, covenant and portion of this chapter shall be valid and enforceable to the fullest extent permitted by law. In the event any provision is preempted by federal or state laws, rules or regulations, the provision shall be preempted only to the extent required by law and any portion not preempted shall survive. If any federal or state law resulting in preemption is later repealed, rescinded, amended or otherwise changed to end the preemption, such provision shall thereupon return to full force and effect and shall thereafter be binding without further action by the city.

(Ord. No. 13-1014, § 1(Exh. A), 11-6-2013)

13.34.200 - Application to existing agreements.

To the extent that this chapter is not in conflict with and can be implemented consistent with existing franchise agreements, this chapter shall apply to all existing franchise agreements granted to utility operators by the city.

(Ord. No. 13-1014, § 1(Exh. A), 11-6-2013)



Oregon City Municipal Code

Chapter 16.12 Minimum Public Improvements and Design Standards for Development

16.12.008 Definitions.

Whenever the words or terms and their derivatives are used in this chapter, they shall have the meaning herein ascribed to them as described in OCMC 17.04, unless the context dictates application of a different meaning.

16.12.10 - Purpose and general provisions.

The purpose of this chapter is to identify the standards for development in and adjacent to spaces which benefit the public including right-of-way, access to the right-of-way, public off-street pedestrian and bicycle accessways, and easements. All development shall be in conformance with the policies and design standards established by this chapter and with applicable standards in the City's public facility master plans and City design standards and specifications. In reviewing applications for development, the City Engineer shall take into consideration any approved development and the remaining development potential of adjacent properties. All street, water, sanitary sewer, storm drainage and utility plans associated with any development shall be reviewed and approved by the City Engineer prior to construction. All streets, driveways or storm drainage connections to another jurisdiction's facility or right-of-way shall be reviewed by the appropriate jurisdiction as a condition of the preliminary plat and when required by law or intergovernmental agreement shall be approved by the appropriate jurisdiction.

16.12.11 - Applicability.

- A. Compliance with this chapter is required for all development including land divisions, site plan and design review, master plan, detailed development plan and conditional use applications and all public improvements that are required in conjunction with a land use decision. ~~Minor Site Plan and Design Review applications shall not be subject to this chapter unless improvements are proposed within the right-of-way, or as otherwise provided in this chapter.~~
- B. Compliance with this chapter is also required for new construction or additions which exceed fifty percent of the existing square footage of all 3-4 plexes, single and two-family dwellings living space. Garages, carports, sheds, and porches may not be included in the calculation if these spaces are not living spaces. Accessory dwelling units are not subject to compliance with this chapter. All applicable 3-4 plexes, single and two family dwellings shall provide any necessary dedications, easements or agreements as identified in the transportation system plan and this chapter, subject to constitutional limitations. In addition, the street frontage shall be improved to include the following priorities for improvements:
 1. Improve street pavement, construct curbs, gutters, sidewalks and planter strips; and
 2. Plant street trees.

The cost of compliance with the standards identified in 16.12.011.B.1 and 16.12.011.B.2 is calculated based on the square footage valuation from the State of Oregon Building Codes Division

and limited to ten percent of the total construction costs. The value of the alterations and improvements is based on the total construction costs for a complete project rather than costs of various project component parts subject to individual building permits. The entire proposed construction project cost includes engineering and consulting fees and construction costs. It does not include permit fees, recording fees, or any work associated with drafting or recording dedications or easements.

- C. Exemptions. The following are exempt from review by this chapter unless public improvements, driveways, PUEs, or other items regulated by this chapter are proposed.
1. Projects that are reviewed through the Minor Site Plan and Design Review applications process shall not be subject to compliance with public street improvement standards in 16.12.015 through 16.12.032 unless the following improvements are proposed:
 2. Work within the right-of-way
 3. New improvements or changes to an existing public off-street pedestrian and bicycle accessway
 4. New improvements or changes to an existing driveway
 4. Lot Line Adjustments and Abandonments are not subject to compliance with this chapter.
 5. 6. Public capital improvement projects are not subject to compliance with this chapter unless otherwise noted.

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

The City has jurisdiction and exercises regulatory management over all public rights-of-way as defined and outlined within 12.04 of the Oregon City Municipal Code.

16.12.13 - Modifications.

The applicant may request and the review body may consider modification of the standards in this chapter resulting from constitutional limitations restricting the City's ability to require the dedication of property or for any other reason, based upon the criteria listed below and other criteria identified in the standard to be modified. All modifications, except for adjustments approved by the City Engineer for tree preservation purposes pursuant to 16.12.013.A, shall be processed through a Type II Land Use application and may require additional evidence from a transportation engineer or others to verify compliance.

A . Compliance with the following criteria is required:

1. The modification meets the intent of the standard;
2. The modification provides safe and efficient movement of pedestrians, motor vehicles, bicyclists and freight;
3. The modification is consistent with an adopted transportation or utility plan; and
4. The modification is complementary with a surrounding street design; or, in the alternative;
5. If a modification is requested for constitutional reasons, the applicant shall demonstrate the constitutional provision or provisions to be avoided by the modification and propose a modification that complies with the state or federal constitution. The City shall be under no obligation to grant a modification in excess of that which is necessary to meet its constitutional obligations.

B. The following modifications shall be processed as a Type I modification by the City Engineer using the criteria in 16.12.13.A.

1. Modifications to driveway location, size, and sharing standards in 16.12.035
2. Modifications to sidewalk and planter strips widths and location in 16.12.016 that preserve existing street trees or trees on private property to ensure compliance with ADA standards

16.12.14 - Administrative provisions.

An applicant shall submit the following items to the City and complete the following tasks prior to proceeding with construction of proposed development plans. These items include the following:

- A. Pre-Design Meeting;
 - B. Final Engineering Plans, Stamped and Signed by an Oregon Licensed Professional Engineer;
 - C. Stormwater Report, Stamped and Signed by an Oregon Licensed Professional Engineer;
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- D. Geotechnical Report, Stamped and Signed by an Oregon Licensed Professional Engineer (if applicable);
- E. Engineer's Preliminary and Final Cost Estimates (also may be known as engineer's opinion of probable construction cost);
- F. Plan Check and Inspection Fees (as set by City resolution);
- G. Certificate of Liability Insurance for Ccity funded public projects contracted by the City (not less than one million dollars single incident and two million dollars aggregate);
- H. Preconstruction Meeting Notes;
- I. Financial Guarantee(s) per OCMC 17.50.140;
- J. Applicable Approvals/Permits from other agencies or entities;
- K. Developer/Engineer Agreement for public works improvements.

An applicant shall submit the following additional items to the City and complete the following tasks prior to completing construction of proposed development plans. These items include the following:

- L. Project Engineer's Certificate of Completion;
- M. Stormwater Operation and Maintenance Easement (if applicable);
- N. Deed of Dedication (Bargain and Sale Deed);
- O. Recorded Plat and/or Easements (if applicable);
- P. Recorded Non-Remonstrance Covenant Agreement;
- Q. Land Division Compliance Agreement (if applicable);
- R. Permanent Stabilization and/or Restoration of the impact from the development;
- S. Fulfillment of all Conditions of Approval;
- T. Payment of all Outstanding Fees;
- U. Maintenance Guarantee(s). per OCMC 17.50.141;
- V. Indemnity Agreement (if applicable);
- W. Completed Punchlist;
- X. As-Built Drawings;

Details on individual items required by this subsection can be obtained by contacting Public Works. Many items, such as the engineer's cost estimate and plan check and inspection fee, may ~~be~~ be submitted in conjunction with documentation for other infrastructure improvements that are done with the development (such as street, sanitary sewer, and water).

16.12.15 - Street design—Generally.

Development shall be required to provide existing or future connections to adjacent sites through the use of vehicular and pedestrian access easements where applicable. Development shall provide any necessary dedications, easements or agreements as identified in the Transportation System Plan, Trails Master Plan, and/or Parks and Recreation Master Plan and this chapter, subject to constitutional limitations. The location, width and grade of street shall be considered in relation to: existing and planned streets, topographical conditions, public convenience and safety for all modes of travel, existing and identified future transit routes and pedestrian/bicycle accessways, overlay districts, and the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain. To the extent possible, proposed streets shall connect to all existing or approved stub streets that abut the development site. The arrangement of streets shall either:

- A. Provide for the continuation or appropriate projection of existing principal streets in the surrounding area and on adjacent parcels or conform to a plan for the area approved or adopted

- by the City to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical;
- B. Where necessary to give access to or permit a satisfactory future development of adjoining land, streets shall be extended to the boundary of the development and the resulting dead-end street (stub) may be approved with a temporary turnaround as approved by the City Engineer. Notification that the street is planned for future extension shall be posted on the stub street until the street is extended and shall inform the public that the dead-end street may be extended in the future. Access control in accordance with OCMC 16.12.017 shall be required to preserve the objectives of street extensions.
 - C. Adequate right-of-way and improvements to streets, pedestrian ways, bike routes and bikeways, and transit facilities shall be provided and be consistent with the City's Transportation System Plan. Consideration shall be given to the need for street widening and other improvements in the area of the proposed development impacted by traffic generated by the proposed development. This shall include, but not be limited to, improvements to the right-of-way, such as installation of lighting, signalization, turn lanes, median and parking strips, traffic islands, paving, curbs and gutters, sidewalks, bikeways, street drainage facilities and other facilities needed because of anticipated vehicular and pedestrian traffic generation.

16.12.16 - Street design.

All development regulated by this chapter shall provide street improvements in compliance with the standards in Table 16.12.016 depending on the street classification set forth in the Transportation System Plan and the Comprehensive Plan designation of the adjacent property, unless an alternative plan has been adopted. The table implements the adopted Transportation System Plan and illustrates the maximum design standards. These standards may be reduced with an alternative street design which may be approved based on the modification criteria in OCMC 16.12.013. The steps for reducing the street design are found in the Transportation System Plan.

Table 16.12.016 Street Design

Table 16.12.016 Street Design. To read the table, select the road classification as identified in the Transportation System Plan and the Comprehensive Plan designation of the adjacent properties to find the maximum design standards for the road cross section. If the Comprehensive Plan designation for lands on either side of the street differs, the wider right-of-way standard shall apply.

Road Classification	Comprehensive Plan Designation	Right-of-Way Width	Pavement Width	Public Access	Sidewalk	Landscape Strip	Bike Lane	Street Parking	Travel Lanes	Median
Major Arterial	Mixed Use, Commercial or Public/Quasi Public	116 ft.	94 ft.	0.5 ft.	10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells		6 ft.	8 ft.	(5) 12 ft. Lanes	6 ft.
	Industrial	120 ft.	88 ft.	0.5 ft.	5 ft.	10.5 ft.	6 ft.	N/A	(5) 14 ft. Lanes	6 ft.
	Residential	126 ft.	94 ft.	0.5 ft.	5 ft.	10.5 ft.	6 ft.	8 ft.	(5) 12 ft. Lanes	6 ft.

Road Classification	Comprehensive Plan Designation	Right-of-Way Width	Pavement Width	Public Access	Sidewalk	Landscape Strip	Bike Lane	Street Parking	Travel Lanes	Median
Minor Arterial	Mixed Use, Commercial or Public/Quasi Public	116 ft.	94 ft.	0.5 ft.	10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells		6 ft.	8 ft.	(5) 12 ft. Lanes	6 ft.
	Industrial	118 ft.	86 ft.	0.5 ft.	5 ft.	10.5 ft.	6 ft.	7 ft.	(5) 12 ft. Lanes	N/A
	Residential	100 ft.	68 ft.	0.5 ft.	5 ft.	10.5 ft.	6 ft.	7 ft.	(3) 12 ft. Lanes	6 ft.

Road Classification	Comprehensive Plan Designation	Right-of-Way Width	Pavement Width	Public Access	Sidewalk	Landscape Strip	Bike Lane	Street Parking	Travel Lanes	Median
Collector	Mixed Use, Commercial or Public/Quasi Public	86 ft.	64 ft.	0.5 ft.	10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells		6 ft.	8 ft.	(3) 12 ft. Lanes	N/A
	Industrial	88 ft.	62 ft.	0.5 ft.	5 ft.	7.5 ft.	6 ft.	7 ft.	(3) 12 ft. Lanes	N/A
	Residential	85 ft.	59 ft.	0.5 ft.	5 ft.	7.5 ft.	6 ft.	7 ft.	(3) 11 ft. Lanes	N/A

Road Classification	Comprehensive Plan Designation	Right-of-Way Width	Pavement Width	Public Access	Sidewalk	Landscape Strip	Bike Lane	Street Parking	Travel Lanes	Median
Local	Mixed Use, Commercial or Public/Quasi Public	62 ft.	40 ft.	0.5 ft.	10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells		N/A	8 ft.	(2) 12 ft. Lanes	N/A
	Industrial	60 ft.	38 ft.	0.5 ft.	5 ft.	5.5 ft.	(2) 19 ft. Shared Space		N/A	
	Residential	54 ft.	32 ft.	0.5 ft.	5 ft.	5.5 ft.	(2) 16 ft. Shared Space		N/A	

1. Pavement width includes, bike lane, street parking, travel lanes and median.
2. Public access, sidewalks, landscape strips, bike lanes and on-street parking are required on both sides of the street in all designations. The right-of-way width and pavement widths identified above include the total street section.
3. A 0.5 foot curb is included in landscape strip or sidewalk width.

4. Travel lanes may be through lanes or turn lanes.
5. The 0.5 foot public access provides access to adjacent public improvements.
6. Alleys shall have a minimum right-of-way width of twenty feet and a minimum pavement width of sixteen feet. If alleys are provided, garage access shall be provided from the alley.
7. A raised concrete median or landscape median shall be utilized for roads identified to have access restrictions.
8. A public utility easement (PUE) shall be provided on both sides of the right-of-way or public access easement on private property as identified in 16.12.85.
 - A. Sidewalks. The applicant shall provide for sidewalks on both sides of all public streets, on any private street if so required by the decision-maker, and in any special pedestrian way within the development. Both sidewalks and curbs are to be constructed to City standards and at widths set forth above, and according to plans and specifications provided by the City Engineer. Exceptions to this requirement may be allowed in order to accommodate topography, trees or some similar site constraint. In the case of major or minor arterials, the decision-maker may approve a development without sidewalks where sidewalks are found to be dangerous or otherwise impractical to construct or are not reasonably related to the applicant's development. The decision-maker may require the applicant to provide sidewalks concurrent with the issuance of the initial building permit within the area that is the subject of the development application. Applicants for partitions may be allowed to meet this requirement by providing the City with a financial guarantee per OCMC 16.12.110.
 - B. Pedestrian and Bicycle Accessways Routes. If deemed appropriate to extend pedestrian and bicycle routes, existing or planned, the decision-maker may require the installation of separate pedestrian and bicycle facilities.
 - C. Street Name Signs and Traffic Control Devices. The applicant shall install street signs and traffic control devices as directed by the City Engineer. Street name signs and traffic control devices shall be in conformance with all applicable City regulations and standards.
 - D. Street Lights. The applicant shall install street lights which shall be served from an underground source of supply. Street lights shall be in conformance with all City regulations.
 - E. Any new street proposed with a pavement width of less than thirty-two feet shall be processed through OCMC 16.12.013 and meet minimum life safety requirements, which may include fire suppression devices as determined by the Fire Marshall to assure an adequate level of fire and life safety. The modified street shall have no less than a twenty-foot wide unobstructed travel lane.
 - F. All development shall include vegetated planter strips that are five feet in width or larger and located between the sidewalk and curb unless otherwise approved pursuant to this chapter. All development shall utilize the vegetated planter strip for the placement of street trees or place street trees in other acceptable locations, as prescribed by OCMC 12.08. Development proposed along a collector, minor arterial, or major arterial roads may place street trees within tree wells within a wider sidewalk in lieu of a planter strip. In addition to street trees per OCMC 12.08, vegetated planter strips shall include ground cover and/or shrubs spaced four feet apart and appropriate for the location. No invasive or nuisance plant species shall be permitted.
 - G. Vehicle and pedestrian access easements may serve in lieu of streets when approved by the decision maker and only where dedication of a street is deemed impracticable.
 - H. Vehicular and pedestrian easements shall allow for public access and shall comply with all applicable pedestrian access requirements.

16.12.17 - Street design—Access control.

- A. A street which is dedicated to end at the boundary of the development or in the case of half-streets dedicated along a boundary shall have an access control granted to the City as a City controlled plat restriction for the purposes of controlling ingress and egress to the property adjacent to the end of the dedicated street. The access control restriction shall exist until such time as a public street is created, by dedication and accepted, extending the street to the adjacent property.
- B. The City may grant a permit for the adjoining owner to access through the access control.
- C. The plat shall contain the following access control language or similar on the face of the map at the end of each street for which access control is required: "Access Control (See plat restrictions)."
- D. Said plats shall also contain the following plat restriction note(s): "Access to (name of street or tract) from adjoining tracts (name of deed document number[s]) shall be controlled by the City of Oregon City by the recording of this plat, as shown. These access controls shall be automatically terminated upon the acceptance of a public road dedication or the recording of a plat extending the street to adjacent property that would access through those Access Controls."

16.12.18 - Street design—Alignment.

The centerline of streets shall be:

- A. Aligned with existing streets by continuation of the centerlines; or
- B. Offset from the centerline by no more than five feet, provided appropriate mitigation, in the judgment of the City Engineer, is provided to ensure that the offset intersection will not pose a safety hazard.
- C. Driveways that are at least twenty-four feet wide shall align with existing or planned streets on adjacent sites.

16.12.19 - Traffic sight obstructions.

All new streets shall comply with the Traffic Sight Obstructions in Chapter 10.32.

16.12.20 - Street design—Intersection angles.

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

16.12.21 - Street design—Grades and curves.

Grades and center line radii shall conform to standards approved by the City Engineer.

16.12.22 - Street design—Development abutting arterial or collector street.

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

residential property that has arterial frontage. Where access for development abuts and connects for vehicular access to another jurisdiction's facility then authorization by that jurisdiction may be required.

16.12.23 - Street design—Pedestrian and bicycle safety.

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

The City Engineer may require that crosswalks include a large vegetated or sidewalk area which extends into the street pavement as far as practicable to provide safer pedestrian crossing opportunities. These curb extensions can increase the visibility of pedestrians and provide a shorter crosswalk distance as well as encourage motorists to drive slower. The City Engineer may approve an alternative design that achieves the same standard for constrained sites.

16.12.24 - Street design—Half street.

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

When the remainder of an existing half-street improvement is completed it shall include the following items: dedication of required right-of-way, construction of the remaining portion of the street including pavement, curb and gutter, landscape strip, sidewalk, street trees, lighting and other improvements as required for that particular street. It shall also include at a minimum the pavement replacement to the centerline of the street. Any damage to the existing street shall be repaired in accordance with the City's "Pavement Cut Standards" or as approved by the City Engineer.

16.12.25 - Street design—Cul-de-sacs and dead-end streets.

The City discourages the use of cul-de-sacs and permanent dead-end streets except where construction of a through street is found by the decision maker to be impracticable due to topography or some significant physical constraint such as geologic hazards, wetland, natural or historic resource areas, pre-existing dedicated open space, pre-existing development patterns, arterial access restrictions or similar situation as determined by the decision maker. This section is not intended to preclude the use of curvilinear eyebrow widening of a street where needed.

- A. When permitted, access from new cul-de-sacs and permanent dead-end streets shall be limited to a maximum of twenty-five dwelling units.
- B. Cul-de-sacs and permanent dead-end streets shall include pedestrian/bicycle accessways to meet minimum block width standards as prescribed in OCMC 16.12.030.
- C. Cul-de-sacs shall have sufficient radius to provide adequate turn-around for emergency vehicles in accordance with fire district and City adopted street standards.
- D. Permanent dead-end streets shall provide public street right-of-way/easements sufficient to provide a sufficient amount of turn-around space complete with appropriate no-parking signs or markings to accommodate waste disposal, sweepers, emergency and other long vehicles in the form of a hammerhead or other design to be approved by the decision maker.

- E. In the case of dead-end stub streets that will connect to streets on adjacent sites in the future, notification that the street is planned for future extension shall be posted on the stub street until the street is extended and shall inform the public that the dead-end street may be extended in the future. A dead-end street shall include signage or barricade meeting Manual on Uniform Traffic Control Devices (MUTCD).

16.12.26 - Street design—Alleys.

Alleys with public access easements on private property shall be provided in the Park Place and South End concept plan areas for the following districts R-5, R-3.5, R-2, MUC-1, MUC-2 and NC zones unless other permanent provisions for private access to off-street parking and loading facilities are approved by the decision maker. All alleys intended to provide access for emergency vehicles shall be a minimum width of twenty feet. The corners of alley intersections shall have a radius of not less than ten feet and shall conform to standards approved by the City Engineer. Access easements and maintenance agreements shall be recorded on affected properties.

16.12.27 - Street design—Off-site street improvements.

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

16.12.28 - Street design—Transit.

Streets shall be designed and laid out in a manner that promotes pedestrian and bicycle circulation. The applicant shall coordinate with transit agencies where the application impacts transit streets as identified in OCMC 17.04.1310. Pedestrian/bicycle access ways shall be provided as necessary to minimize the travel distance to transit streets and stops and neighborhood activity centers. The decision maker may require provisions, including easements, for transit facilities along transit streets where a need for bus stops, bus pullouts or other transit facilities within or adjacent to the development has been identified.

16.12.29 - Excavations—Restoration of pavement.

Whenever any excavation shall have been made in any pavement or other street improvement on any street or alley in the City for any purpose whatsoever under the permit granted by the engineer, it shall be the duty of the person making the excavation to restore the pavement in accordance with the City of Oregon City Public Works Pavement Cut Standards in effect at the time the permit is granted. The City Commission may adopt and modify the City of Oregon City Public Works Pavement Cut Standards by resolution as necessary to implement the requirements of this chapter.

16.12.30 - Blocks—Width.

The width of blocks shall ordinarily be sufficient to allow for two tiers of lots with depths consistent with the type of land use proposed. The length, width and shape of blocks shall take into account the need for adequate building site size, convenient motor vehicle, pedestrian, bicycle and transit access, control of traffic circulation, and limitations imposed by topography and other natural features.

All new streets shall be designed as local streets unless otherwise designated as arterials and collectors in the current adopted Transportation System Plan. The maximum block spacing between streets is 530 feet and the minimum block spacing between streets is 150 feet as measured between the right-of-way centerlines except in zones GI, CI, MUE, I, and WFDD where determining the

appropriate street spacing will be determined by the City Engineer. If the maximum block size is exceeded, pedestrian accessways shall be provided every 330 feet. The spacing standards within this section do not apply to alleys.

16.12.31 – Street design—Street names.

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

16.12.32 – Public off-street pedestrian and bicycle accessways.

Pedestrian/bicycle accessways are intended to provide direct, safe and convenient connections between residential areas, retail and office areas, institutional facilities, industrial parks, transit streets, neighborhood activity centers, rights-of-way, and pedestrian/bicycle accessways which minimize out-of-direction travel, and transit-orientated developments where public street connections for automobiles, bicycles and pedestrians are unavailable. Pedestrian/bicycle accessways are appropriate in areas where public street options are unavailable, impractical or inappropriate. Pedestrian and bicycle accessways are required through private property or as right-of-way connecting development to the right-of-way at intervals not exceeding 330 feet of frontage; or where the lack of street continuity creates inconvenient or out of direction travel patterns for local pedestrian or bicycle trips.

Entry points shall align with pedestrian crossing points along adjacent streets and with adjacent street intersections.

- A. Accessways shall be free of horizontal obstructions and have a nine foot six inch high vertical clearance to accommodate bicyclists. To safely accommodate both pedestrians and bicycles, accessway right-of-way widths shall be as follows:
 1. Accessways shall have a fifteen-foot wide right-of-way with a seven-foot wide paved surface with a minimum four-foot planter strip on either side.
 2. If an accessway also provides secondary fire access, the right-of-way width shall be at least twenty-four feet wide with a sixteen foot paved surface between four-foot planter strips on either side.
- B. Accessways shall be direct with at least one end point of the accessway always visible from any point along the accessway. On-street parking shall be prohibited within fifteen feet of the intersection of the accessway with public streets to preserve safe sight distance and promote safety.
- C. To enhance pedestrian and bicycle safety, accessways shall be lighted with pedestrian-scale lighting. Accessway lighting shall be to a minimum level of one-half-foot-candles, a one and one-half foot-candle average, and a maximum to minimum ratio of seven-to-one and shall be oriented not to shine upon adjacent properties. Street lighting shall be provided at both entrances.
- D. Accessways shall comply with Americans with Disabilities Act (ADA).
- E. The planter strips on either side of the accessway shall be landscaped along adjacent property by installation of the following:
 1. Either an evergreen hedge screen of thirty to forty-two inches high or shrubs spaced no more than four feet apart on average; and
 2. Ground cover covering one hundred percent of the exposed ground. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees; and
 3. A two-inch minimum caliper tree for every thirty-five feet along the accessway. Trees

may be planted on either side of the accessway, provided they are spaced no more than thirty-five feet apart; and

4. In satisfying the requirements of this section, evergreen plant materials that grow over forty- two inches in height shall be avoided. All plant materials shall be selected from the Oregon City Native Plant List.
- F. Accessways shall be designed to prohibit unauthorized motorized traffic. Curbs and removable, lockable bollards are suggested mechanisms to achieve this.
- G. Accessway surfaces shall be paved with all-weather materials as approved by the City. Pervious materials are encouraged. Accessway surfaces shall be designed to drain stormwater runoff to the side or sides of the accessway. Minimum cross slope shall be two percent.
- H. In parks, greenways or other natural resource areas, accessways may be approved with a five-foot wide gravel path with wooden, brick or concrete edgings.
- I. The decision maker may approve an alternative accessway design due to existing site constraints through the modification process set forth in OCMC 16.12.013.
- J. Ownership, liability and maintenance of accessways. To ensure that all pedestrian/bicycle accessways will be adequately maintained over time, the City Engineer shall require one of the following:
 1. Dedicate the accessways to the public as public right-of-way prior to the final approval of the development; or
 2. The developer incorporates the accessway into a recorded easement or tract that specifically requires the property owner and future property owners to provide for the ownership, liability and maintenance of the accessway.

16.12.33 - Mobility standards.

Development shall demonstrate compliance with intersection mobility standards. When evaluating the performance of the transportation system, the City of Oregon City requires all intersections, except for the facilities identified in subsection E below, to be maintained at or below the following mobility standards during the two-hour peak operating conditions. The first hour has the highest weekday traffic volumes and the second hour is the next highest hour before or after the first hour. Except as provided otherwise below, this may require the installation of mobility improvements as set forth in the Transportation System Plan (TSP) or as otherwise identified by the City Engineer.

- A. For intersections within the regional center, the following mobility standards apply:
 1. During the first hour, a maximum v/c ratio of 1.10 shall be maintained. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.
 2. During the second hour, a maximum v/c ratio of 0.99 shall be maintained at signalized intersections. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.
 3. Intersections located on the Regional Center boundary shall be considered within the Regional Center.
- B. For intersections outside of the Regional Center but designated on the Arterial and Throughway Network, as defined in the Regional Transportation Plan, the following mobility standards apply:
 1. During the first hour, a maximum v/c ratio of 0.99 shall be maintained. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized

- intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.
2. During the second hour, a maximum v/c ratio of 0.99 shall be maintained at signalized intersections. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.
- C. For intersections outside the boundaries of the Regional Center and not designated on the Arterial and Thoroughway Network, as defined in the Regional Transportation Plan, the following mobility standards apply:
1. For signalized intersections:
 - a. During the first hour, LOS "D" or better will be required for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of the critical movements.
 - b. During the second hour, LOS "D" or better will be required for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of the critical movements.
 2. For unsignalized intersections outside of the boundaries of the Regional Center:
 - a. For unsignalized intersections, during the peak hour, all movements serving more than twenty vehicles shall be maintained at LOS "E" or better. LOS "F" will be tolerated at movements serving no more than twenty vehicles during the peak hour.
- D. For the intersection of OR 213 & Beavercreek Road, the following mobility standards apply:
1. During the first, second & third hours, a maximum v/c ratio of 1.00 shall be maintained. Calculation of the maximum v/c ratio will be based on an average annual weekday peak hour.
- E. Until the City adopts new performance measures that identify alternative mobility targets, the City shall exempt proposed development that is permitted, either conditionally, outright, or through detailed development master plan approval, from compliance with the above-referenced mobility standards for the following state-owned facilities:
- F. I-205/OR 99E Interchange.
- G. State intersections located within or on the Regional Center Boundaries
1. In the case of conceptual development approval for a master plan that impacts the above references intersections:
 - a. The form of mitigation will be determined at the time of the detailed development plan review for subsequent phases utilizing the Code in place at the time the detailed development plan is submitted; and
 - b. Only those trips approved by a detailed development plan review are vested.
 2. Development which does not comply with the mobility standards for the intersections identified in OCMC 16.12.033 shall provide for the improvements identified in the Transportation System Plan (TSP) in an effort to improve intersection mobility as necessary to offset the impact caused by development. Where required by other provisions of the Code, the applicant shall provide a traffic impact study that includes an assessment of the development's impact on the intersections identified in this exemption and shall construct the intersection improvements listed in the TSP or required by the Code.

16.12.035 - Driveways.

- A. All new development, ~~and~~ redevelopment, and capital improvement projects shall meet the minimum driveway spacing standards identified in Table 16.12.035.A. Minor Site Plan and Design Review do not follow these standards unless a request is made to modify the driveway.

Table 16.12.035.A Minimum Driveway Spacing Standards		
Street Functional Classification	Minimum Driveway Spacing Standards	Distance
Major Arterial Streets	Minimum distance from a street corner to a driveway <u>and between driveways</u> for all uses other than detached single and two-family dwellings	175 ft.
Minor Arterial Streets	Minimum distance from a street corner to a driveway <u>and between driveways</u> for all uses other than detached single and two-family dwellings	175 ft.
Collector Streets	Minimum distance from a street corner to a driveway <u>and between driveways</u> for all uses other than detached single and two-family dwellings	100 ft.
Local Streets	Minimum distance from a street corner to a driveway <u>and between driveways</u> for all uses other than detached single and two-family dwellings	25 ft.

The distance from a street corner to a driveway is measured along the right-of-way from the edge of the intersection (on the same side of the road) right-of-way to the nearest portion of the driveway and the distance between driveways is measured at the nearest portions of the driveway at the right-of-way.

- B. All detached single and two family dwellings shall have driveways which meet the minimum distance standards except when the lot size is smaller than the minimum distance required. When minimum distance cannot be met due to lot size or due to the location of an overlay district, the driveway shall be located as far away from the intersection as possible as approved by the City Engineer.
- C. Nonresidential or multi-family residential use driveways that generate high traffic volumes as determined by a traffic analysis shall be treated as intersections and shall adhere to requirements of OCMC 16.12.020.
- D. Only one driveway is allowed per street frontage classified as a local street and in no case shall more than two driveways (one per frontage) be allowed for any single-family attached or detached residential property, duplex, 3- 4 plex, or property developed with an ADU or internal conversion with multiple frontages, unless otherwise approved by the City Engineer.
- E. When a property fronts multiple roads, access shall be provided from and limited to the road with the lowest classification in the Transportation System Plan ~~whenever possible~~ to minimize points of access to arterials and collectors. Access shall not be provided on Arterial or Collector roads unless there is no other alternative. At the discretion of the City Engineer, properties fronting a collector or arterial road may be allowed a second driveway, for the creation of a circulation pattern that eliminates reverse maneuvers for vehicles exiting a property if applied for and granted through procedures in OCMC 16.12.013. All lots proposed with a driveway and lot orientation on a collector or minor arterial shall combine driveways into one joint access per two or more lots unless the City

Engineer determines that:

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

F. All driveway approaches shall be limited to the dimensions identified in Table 16.12.035.D.

Table 16.12.035.D Driveway Approach Size Standards			
Property Use	Minimum Driveway Approach Width		Maximum Driveway Approach Width
Single-Family Attached	10 feet		124 feet
Single-Family Detached in R-5 & R-3.5	10 feet		124 feet
Single-Family Detached in R-10, R-8, & R-6	12 feet		24 feet
Duplexes	12 feet		24 feet
3-4 Plexes	12 feet		24 36 feet
Multi-Family	18 feet		30 feet
Commercial, Industrial, Office, Institutional, Mixed Use, and/or Nonresidential	One-Way 12 feet	Two-Way 20 feet	40 feet

Driveway widths shall match the width of the driveway approach where the driveway meets sidewalk or property line but may be widened onsite (for example between the property line and the entrance to a garage). Groups of more than four parking spaces shall be so located and served by driveways so that their use will not require backing movements or other maneuvering within a street right-of-way other than an alley.

- G. The City Engineer reserves the right to require a reduction in the number and size of driveway approaches as far as practicable for any of the following purposes:
1. To provide adequate space for on-street parking;
 2. To facilitate street tree planting requirements;
 3. To assure pedestrian and vehicular safety by limiting vehicular access points; and
 4. To assure that adequate sight distance requirements are met.
 - a. Where the decision maker determines any of these situations exist or may occur due to the approval of a proposed development for non-residential uses or attached or multi-family housing, a shared driveway shall be required and limited to twenty-four feet in width adjacent to the sidewalk or property line.
- H. For all driveways, the following standards apply.
1. Each new or redeveloped curb cut shall have an approved concrete approach or asphalted street connection where there is no concrete curb and a minimum hard surface for at least ten feet back into the property as measured from the current edge of sidewalk or street pavement to provide for controlling gravel tracking onto the public street. The hard surface may be concrete, asphalt, or other surface approved by the City Engineer.

2. Any driveway approach built within public right-of-way shall be built and permitted per City requirements as approved by the City Engineer.
 3. No driveway with a slope of greater than fifteen percent shall be permitted without approval of the City Engineer.
- I. Exceptions. The City Engineer reserves the right to waive these standards or not allow driveway access, if the driveway(s) would cause a significant traffic safety hazard. Narrower or wider driveway widths may be considered where field conditions preclude use of recommended widths. When larger vehicles and trucks will be the predominant users of a particular driveway, turning templates may be utilized to develop a driveway width that can safely and expeditiously accommodate the prevalent type of ingress and egress traffic. Exceptions may be processed as a Type 1 right of way permit and shall not be considered a modification under 16.12.013; however, exceptions shall follow the criteria listed in 16.12.013.

16.12.065 - Building site—Grading.

Grading of building sites shall conform to the State of Oregon Structural Specialty Code, Title 18, any approved grading plan and any approved residential lot grading plan in accordance with the requirements of OCMC 13.12, 15.48, 16.12 and the Public Works Stormwater and Grading Design Standards, and the erosion control requirements of OCMC 17.47.

16.12.85 - Easements.

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

- A. ~~A.~~ Utilities. Utility easements shall be required where necessary as determined by the City Engineer. Insofar as practicable, easements shall be continuous and aligned from block-to-block within the development and with adjoining subdivisions or partitions.
 1. Specific public utility easements for water, sanitary or storm drainage shall be provided based on approved final engineering plans conforming to the requirements found within the applicable Design Standards.
 2. Conveyance of public utility easements for gas, electric, telecommunication, and fiberoptic shall be required where necessary as determined by the City Engineer. The City Engineer will require the easement unless it is found that the utility can be placed in a different location or can be placed in a smaller easement than what is required. The easement shall be located adjacent to all public right of ways or public access easements within private property. In the event that the provision of a public utility easement would create a conflict with achieving compliance with another part of the code, the location and width may be adjusted by the City Engineer.
 - a. The easement shall be 10 feet in the R-10, R-8, R-6, R-5, R-3.5, R-2, GI, and CI zones
 - b. The easement shall be a minimum of 5 feet in the NC, HC, I, C, MUC-1, MUC-2, MUE, MUD, and WFDD zones
 - a. The applicant shall obtain a written determination from all utilities that the minimum 5 foot PUE coupled with use of a minimum of a 5 foot area under the public sidewalk or parkway area is sufficient to serve the development. Where the minimum width is deemed inadequate, a modification shall be required.

c. An applicant may seek a modification to the public utility easement dedication requirement using 16.12.013.

1.2.

- B. Unusual Facilities. Easements for unusual facilities such as high voltage electric transmission lines, drainage channels and stormwater detention facilities shall be adequately sized for their intended purpose, including any necessary maintenance roads. These easements shall be shown to scale on the preliminary and final plats or maps. If the easement is for drainage channels, stormwater detention facilities or related purposes, the easement shall comply with the requirements of the Public Works Stormwater and Grading Design Standards.
- C. Watercourses. Where a development is traversed or bounded by a watercourse, drainageway, channel or stream, a stormwater easement or drainage right-of-way shall be provided which conforms substantially to the line of such watercourse, drainageway, channel or stream and is of a sufficient width to allow construction, maintenance and control for the purpose as required by the responsible agency. For those subdivisions or partitions which are bounded by a stream of established recreational value, setbacks or easements may be required to prevent impacts to the water resource or to accommodate pedestrian or bicycle paths.
- D. Access. When easements are used to provide vehicular access to lots within a development, the construction standards, but not necessarily width standards, for the easement shall meet City specifications. The minimum width of the easement shall be 20 feet. The easements shall be improved and recorded by the applicant and inspected by the City Engineer. Access easements may also provide for utility placement.
- E. Resource Protection. Easements or other protective measures may also be required as the Community Development Director deems necessary to ensure compliance with applicable review criteria protecting any unusual significant natural feature or features of historic significance.

16.12.90 - Minimum improvements—Procedures.

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

- A. Improvement work shall not commence until construction plans have been reviewed and approved by the City Engineer and to the extent that improvements are located in County or State right-of-way, they shall be approved by the responsible authority. To the extent necessary for evaluation of the proposal, the plans may be required before approval of the preliminary plat of a subdivision or partition. Expenses incurred thereby shall be borne by the applicant and paid for prior to final plan review.
- B. Improvements shall be constructed under the inspection and approval of the City Engineer. Expenses incurred thereby shall be borne by the applicant and paid prior to final approval. Where required by the City Engineer or other City decision-maker, the applicant's project engineer also shall inspect construction.
- C. Erosion control or resource protection facilities or measures are required to be installed in accordance with the requirements of OCMC 17.47, 17.49 and the Public Works Erosion and Sediment Control Standards.
- D. Underground utilities, waterlines, sanitary sewers and storm drains installed in streets

shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities, such as, storm, water and sanitary sewer shall be placed beyond the ten-foot wide ~~public franchise~~-utility easement within private property as defined in OCMC 16.12.85.A.2.

- E. As-built construction plans and digital copies of as-built drawings shall be filed with the City Engineer upon completion of the improvements.
- F. The City Engineer may regulate the hours of construction and access routes for construction equipment to minimize impacts on adjoining residences or neighborhoods.

16.12.095 - Minimum improvements—Public facilities and services.

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

- A. **Transportation System.** Applicants and all subsequent lot owners shall be responsible for improving the City's planned level of service on all public streets, including alleys within the development and those portions of public streets adjacent to but only partially within development. Applicants are responsible for designing and providing adequate vehicular, bicycle and pedestrian access to their developments and for accommodating future access to neighboring undeveloped properties that are suitably zoned for future development. Storm drainage facilities shall be installed and connected to off-site natural or man-made drainageways. Upon completion of the street improvement survey, the applicant shall reestablish and protect monuments of the type required by ORS 92.060 in monument boxes with covers at every public street intersection and all points of curvature and points of tangency of their center line, and at such other points as directed by the City Engineer.
- B. **Stormwater Drainage System.** Applicants shall design and install drainage facilities within a development and shall connect the development's drainage system to the appropriate downstream storm drainage system as a minimum requirement for providing services to the applicant's development. The applicant shall obtain county or state approval when appropriate. Applicants are responsible for extending the appropriate storm drainage system to the development site and for providing for the connection of upgradient properties to that system. The applicant shall design the drainage facilities in accordance with City drainage master plan requirements, OCMC 13.12 and the Public Works Stormwater and Grading Design Standards.
- C. **Sanitary Sewer System.** The applicant shall design and install a sanitary sewer system to serve all lots or parcels within a development in accordance with the City's sanitary sewer design standards, and shall connect those lots or parcels to the City's sanitary sewer system, except where connection is required to the county sanitary sewer system as approved by the county. Applicants are responsible for extending the City's sanitary sewer system to the development site and through the applicant's property to allow for the future connection of neighboring undeveloped properties that are suitably zoned for future development. The applicant shall obtain all required permits and approvals from all affected jurisdictions prior to final approval and prior to commencement of construction. Design shall be approved by the City Engineer before construction begins.
- D. **Water System.** The applicant shall design and install a water system to serve all lots or parcels within a development in accordance with the City public works water system design standards, and shall connect those lots or parcels to the City's water system. Applicants are responsible for extending the City's water system to the development site and through the applicant's property to allow for the future connection of neighboring undeveloped

properties that are suitably zoned for future development.

- E. Street Trees. Refer to OCMC 12.08, Street Trees.
- F. Bench Marks. At least one bench mark shall be located within the subdivision boundaries using datum plane specified by the City Engineer.
- G. Other Utilities. The applicant shall make all necessary arrangements with utility companies or other affected parties for the installation of underground lines and facilities. All new utilities shall be placed underground unless the respective franchise agreements allow otherwise or unless it is physically or technically impossible to comply with applicable standards. Existing ~~and new~~ electrical lines and other wires, including but not limited to telecommunication, street lighting and ~~fiberoptic cable television~~, shall be ~~relocated~~placed underground.

1. Exemptions to relocation of existing overhead utilities to underground for property development as follows (Only one exemption criteria is required to be exempt from this requirement):
 - a. No transmission or feeder lines shall be relocated underground unless approved by the City Engineer.
 - b. Properties with less than 1.0 acre of land area shall not be required to relocate existing overhead utilities unless required by the franchise utility.
 - c. Properties with less than 200 feet of frontage on any individual roadway shall not be required to relocate existing overhead utilities unless required by the franchise utility.
 - d. Land divisions with 5 or fewer subdivided lots shall not be required to relocate existing overhead utilities unless required by the franchise utility.
2. The exemptions in G.1. do not apply if properties within the same block were required to relocate the overhead utilities within the past 10 years. In those cases, the existing overhead utilities shall be relocated underground.
3. When any franchise utility (electric, gas, telecommunication, fiberoptic, street lighting or similar utility) is installed along an existing or new roadway, the utility shall be installed within the existing or proposed public utility easement unless it is physically or technically impossible.
4. These requirements do not apply to work by a franchise utility for improvement, repair, alteration or addition to their existing systems.

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

- I. Erosion Control Plan—Mitigation. The applicant shall be responsible for complying with all

applicable provisions of OCMC 17.47 with regard to erosion control.

16.12.100 - Same—Road standards and requirements.

- A. The creation of a public street and the resultant separate land parcels shall be in conformance with requirements for subdivisions or partitions and the applicable street design standards of this Chapter. However, the decision-maker may approve the creation of a public street to be established by deed without full compliance with the regulations applicable to subdivisions or partitions where any of the following conditions exist:
 - 1. The establishment of the public street is initiated by the City Commission and is declared essential for the purpose of general traffic circulation and the partitioning of land is an incidental effect rather than the primary objective of the street;
 - 2. The tract in which the street is to be dedicated is within an isolated ownership either not over one acre or of such size and characteristics as to make it impossible to develop building sites for more than three dwelling units.
- B. For any public street created pursuant to subsection A of this section, a copy of a preliminary plan and the proposed deed shall be submitted to the Community Development Director and City Engineer at least ten days prior to any public hearing scheduled for the matter. The plan, deed and any additional information the applicant may submit shall be reviewed by the decision-maker and, if not in conflict with the standards of Title 16 and Title 17, may be approved with appropriate conditions.
- C. The design and construction of public streets shall be per the standards found in this chapter and the most recent version of any City Design and Construction Standards.

16.12.105 - Same—Timing requirements.

- A. Prior to applying for final plat approval, the applicant shall either complete construction of all public improvements required as part of the preliminary plat approval or guarantee the construction of those improvements. Whichever option the applicant elects shall be in accordance with OCMC 17.50.140.
- B. Construction. The applicant shall construct the public improvements according to approved final engineering plans and all applicable requirements of this Code, and under the supervision of the City Engineer. Under this option, the improvement shall be complete and accepted by the City Engineer prior to final plat approval.

16.12.110 -Public improvements—Financial guarantees.

- A. To ensure construction of required public improvements, the applicant shall provide the City with a performance guarantee in accordance with OCMC 17.50.140.
- B. After satisfactory completion of required public improvements and facilities, all public improvements not constructed by the City, shall be maintained and under warranty provided by the property owner or developer constructing the facilities until the City accepts the improvements at the end of the warranty period as prescribed in OCMC 17.50.141.

16.12.120 Waiver of Remonstrance

The review authority may require a property owner to sign a waiver of remonstrance against the formation of and participation in a local improvement district where it deems such a waiver necessary to provide needed improvements reasonably related to the impacts created by the proposed development. To ensure compliance with this chapter, the review authority may require an applicant to sign or accept a legal and enforceable covenant, contract, dedication, easement, performance

guarantee, or other document, which shall be approved in form by the City Attorney.

16.12.125 - Violation—Penalty.

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



Community Development – Planning

698 Warner Parrott Road | Oregon City OR 97045
Ph (503) 722-3789 | Fax (503) 722-3880

Oregon City Municipal Code

Chapter 17.04 Definitions

17.4.5 - Generally.

- A. As used in this title, words in the present tense include the future; the singular number includes the plural and the plural number includes the singular; unless the context clearly indicates the contrary, the word "shall" is mandatory and not discretionary; the word "may" is permissive; the masculine gender includes the feminine and neuter; and the term "this title" shall be deemed to include the text of this title and accompanying zoning maps and all amendments hereafter made thereto.
- B. Whenever the following words or terms and their derivatives are used in this title, they shall have the meaning herein ascribed to them, unless the context makes such meaning repugnant thereto.

17.4.6 3-4 plex residential

"3-4 plex residential" is a building located on one lot and containing three to four dwelling units in any vertical or horizontal arrangement. The units in a 3-4 plex shall share a common structural wall or a common floor/ceiling.

17.04.010 - Accessory building or accessory structure.

"Accessory building" or "accessory structure" means a detached building or structure subordinate in size and use, but located on the same lot as, a principal building.

17.04.015 - "Accessory Dwelling Unit" (ADU).

"Accessory Dwelling Unit" (ADU) means a residential dwelling unit located on the same lot as a single-family dwelling, that is not a recreational vehicle. The habitable living unit provides basic living requirements including permanent cooking and toilet facilities, and may be either attached to the same building as the single-family dwelling unit or in a detached building.

17.04.020 - Access control.

"Access control" means the regulation of public access rights to and from properties abutting public rights-of-way by the construction of physical barriers or conveyance to the city of a property interest (reserve strip) that prevents access to the public right-of-way.

17.04.025 - Accessway.

"Accessway" means any public or private way that is created to provide ingress or egress for persons to one or more lots, parcels, areas, or tracts of land. The term "accessway" includes highway, streets, roads, avenues, alleys, paths, sidewalks or similar designations.

17.04.030 - Accessway, pedestrian/bicycle.

"Accessway, pedestrian/bicycle" means any off-street path or way as described in OCMC ~~162.1204~~, intended primarily for pedestrians or bicycles and which provides direct routes within and from new developments to residential areas, retail and office areas, transit streets and neighborhood activity centers.

17.04.035 - Access, vehicular.

"Vehicular access" means an improved roadway, either public or private, providing automobile entrance and/or exit from an approved public street.

17.04.037 - After-Hours Public Parking.

"After-hours public parking" means utilization of parking, not within the right-of-way, by the public with or without charge when the associated primary use is not active.

17.04.040 - Alley.

"Alley" means a public or private way not more than 20 feet wide that provides access to a property or properties from a side other than the designated front of the property.

17.04.045 - Alteration.

"Alteration" means the addition to, removal of or from, or physical modification or repair of, any exterior part or portion of a landmark or structures in an historic or conservation district. In an historic district any physical change shall be considered a form of alteration and shall be treated as such, except repair and maintenance or change of copy.

17.04.050 - Amateur radio operators.

"Amateur radio operator" means a ham radio operator, as licensed by the United States Government.

17.04.055 - Anadromous fish-bearing stream.

"Anadromous fish-bearing stream" means a stream or portion of a stream which is identified by resolution of the City Commission as spawning or rearing habitat for those species of fish which return to rivers from the sea for breeding.

17.04.060 - Antenna.

"Antenna" means any pole, panel, rod, reflection disc or similar device used for the transmission or reception of radio frequency signals, including, but not limited to omni-directional antenna (whip), directional antenna (panel), micro cell, and parabolic antenna (dish). The antenna does not include the support structure or tower.

17.04.070 - Applicant.

"Applicant" means the party or parties who submit an application seeking development approval through an administrative, quasi-judicial or legislative procedure under OCMC Chapter 16 or 17.

17.04.075 - Application.

"Application" means any request for approval of a permit or a legislative amendment to the City's land use regulations, comprehensive plan or related zoning maps.

17.4.80 - Approval criteria and approval standards.

"Approval criteria" and "approval standards" mean all standards which must be met in order to approve an application. Depending upon the specific application, approval criteria include standards contained in this Code, the Oregon City Comprehensive Plan and applicable state law.

17.4.81 - Aquifer.

"Aquifer" is a geologic formation, group of formations, or part of a formation that contains sufficient saturated permeable material to yield significant quantities of water to wells and springs.

17.4.82 - Arborist, certified.

"Certified Arborist" means a professional tree service provider whose certification is regulated and current and maintained with the International Society of Arboriculture (ISA). To use the term "Certified Arborist", an individual must have three years of experience and have passed an ISA certification exam that tests a variety of tree care knowledge.

17.4.83 - Arcade, pedestrian.

A covered area contiguous to a street or plaza that is open and unobstructed to a height of not less than 10 feet and that provides public access to building entrances, retail space and/or public space. An arcade may include building columns, landscaping, statuary, pools, or fountains as part of the arcade for the purpose of computing area. The term "arcade" shall not include off-street loading areas, driveways, off-street parking areas, or open pedestrian walkways.

17.04.085 - Architect.

"Architect" means an architect licensed by the State of Oregon.

17.4.90 - Architectural significance.

"Architectural significance" for the purposes of OCMC 17.40 means that the structure or district:

1. Portrays the environment of a group of people in an era of history characterized by a distinctive architectural style;
2. Embodies those distinguishing characteristics of an architectural-type specimen;
3. Is the work of an architect or master builder whose individual work has influenced the development of the city; or
4. Contains elements of architectural design, detail, materials or craftsmanship which represents a significant innovation.

17.04.095 - Arterial.

"Arterial" means any street so designated in the city's transportation master plan.

17.04.100 - Attachment.

"Attachment" means for the purposes of OCMC 17.80, an antenna or other piece of related equipment affixed to a transmission tower, building, light, utility pole, or water tower.

17.04.105 - Area of special flood hazard.

"Area of special flood hazard" means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

17.04.110 - Array.

"Array" means the combination of antennas mounted on a support structure or support tower.

17.04.115 - Assisted living facility.

"Assisted living facility" means a facility established for profit or nonprofit, which provides nursing care and related medical services on a 24-hour-per-day basis to sixteen or more individuals because of illness, disease, or physical or mental infirmity. Provides care for those persons not in need of hospital care. Patients do not reside in self-contained dwelling units.

17.04.120 - Auxiliary support equipment.

"Auxiliary Support Equipment" means for the purposes of OCMC 17.80 all equipment necessary to provide wireless communication signals and data, including but not limited to, electronic processing devices, air conditioning units, and emergency generators. For the purpose of this chapter, auxiliary support equipment shall also include the shelter, cabinets, and other structural facilities used to house and shelter necessary equipment. Auxiliary support equipment does not include support towers or structures.

17.04.125 - Bankfull stage or bankfull flow.

"Bankfull stage" or "bankfull flow" means the stage or elevation of a stream at which water overflows the natural banks of streams or other waters of this state. The bankfull stage or flow may be approximated using either the 2-year recurrence interval flood elevation or one foot measured vertically above the ordinary mean high water line.

17.04.130 - Base flood.

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the one hundred-year flood.

17.04.135 - Basement.

"Basement" means a story partly underground. A basement shall be counted as a story in accordance with the accepted Building Division definitions.

For the purpose of OCMC 17.42 basement means any area of the building having its floor subgrade (below ground level) on all sides.

17.04.140 – Base flood elevation.

"Base flood elevation" means the elevation of the base flood or one hundred-year storm as defined in FEMA (Federal Emergency Management Agency) flood insurance studies, or the highest flood of record since the adoption of the flood insurance maps, or, in areas without FEMA floodplains, the elevation of the twenty-five-year storm, or the edge of mapped floodprone soils or similar methodologies whichever is higher.

17.04.145 - Bed and breakfast inns/boardinghouse.

"Bed and breakfast inns and boardinghouses means building(s) which provides overnight accommodations to the public for fewer than 30 consecutive days.

17.04.150 - Beneficial uses or beneficial water uses.

"Beneficial uses" or "beneficial water uses" means, as defined by the Oregon Department of Water Resources, use of an in stream public use of water for the benefit of an appropriator for a purpose consistent with the laws and the economic and general welfare of the people of the state and includes, but is not limited to, domestic, fish life, industrial, irrigation, mining, municipal, pollution abatement, power development, recreation, stock water and wildlife uses.

17.4.153 - Board.

"Board" for the purposes of OCMC 17.40 means the historic review board.

17.4.154 – Building.

"Building" means structure.

17.4.155 - Building, compatible.

"Compatible building" means for the purposes of OCMC 17.40, buildings in the Canemah National Register Historic District, which date from 1910 to the 1950's.

17.04.160 - Building, historic.

"Historic building" means for the purposes of OCMC 17.40, any primary, secondary or compatible building in the Canemah National Register Historic District, or any locally designated structure elsewhere in the City.

17.04.165 - Building of primary historic significance.

"Building of primary historic significance" shall include buildings in the Canemah National Register Historic district shall include buildings dating from prior to 1880 which are primarily one and one-half or two-story frame structures built in the Gothic Revival and Classic Revival styles. These buildings are primarily single-family dwellings.

17.04.170 - Building of secondary historic significance.

"Building of secondary historic significance" shall include buildings in the Canemah National Register Historic District dating from 1880 to 1940 which are predominantly rural farm house style and bungalows. These buildings are primarily single-family dwellings.

17.04.175 - Camouflage.

"Camouflage" for the purposes of OCMC 17.80 means the design and construction of a wireless communications facility (WCF) to resemble an object that is not a wireless communication facility and which is typically present in the environment.

17.04.176 – Capital Improvement Project.

"Capital Improvement Project" is a project located within an existing or proposed right-of-way or easement including roads, water mains, sanitary sewers, storm sewers and their appurtenances where the project is solely or partially funded by City funds and is solely or partially administered by the City of Oregon City.

17.4.177 - Cargo container.

A standardized, reusable vessel that is or appears to be: (1) originally, specifically or formerly designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities, or (2) designed for being mounted or moved on a rail car, or (3) designed for or capable of being mounted on a chassis or bogie for movement by truck trailer or loaded on a ship.

17.4.178 - Carpool.

"Carpool" means a group of two or more commuters, including the driver, who share the ride to or from work, school or other destination.

17.04.180 - Certified engineering geologist.

"Certified Engineering Geologist" is any registered geologist who is certified in the specialty of engineering geology under provisions of ORS 672.505 to 672.705.

17.04.185 - Citizen Involvement Committee.

"Citizen Involvement Committee" means an officially recognized advisory body on citizen involvement with one representative from each neighborhood association.

17.04.190 - City.

"City" means the City of Oregon City.

17.4.195 - City Engineer.

"City Engineer" means the engineer manager for the city, their duly authorized representative(s), or the City's duly authorized representative(s) as designated by the City manager or Public Works Director.

17.4.196 - City Transportation Engineer.

"City Transportation Engineer" means the transportation planning engineer for the City, their duly authorized representative(s), or the City's duly authorized representative(s) as designated by the City Manager.

17.4.197 - Cluster housing

"Cluster housing" means a cluster of four or more dwelling units around a central common space sharing site amenities such as parking and landscaping in a coherent site design, located either on a single lot or individually platted lots.

17.04.200 - Code.

"Code" means the Oregon City Municipal Code.

17.04.205 - Commercial vehicles.

"Commercial vehicle" means a vehicle of over eight thousand pounds gross weight that is designed for or being used to transport merchandise, or a vehicle of less than 8,000 pounds gross weight.

17.04.210 - Collector.

"Collector" means any street so designated in the city's transportation master plan.

17.04.215 - Collocation.

"Collocation" or "Co-location" means the use of a common wireless communications support structure or tower for two or more antenna arrays.

17.04.220 - Community Development Director.

"Community Development Director" means the manager of the Planning Division or the Community Development Director 's designee.

17.04.225 - Comprehensive plan.

"Comprehensive plan" means the City of Oregon City Comprehensive Plan.

17.04.227 – Concept plan area.

"Concept plan area" is a defined area for which there is an adopted concept plan, including the South End Concept Plan area, the Beavercreek Road Concept Plan area, and the Park Place Concept Plan area.

17.04.230 - Construction area.

Defined as right-of-way, public utility easements, and within the building footprint of a building site for any mixed-use, commercial or industrial development, or if a residential development, within the allowable building footprint permitted by the setback requirements of the zone district.

17.04.235 - Constructed wetlands.

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

17.4.255 - Commercial vehicles.

"Commercial vehicle" means:

- A. A vehicle of over eight thousand pounds gross weight that is designed for or being used to transport merchandise, or a vehicle of less than eight thousand pounds gross weight with the business name of the user permanently exhibited on one or both of its sides that is designed and being used to transport merchandise;
- B. A station wagon or other vehicle with the business name of the user permanently exhibited on one or both of its sides, when used for transporting merchandise.

17.04.260 Corner duplexes

"Corner duplex" means a building containing two dwelling units on one lot, located on a corner lot, where the units share a common structural wall or a common floor/ceiling and are not a primary or Accessory Dwelling Units.

17.04.265 - Created wetlands.

"Created wetlands" means wetlands developed in an area previously identified as a non-wetland to replace, or mitigate wetland destruction or displacement. A created wetland shall be regulated and managed the same as an existing wetland.

17.04.267 - Crest.

"Crest" of slope means the point of curvature where the ground surface descends from the top of a slope.

17.04.270 - Cul-de-sac.

"Cul-de-sac" means a street not more than three hundred fifty feet in length having one end open to traffic and being terminated by a vehicle turnaround. The cul-de-sac is measured from the edge of the right-of-way of the intersecting street to the edge of the pavement at the end of the cul-de-sac.

17.04.275 - Day care facility.

"Day care facility" means a facility that provides regular day care services to children under thirteen years of age, including a day nursery, nursery school group or similar unit operating under any name. A day care facility shall not include services provided by a physician or nurse, or facilities operated primarily for education or supervised training or instruction, or day care provided by a "babysitter" or "family day care provider" as defined in this chapter. A day care facility caring for ten or more children shall satisfy the certification requirements of the Children's Services Division.

17.04.280 - Debris.

"Debris" means discarded man-made objects that would not occur in an undeveloped stream corridor or wetland. Debris includes, but is not limited to, tires, vehicles, litter, scrap metal, construction waste, lumber, plastic or styrofoam. Debris does not include objects necessary to a use allowed by this Code, or ornamental and recreational structures. Debris does not include existing natural plant materials or natural plant materials which are left after flooding, downed or standing dead trees or trees which have fallen into protected water features.

17.04.285 - Decision-maker.

"Decision-maker" means the city entity rendering a decision on an application. For applications made under this title, the decision-maker will be either the City Engineer, Community Development Director, Public Works Director, or their designee or the Planning Commission or the City Commission or as designated by OCMC 17.50.

17.04.290 - Demolish.

"Demolish" means to raze, destroy, dismantle, deface or in any other manner cause partial or total ruin of the designated landmark or structure in an historic or conservation district.

17.04.295 - Design flood elevation.

"Design flood elevation" means the base flood elevation or twelve inches greater than the base flood elevation for residential uses, as defined by FEMA (Federal Emergency Management Agency)

17.4.300 - Development.

"Development" means an activity where a building or grading operation occurs, making a material change in the use or appearance of a structure or land occurs, dividing land into two or more parcels, partitioning or subdividing of land as provided in ORS 92.010 to 92.285 or the creation or termination of an access right. Development does not refer to a capital improvement project or an activity within the right of way or public utility easement that is not associated with land or use changes occurring outside of a right of way or public utility easement, except where stated.

For the purpose of OCMC 17.26 and OCMC 17.40, "development" means any man-made change to improved or unimproved real estate, including but not limited to buildings, or other structures, mining, dredging, filling, grading, capital improvement projects, excavation or drilling operations.

For the purpose of OCMC 17.42 "development" means any man-made change to improved or unimproved real estate, including but not limited to buildings, or other structures, mining, dredging, filling, grading, paving, capital improvement projects, excavation or drilling operations.

For the purpose of OCMC 17.47, "development" means any man-made change to improved or unimproved real estate, including but not limited to the construction of buildings or other structures, sewers, streets or other structures or facilities, capital improvement projects, mining, dredging, paving, filling or grading in amounts greater than ten cubic yards on any lot or excavation. In addition, any other activity that results in the removal of more than ten percent of the existing vegetation in the water quality resource area on a lot is defined as "development."

"Development" does not include the following:

1. Stream enhancement or restoration projects approved by the City;
2. Farming practices as defined in ORS 30.930 and farm use as defined in ORS 215.203, except that buildings associated with farm practices and farm uses are subject to the requirements of this chapter; and
3. Construction on lots in subdivisions meeting the criteria of ORS 92.040(2)(1995).

For the purpose of OCMC 17.49, "development" means any man-made change defined as the construction of buildings or other structures, capital improvement projects, mining, dredging, paving, filling, grading, or site clearing, and grubbing in amounts greater than ten cubic yards on any lot or excavation. In addition, any other activity that results in the removal of more than ten percent of the existing vegetation in the water quality resource area on a lot is defined as development.

Development does not include the following:

1. Stream enhancement or restoration projects approved by the City;
2. Farming practices as defined in ORS 30.930 and farm use as defined in ORS 215.203, except that buildings associated with farm practices and farm uses are subject to the requirements of this chapter; and
3. Construction on lots in subdivisions meeting the criteria of ORS 92.040(2)(1995).

17.04.305 - Development site.

"Development site" means any lot or lots on any part of which development is taking place. A capital improvement project or an activity within the right of way that is not associated with land or use changes occurring outside of right of way or public utility easement, does not occur within a 'development site'.

17.04.310 - Direct.

"Direct" when used in connection with pedestrian or bicycle access, means the shortest practicable connection or access between two points, which in no instance should involve out-of-direction travel more than fifty percent longer than the straight line distance between two points.

17.04.315 - Director.

"Director" means the Director of Community Development, Public Works Director, or designee.

17.4.320 - Disturb.

"Disturb" means man-made changes to the existing physical status of the land, which are made in connection with development. The following uses are excluded from the definition:

1. Enhancement or restoration of the water quality resource area;
2. Planting native cover identified in the Oregon City native plant list as adopted by Oregon City Commission resolution;
3. Installation of erosion control measures pursuant to an approved erosion and sediment control plan under Chapter 17.47.

17.04.325 - District.

"District" means the area within a designated historic district, conservation district or historic corridor as provided by the zoning maps of the city.

17.04.330 - Dormer.

"Dormer" is a window vertical in a roof or the roofed structure containing such a window. A dormer is considered an alteration to a building, as it stays within the roof line and does not increase the floor area dimensions.

17.04.333 Duplex

"Duplex" means a building containing two dwelling units on one lot. The units in a duplex must share a common structural wall or a common floor/ceiling and are not primary or Accessory Dwelling Units.

17.04.335 - Dwelling unit.

"Dwelling unit" means a habitable living unit that provides basic living requirements including permanent cooking, and toilet facilities.

17.04.340 – Easement.

"Easement" means the space in, upon, above, along, across, over or under a private property for the constructing, reconstructing, operating, maintaining, inspecting, and repairing of a facility owned by someone other than the private property whereby the easement is located.

17.04.355 - Elevated building.

"Elevated building" for insurance purposes means a nonbasement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

17.04.360 - Emergency.

"Emergency" means 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.

17.04.365 - Engineer.

"Engineer" means a registered professional engineer licensed by the State of Oregon (P.E.).

17.04.370 - Engineering geologist.

"Engineering geologist" means a registered professional engineering geologist licensed by the state of Oregon (CEG).

17.04.375 - Enhancement.

"Enhancement" means the process of improving upon the natural functions and/or values of an area or feature which has been degraded by human activity. Enhancement activities may or may not return the site to a pre-disturbance condition, but create/recreate processes and features that occur naturally.

17.04.380 - Entertainment centers and arcades.

"Entertainment centers and arcades" means a place open to minors where three or more mechanical or electronic amusement devices are located as either the primary or a secondary use.

17.04.385 - Erosion.

"Erosion" is the movement of soil, rocks, and other surface materials by wind, water, or mechanical means.

17.04.390 - Excavation.

"Excavation" is any act of development by which soil, earth, sand, gravel, rock or any similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated, exposed or bulldozed, including the conditions resulting therefrom.

For the purpose of Chapter 17.47 "excavation" means: any act of development by which soil or rock is cut into, dug, quarried, uncovered, removed, displaced, exposed or relocated.

17.04.405 - Exterior.

"Exterior" for the purpose of Chapter 17.40 means any portion of the outside of a landmark building, structure, or site in a district or any addition thereto.

17.04.410 - Façade.

"Façade" means the exterior wall(s) or elevation(s) of a structure.

17.04.420 - Family day care provider.

"Family day care provider" means a day care provider who regularly provides day care to fewer than sixteen children, including the children of the provider, regardless of full-time or part-time status, in the provider's home in the family living quarters. Provisions of day care to sixteen or more children in the home of the provider shall constitute the operations of a "day care facility," as defined in this chapter, and shall be subject to the requirements of this title for day care facilities. A family day care provider shall satisfy the certification requirements of the Office of Child Care.

17.04.425 - Federal Aviation Administration (FAA).

"Federal Aviation Administration (FAA)" means the federal regulatory agency responsible for the safety of the nation's air traffic control system, including airspace impacted by wireless communications support structures and towers.

17.04.430 - Federal Communications Commission (FCC).

"Federal Communications Commission (FCC)" means the federal regulatory agency charged with regulating interstate and international communications by radio, television, wire, satellite, and cable.

17.04.435 - Fill.

"Fill" means any material such as, but not limited to, sand, gravel, soil, rock or other natural or man-made material placed by artificial means.

17.04.440 - Final Action and Final Decision.

"Final action" and "final decision" means the city's final decision on a permit application for which there is either no appeal to another decision-maker within the City, or, if there is the possibility of a local appeal, an appeal was not timely perfected in accordance with OCMC 17.50.190. A decision is deemed to be final on the date that written notice of the decision is mailed to those entitled to notice of the decision.

17.04.445 - Flag Lot.

"Flag lot" means a lot or parcel that has a narrow frontage on a public right-of-way and a narrow accessway which serves the main body of the lot used for building.

17.04.450 - Flood or flooding.

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters; and/or
2. The unusual and rapid accumulation of runoff of surface waters from any source.

17.04.455 - Flood Insurance Rate Map.

"Flood Insurance Rate Map" means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

17.04.460 - Flood Insurance Study.

"Flood Insurance Study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the flood boundary-floodway map, and the water surface elevation of the base flood.

17.04.465 - Flood Management Areas.

"Flood management areas" means all lands contained within the one hundred-year floodplain, flood area and floodway as shown on the Federal Emergency Management Agency Flood Insurance Rate Maps, floodway maps and the area of inundation for the February 1996 flood.

17.04.470 - Floodplain.

"Floodplain" means the land area identified and designated by the United States Army Corps of Engineers, the Oregon Division of State Lands, FEMA, or City of Oregon City that has been or may be

covered temporarily by water as a result of a storm event of identified frequency. It is usually the flat area of land adjacent to a stream or river formed by floods.

17.04.475 - Floodway.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

17.04.480 - Floodway Fringe.

"Floodway fringe" means the area of the floodplain, lying outside the floodway, which does not contribute appreciably to the passage of floodwater, but serves as a retention area.

17.04.481 – Food cart, mobile.

A vendor or seller of food and/or beverages from a motorized, non-motorized or towed vehicle including a wheeled trailer or cart capable of being towed or pushed by a vehicle or by hand not within a building. Mobile food carts may require licensing from state and county health departments. Food carts may be transitory or non-transitory.

17.04.482 - Footcandle.

A unit of measurement referring to illumination incident to a single point. One footcandle is equal to one lumen uniformly distributed over an area of one square foot.

17.04.483 Footprint.

"Footprint" for the purposes of OCMC 17.54.010 means the horizontal area as seen in plan, measured from outside of all exterior walls and supporting columns. It includes dwellings, garages, carports, and accessory structures, but not trellises, patios, and areas of porch, deck, and balcony less than 30 inches from finished grade, or cantilevered covers, porches or projections which do not have a post touching the ground or ramps and stairways required for access.

17.04.485 - Front façade.

"Front façade" means the exterior wall/foundation of a building exposed to the front lot line. This shall be the most architecturally significant elevation of the building, commonly including a front door or main entrance. If the most architecturally significant elevation of the building is not exposed to the front lot line, the Community Development Director shall determine the front façade.

17.04.490 - Front lot line.

"Front lot line" means a lot line abutting a street. For corner lots, the front lot line is that with the narrowest frontage. When the lot line abutting a street is curved, the front lot line follows the curve. For a flag lot, the front lot line is the shortest lot line adjoining the pole portion of the lot including the width of the pole. See figure 17.04.490.

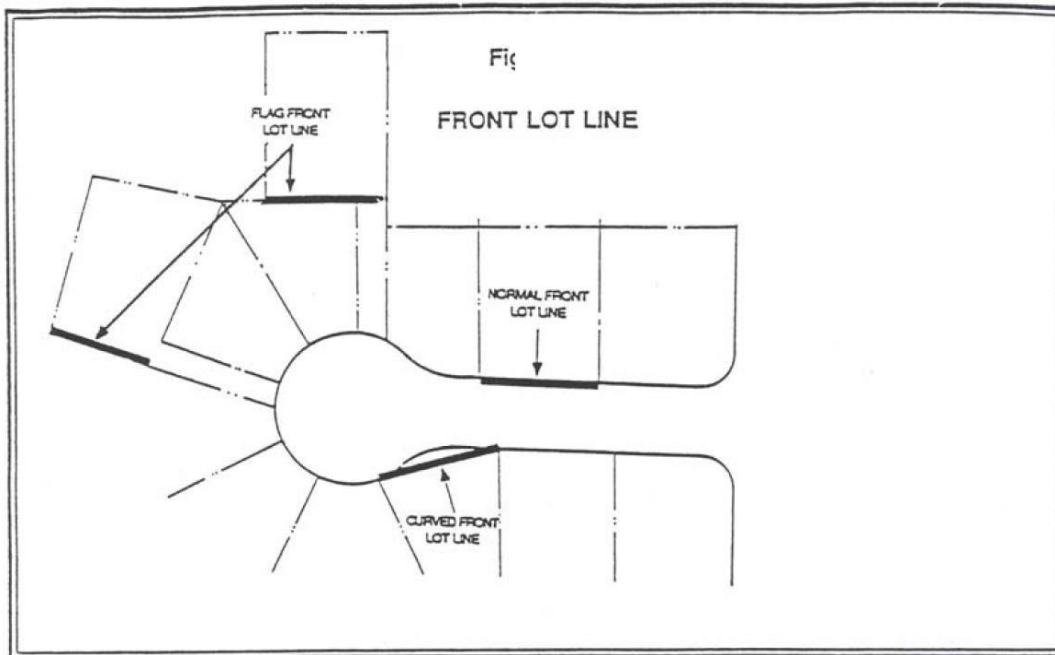


Figure 17.04.490

17.04.495 - Frontage.

"Frontage" means that portion of a parcel of property which abuts a dedicated public street or highway or an approved private way.

17.04.497 - Fully shielded or cut-off light fixture.

Any outdoor light fixture shielded in such a manner that all light emitted by the fixture is projected below the horizontal as determined by a photometric test or certified by the manufacturer. For purposes of this standard, "cut-off angle" is defined as the angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source above from which no light is emitted.

17.04.500 - Garage.

"Garage" means an attached or detached structure(s), or portion thereof used or designed to be used for the parking or storage of vehicles, including carports. Garages do not include detached Accessory Dwelling Units which are not part of a detached garage.

17.04.505 - Geological assessment.

"Geological assessment" is an assessment prepared and stamped by a certified engineering geologist, detailing the surface and subsurface conditions of the site and delineating the areas of a property that might be subject to specified geologic hazards.

17.04.510 - Geologic hazard areas.

"Geologic hazard areas" mean:

1. Any area identified on the city's steep slope and landslide area map;
2. Area within two hundred feet of the crest or toe of a slope that is twenty-five percent or greater
3. Areas with a slope of twenty-five percent or more;

4. Geologic Hazards areas identified by the State of Oregon Department of Geology and Mineral Industries (DOGAMI) in Bulletin 99, Geology and Geologic Hazards of Northwestern Clackamas County, Oregon (1979);
5. Any other area that is identified by a suitably qualified geotechnical engineer or engineering geologist who is licensed in Oregon and derives his or her livelihood principally from that profession as being subject to soil instability, slumping or earth flow, high groundwater level, landslide, or seismic activity.

17.04.515 - Geologic Hazards Overlay Zone.

"Geologic Hazards Overlay Zone" means the zone mapped by the City of Oregon City that is subject to review pursuant to OCMC 17.44 as follows:

1. The following areas identified on the city's slope and geology map which represents:
 - a. Areas within fifty feet of the crest or toe of a slope that is twenty-five percent or greater, or within two hundred feet of the crest or toe of a landslide geologic units Qls and Qf identified by DOGAMI and derived from LIDAR IMS-29 and IMS-26 publications in 2009, whichever is greater;
 - b. Areas with a slope of twenty-five percent or more;
 - c. Geologic Hazards areas identified by the State of Oregon Department of Geology and Mineral Industries (DOGAMI) as landslide or debris flow fan (Qls and Qf geologic units derived from LIDAR IMS-29 and IMS-26 publications in 2009); and
 - d. Geologic Hazards areas identified in Bulletin 99, Geology and Geologic Hazards of Northwestern Clackamas County, Oregon (1979).
2. Any other area that is identified by a suitably qualified geotechnical engineer or engineering geologist who is licensed in Oregon and derives his or her livelihood principally from that profession as being subject to soil instability, slumping or earth flow, high groundwater level, and landslide.

17.04.520 - Geotechnical engineer.

"Geotechnical engineer" is a Professional Engineer, registered in the State of Oregon as provided by ORS 672.002 to 672.325, who by training, education and experience is qualified in the practice of geotechnical or soils engineering practices.

17.04.525 - Geotechnical remediation.

"Geotechnical remediation" means construction designed to increase the factor of safety against earth movement.

17.04.530 - Geotechnical report.

"Geotechnical report" is a report prepared and stamped by a Geotechnical Engineer, evaluating the site conditions and mitigation measures necessary to reduce the risks associated with development in geologically hazardous areas.

17.04.532 - Glare.

The reflection of harsh, bright light; and the physical effect resulting from high luminances or insufficiently shielded light sources in the field of view.

17.04.535 - Grading.

"Grading" is the act of excavating and filling as defined in OCMC 15.48.

17.04.540 - Gross floor area.

"Gross floor area" means the total enclosed floor area within buildings, measured in square feet, excluding basement areas used for storage or parking.

17.04.543 - Habitat.

"Habitat" means the location of natural resource areas that support fish and wildlife populations, including wetlands, riparian areas, natural areas, wooded areas, areas of significant trees or vegetation, and areas designated as being within the Natural Resource Overlay District.

17.04.545 - Half street.

"Half street" means a portion of the width of a full street, usually along the edge of a subdivision.

17.04.550 - Height.

"Height of building" means a vertical distance measured from the average finished grade elevation on the street-facing elevation to:

1. one-half the vertical distance between the eaves and the highest ridge for a gable, hip or gambrel roof,
2. the top of the roof for flat roofs,
3. the deck lines for mansard roofs or
4. the top of the parapet for buildings with parapets that completely surround the perimeter of a roof.

Roof structures needed to operate and maintain the building on which they are located such as chimneys, flues, stacks, fire escapes, gas holders, elevator enclosures, ventilators, skylights, solar panels, water towers and tanks, and similar are exempt from the building height measurement. Additional decorative and functional elements such as flag poles, partially enclosed parapets and building entry features, steeples and bell towers, carillons, monuments, cupolas, television aerials, broadcasting and microwave transmitting and relay towers, electric transmission line towers, and electric substation structures are also exempt from the building height measurement.

Except that, for buildings within the Flood Management Overlay District subject to Chapter 17.42, height shall be measured from the design flood elevation or average finished grade at front of the structure, whichever is higher. For the purpose of Chapter 17.80, "height" shall mean the distance measured from the original grade at the base of the wireless communication facility to the highest point on the wireless communication facility, including the antenna(s) and lightning rod(s).

17.04.555 - Heritage Tree.

"Heritage Tree" is a tree or stand of trees that is of landmark importance to the City of Oregon City due to age, size, species, horticultural and ecological value or historical association.

17.04.560 - Heritage Grove.

"Heritage Grove" is at least two heritage trees separated by no more than twenty feet on a property or properties.

17.04.562 - Highly constrained residential lot.

A residential vacant lot of record that has less than thousand square feet of buildable area, with minimum dimensions of fifty feet by fifty feet, remaining outside the Natural Resource Overlay District.

17.04.564 - Highly constrained commercial lot.

A commercial or industrially zoned lot of record that has more than seventy-five percent of its area covered by the Natural Resource Overlay District.

17.04.565 - Historical significance.

"Historical significance" means that the structure of district:

1. Has character, interest or value, as part of the development, heritage or cultural characteristics of the city, state or nation;
2. Is the site of an historic event with an effect upon society;
3. Is identified with a person or group of persons who had some influence on society; or
4. Exemplifies the cultural, political, economic, social or historic heritage of the community.

17.04.570 - Historic corridor.

"Historic corridor" means that portion of a parcel of land that is a part of a designated linear historic feature such as the route of the Oregon Trail-Barlow Road.

17.04.575 - Historic site.

"Historic site" means the structure and the property surrounding a landmark, a structure in an historic district, or a designated structure in a conservation district.

17.04.580 - Home occupation.

"Home occupation" means an occupation carried on solely by the resident or residents of a dwelling unit as a secondary use in accordance with 17.54.120.

17.04.585 - Hotel.

"Hotel" means a building which is designed or used to offer lodging, with or without meals, for compensation, primarily for overnight lodging.

17.04.586 - Impervious surface.

Any nonvertical surface artificially covered or hardened so as to prevent or impede the percolation of stormwater water into the soil, including but not limited to roof tops excepting eaves, swimming pools, paved or graveled roads, and walkways or parking areas and excluding landscaping, surface water retention/detention facilities, access easements serving neighboring property, and driveways.

17.04.587 - Incandescent.

A common form of artificial light in which a filament is contained in a vacuum and heated to brightness by an electric current.

17.04.590 - Infrastructure provider.

"Infrastructure provider" for the purposes of Chapter 17.80 means an applicant whose proposal includes only the construction of new support towers or auxiliary structures to be subsequently utilized by service providers.

17.04.595 - Institutional development.

"Institutional development" includes all public, semi-public and private community facilities and uses, including government office and maintenance facilities, educational facilities, research institutions, correctional institutions, museums, libraries, stadiums, hospitals, residential care facilities, auditoriums and convention or meeting halls, churches, parks and public recreational facilities, automobile parking structures, and other similar facilities and uses.

17.04.600 - Interior parking lot landscaping.

"Interior parking lot landscaping" means landscaping located inside the surfaced area used for on-site parking and maneuvering.

17.04.603 Internal conversion (for existing single-family detached residential units)

"Internal conversion" means conversion of an existing single-family residential unit built at least 20 years prior to the date of the proposed conversion into two or more dwelling units in accordance with OCMC 17.20.030.

17.04.605 - Invasive non-native, nuisance, prohibited or noxious vegetation.

"Invasive non-native," "nuisance," "prohibited" or "noxious vegetation" means plant species that have been introduced and, due to aggressive growth patterns and lack of natural enemies in the area where introduced, spread rapidly into native plant communities, or which are listed as invasive, nuisance, prohibited or noxious plants on the Oregon City Nuisance Plant List, or by the Oregon Department of Agriculture, Clackamas Soil and Water District, or Portland Plant List.

17.04.610 - Land division.

"Land division" means any partition or subdivision.

17.04.615 - Landscaping.

"Landscaping." Site improvements which include lawn, garden, groundcover, trees, plants and other natural and decorative features, including but not limited to, patios or plazas open to the public or open commonly to residents and street furniture and walkways which are contiguous and integrated with plant material landscaped areas. The verification of plant materials requiring specific characteristics can be achieved by any of the following methods:

1. Description in Sunset Western Garden Book (Editor Sunset Books, 2012 or later edition), or
2. The Oregon City Native Plant List;
3. City of Portland Native Plan List;
4. Metro Native Plant List;
5. By an appendix, definition, or other reference in the Zoning Code, or
6. By specific certification by a licensed landscape architect.

17.04.620 - Landscape area.

"Landscape area" means land set aside and used for planting of grass, shrubs, trees or similar living plants.

17.04.625 - Landslide.

"Landslide" means the downslope movement of soil, rocks, or other surface matter on a site. Landslides may include, but are not limited to, slumps, mudflows, earthflows, debris flows, rockfalls and the source areas for above.

17.04.630 - Lattice tower.

"Lattice tower" is a support tower characterized by an open framework of lateral cross members that stabilize the tower.

17.04.635 - Legislative action.

"Legislative action" means any final decision of the city that approves or denies a request to amend the city's land use regulations, comprehensive plan or related maps and does not pertain to a particular property or small set of properties.

17.04.637 - Licensee representative.

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

17.04.640 - Limited land use application.

"Limited land use application" means an application for any use where the decision is based on discretionary standards designed to regulate the physical characteristics of a use permitted outright, including subdivision or site plan and design review or any other application which is processed pursuant to a Type II proceeding as provided in this chapter.

17.04.645 - Live/work dwelling.

"Live/work dwelling" a dwelling in which a business is designed to be operated on the ground floor. The ground floor commercial, personal service, or office space has visibility, signage and access from the primary street.

17.04.650 - Loading space.

"Loading space" means an off-street space, having a paved surface, within a building or on the same lot with a building, for the temporary parking of a commercial vehicle or truck while loading or unloading merchandise or materials and which has direct access to a street or alley.

17.04.655 - Local street.

"Local street" means any street so designated in the City's Transportation System Plan. Typically, a local street is a public street that serves abutting lands, is designed to carry a minimal amount and weight of traffic.

17.04.660 - Lot.

"Lot" and "legal lot" mean a single unit of land created by a subdivision which, at the time of creation, complied with all procedural and substantive requirements of any applicable local, state or federal law.

17.04.665 - Lot, corner.

"Corner lot" means a lot abutting upon two or more streets at their intersection.

17.04.670 - Lot coverage.

"Lot coverage" means the area of a lot covered by the footprint of all structures two hundred square feet or greater (excluding decks and porches), expressed as a percentage of the total lot area.

17.04.675 - Lot, depth.

"Lot depth" means the distance measured from the mid-point of the front lot lines to the mid-point of the opposite, usually rear lot line and generally at approximately right angles to the lot width.

17.04.680 - Local floodplain administrator.

"Local floodplain administrator" means the city's building official.

17.04.685 - Lot, interior.

"Interior lot" means a lot other than a corner lot.

17.04.690 - Lot line adjustment.

"Lot line adjustment" means a relocation or elimination of all or a portion of the common property line between abutting properties that does not create an additional lot or parcel.

17.04.695 - Lot of record.

"Lot of record" means a lot or parcel which has been legally recorded in the Office of the County Recorder by deed or contract of sale prior to the enactment of an ordinance or regulation by reason of which the lot or parcel no longer meets the dimensional or area requirements of the City.

17.04.700 - Lot, width.

"Lot width" means the perpendicular distance measured between the midpoints of the two principal opposite side lot lines and generally at approximately right angles to the lot depth.

17.04.705 - Lowest floor.

"Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this title found at OCMC 17.42.160.E.(4). or (5).

17.04.707 - Low impact development standard.

Any construction technique approved by the City Engineer that is designed to provide on-site capture, treatment and infiltration of stormwater as a means to improve water quality, reduce the amount of impervious surface, and/or provide habitat benefits on a development site.

17.04.710 - Major modification.

"Major modification" means any of the following changes from a previously approved permit, except for changes eligible for a Type I review, requiring the application to return through the same process as the original review:

1. For subdivisions or planned unit developments, an increase in the total number of dwelling units by ten percent or more, an increase in the number of multiple-family dwellings by more than ten percent, or a reduction in the amount of landscaping, open space or land reserved for a protected feature of ten percent or more;
2. For design review or conditional use permits for mixed-use or commercial developments, an increase in the area of commercial space by more than ten percent;
3. For any site plan or design review approval, any change not eligible for a Type I Minor Site Plan and Design Review, including the relocation of buildings, streets, access points onto the existing public right-of-way, utility easements, parking lot expansions, or other site improvements away from the previously approved general location;
4. For any prior approval, an increase in the amount of impervious surface on hillsides or unstable soils subject to regulation under City Code Chapter 17.44 by ten percent or more; or
5. Any change that renders the prior approved permit incompatible with surrounding lands or development in noncompliance with any of the conditions of approval or approval criteria.

17.04.712 - Major transit stop.

"Major transit stop" means transit centers, high capacity transit stations, major bus stops, inter-city bus passenger terminals, inter-city rail passenger terminals, and bike-transit facilities as shown in the regional transportation plan.

17.04.715 - Main building entrance.

"Main building entrance" means a primary entrance to a building, intended for use by residents, employees, customers, clients, visitors, messengers and members of the public.

17.04.720 - Major public improvements.

"Major public improvements" means the expenditure of public funds or the grant of permission by a public body to undertake change in the physical character of lands or the making of public improvements within a district, except for the repair or maintenance of public or private improvements within a district.

17.04.725 - Manager.

"Manager" means the City Manager or the City Manager's designated representative.

17.04.730 - Manufactured home.

"Manufactured home" means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for a permanent residential purpose and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction. The term "manufactured home" does not include a "recreational vehicle."

17.04.735 - Manufactured home park or subdivision.

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

17.04.740 - Map.

"Map" means a final diagram, drawing or other graphical representation concerning a partition or subdivision.

17.04.741.010 - Marijuana.

"Marijuana" means the plant cannabis family cannabaceae, any part of the plant cannabis family cannabaceae and the seeds of the plant cannabis family cannabaceae. "Marijuana" does not include industrial hemp, as defined in state law.

17.04.741.020 - Marijuana business.

"Marijuana business" means (1) any business licensed by the Oregon Liquor Control Commission to engage in the business of producing, processing, wholesaling, or selling marijuana or marijuana items, or (2) any business registered with the Oregon Health Authority for the growing, processing, or dispensing of marijuana or marijuana items.

17.04.741.030 - Marijuana items.

"Marijuana item" means marijuana, cannabinoid products, cannabinoid concentrates and cannabinoid extracts.

17.04.741.040 - Marijuana laboratory (laboratories).

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

17.04.741.050 - Marijuana licensee.

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

17.04.741.060 - Marijuana processor (processing).

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

17.04.741.070 - Marijuana producer (production).

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

17.04.741.080 - Marijuana retailer.

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

17.04.741.090 - Marijuana wholesaler.

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

17.04.742 - Medical marijuana dispensary.

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

17.04.743 - Membrane or fabric covered storage area.

An area used for storage covered by a tarp or fabric membrane or that is either attached to a rigid framework, natural feature or some other structure, or a metal-sided cargo container. It is not intended to include the weather proofing of a vehicle, boat or other individual item by a tarp or other type of covering as long as the covering is attached directly to and covers only the particular item.

17.04.745 - Metro.

"Metro" means the regional government of the Portland metropolitan area and the elected Metro Council as the policy-setting body of the government.

17.04.746 - Metro ESEE Analysis.

"ESEE" means Economic, Social, Environmental and Energy (ESEE) analysis and is the process by which Metro determined whether to allow, limit, or prohibit activities in the city's significant natural resource sites.

17.04.750 - Micro cell.

"Micro cell" for the purposes of Chapter 17.80 means a wireless communications facility consisting of an antenna that is either: (a) four feet in height and with an area of not more than five hundred

eighty square inches; or (b) if a tubular antenna, no more than four inches in diameter and no more than six feet in length.

17.04.755 - Minor modification.

"Minor modification" means any changes from a previously approved permit which are less than a major modification.

17.04.760 - Mitigation.

"Mitigation" means the reduction of adverse effects of a proposed project by considering, in the following order:

1. Avoiding the impact altogether by not taking a certain action or parts of an action;
2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation;
3. Rectifying the impact by repairing, rehabilitating or restoring the affected environment;
4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action by monitoring and taking appropriate measures; and
5. Compensating for the impact by replacing or providing a comparable substitute.

17.04.765 - Mitigation measure.

"Mitigation Measure" is an action designed to reduce project-induced geologically hazardous area impacts.

17.04.766 - Mobile vendor.

A provider, vendor or seller of merchandise and/or services, etc. from a motorized or towed vehicle including a wheeled trailer capable of being towed by a vehicle. For the exclusive mobile vending of food, see definition of "food carts, mobile".

17.04.770 - Monopole.

"Monopole" means a support tower composed of a single upright pole, engineered to be self-supporting, and used to support one or more antenna(s) or array(s). A monopole does not include towers requiring guy wires or lattice cross supports.

17.04.775 - Motel.

"Motel" means a building or series of buildings in which lodging is offered for compensation primarily for overnight lodging which is distinguished from a hotel primarily by reason of providing direct independent access to and adjoining parking for each rental unit.

17.04.780 - Multifamily residential.

"Multifamily residential" is a structure or structures located on one lot and containing five or more total dwelling units in any vertical or horizontal arrangement. Individual units do not have to be structurally attached. Multifamily developments, known as apartments and condominiums, may include structures that are similar in form to townhouses, cluster housing, duplexes, or single-family dwellings.

17.04.785 - Native vegetation.

"Native vegetation" means any vegetation listed on the Oregon City native plant list as adopted by Oregon City Commission resolution.

17.04.790 - Natural location.

"Natural location" means the location of those channels, swales, and other non-man-made conveyance systems as defined by the first documented topographic contours existing for the subject property either from maps or photographs, or such other means as appropriate.

17.04.795 - Nearby.

"Nearby," when used in connection with pedestrian or bicycle access, means uses within one-quarter mile distance which can reasonably be expected to be used by pedestrians, and uses within two miles distance which can reasonably be expected to be used by bicyclists.

17.04.800 - Neighborhood activity center.

"Neighborhood activity center" refers to land uses which attract or are capable of attracting a substantial amount of pedestrian use. Neighborhood activity centers include, but are not limited to, parks, schools, retail store and service areas, shopping centers, recreational centers, meeting rooms, theaters, museums and other pedestrian oriented uses.

17.04.805 - Neighborhood Association.

"Neighborhood Association" means a group whose membership is recognized by the City, open to residents, property owners and owners of businesses located in the neighborhood. This group makes comments and recommendations on problems, policies and projects in the neighborhood.

17.04.808 – Net density.

"Net density" means the number of dwelling units divided by the net developable area, as measured in acres.

Residential Density Calculation Example:

Zone: R-5

Unit type: Single Family Detached

Gross site area: 4.84 acres = 210,830 sq. ft. (80% is developable, 20% is right-of-way, slopes etc.)

210,830 sq. ft. X .8 = 168,664 sq. ft.

Net developable area: 168,664 sq. ft./43,560 = 3.87 acres

Density (See Density Standards table for Medium Density District):

Minimum Density = 8.7 du/acre X 3.87 acres = 33.68 (round up) = 34 units

Maximum Density = 12.4 du/acre X 3.87 acres = 47.98 (round up) = 48 units

17.04.810 - Net developable area.

"Net developable area" means the area of a parcel of land or the aggregate of contiguous parcels under the same ownership remaining after deducting any portion of the parcel or aggregate of parcels with one or more of the following characteristics:

1. Elevation within the one hundred-year floodplain, as identified on the Federal Emergency Management Agency Flood Insurance Rate Maps;
2. The area within an underlying Natural Resource Overlay District (NROD) governed by OCMC 17.49 that is indicated on the adopted NROD map or which has been otherwise delineated pursuant to OCMC 17.49;
3. Steep slopes exceeding thirty-five percent. Applicant may make a request for the Community Development Director to determine whether to make further adjustments for slopes equal to or above twenty-five percent per OCMC 17.44.060.H.;
4. Open space;
5. Public facilities and rights-of-way;

6. Upon approval of the Community Development Director, any lands where development of structures requiring a building permit is prohibited due to an easement and is similar in nature to items 1—5.

17.04.812 Net Leasable Area.

Actual square-footage of a building or outdoor area that may be leased or rented to tenants, which excludes parking lots, common areas, shared hallways, elevator shafts, stairways, and space devoted to cooling, heating, or other equipment.

17.04.815 - New construction.

"New construction" means structure for which the "start of construction" commenced on or after the effective date of the ordinance codified in this title.

For the purposes of Chapter 17.40, "new construction" means an additional new building or structure separate from the existing building mass that is larger than two hundred square feet on all properties located within a Historic Overlay District. Any building addition that is thirty percent or more in area (be it individual or cumulative) of the original structure shall be considered "new construction."

17.04.820 - New manufactured home park or subdivision.

"New manufactured home park or subdivision" means a manufactured home park subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the ordinance codified in this chapter.

17.04.825 - Nonconforming use.

"Nonconforming use" means a use which lawfully occupied a building or land at the time this title or subsequent amendments became effective and which does not conform with the use regulations of the district in which it is located.

17.04.830 - Non-final decision.

"Non-final decision" means any decision by the Community Development Director, Historic Review Board or Planning Commission which is not a final decision but is appealable to another decision maker within the City.

17.04.840 - Nursery, day or child care center.

"Nursery, day or child care center" means a commercial enterprise where more than five children are cared for during the day, including a kindergarten.

17.04.845 - Office.

"Office" means a place where a particular kind of business is transacted or a service is supplied.

17.04.850 - One hundred-twenty-day period.

"One hundred-twenty-day period" means the one hundred-twenty-day period within which ORS 227.178 requires the city to take final action on a complete application.

17.04.855 - Open space.

"Open space" means land that is undeveloped and that is planned to remain so indefinitely. The term encompasses parks, forests and farmland. It may also refer only to land zoned as being available to the public, including playgrounds, watershed preserves and schools.

17.04.860 - Ordinary mean high water line.

"Ordinary mean high water line" means, as defined in OAR 141-82-005, the line on the bank or shore to which water ordinarily rises in season; synonymous with mean high water (ORS 274.005).

17.04.865 - Ordinary mean low water line.

"Ordinary mean low water line" means, as defined in OAR 141-82-005, the line on the bank or shore to which water ordinarily recedes in season; synonymous with mean low water (ORS 274.005).

17.04.870 - Owner or property owner.

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

17.04.875 - Overlay district.

"Overlay district" means a special zoning district, the restrictions and conditions of which shall be in addition to such restrictions and conditions as may be imposed in the underlying zone.

17.04.880 - Parcel.

"Parcel" and "legal parcel" mean a single unit of land created by a partition or subdivision which, at the time of creation, complied with all procedural and substantive requirements of any applicable local, state or federal law.

17.04.885 - Parking area, public.

"Public parking area" means an open off-street area used for the temporary parking of more than three automobiles and available for public use, with or without charge or as an accommodation for clients or customers.

17.04.890 - Parking lot.

"Parking lot" means off-street parking spaces.

17.04.895 - Parking space.

"Parking space" means an unobstructed off-street area having an all-weather surface for the temporary parking or storage of one automobile.

17.04.900 - Partition/partition land.

"Partition" or to "partition land" means to divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. "Partition land" does not include:

1. A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;
2. An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable zoning ordinance;
3. The division of land resulting from the recording of a subdivision.

4. A sale or grant by a person to a public agency or public body for state highway, county road, city street or other right-of-way purposes provided that such road or right-of-way complies with the Oregon City Comprehensive Plan, applicable state statutes, and does not create additional parcels.

17.04.905 - Partition plat.

"Partition plat" means and includes a final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a partition.

17.04.907 - Pedestrian scale lighting.

Lighting fixtures that are dimensionally smaller than those intended to accommodate automobile traffic flow and buffering and which are intended to provide adequate illumination of areas used by pedestrians or bicyclists for security, recreational or commercial purposes. In general pedestrian scale lighting is no higher than twelve feet tall.

17.04.910 - Pedestrian walkway.

"Pedestrian walkway" means a hard surfaced facility for pedestrians within a development or between developments, distinct from surfaces used for motor vehicles. A pedestrian walkway is distinguished from a sidewalk by its location on private property outside the public right-of-way and from a pedestrian/bicycle accessway by the function it serves.

17.04.915 - Perimeter parking lot landscaping.

"Perimeter parking lot landscaping" means the five-foot wide landscaped planter strip located on the perimeter of all parking lots located adjacent to the right-of-way and/or adjoining properties. Parking lots are defined as the surfaced area used for on-site automobile parking and maneuvering.

17.04.920 - Permit.

"Permit" means any form of quasi-judicial approval relating to the use of land rendered by the City under OCMC 16 or 17, including subdivisions, partitions, lot line adjustments and abandonments, zone changes, plan amendments, conditional use permits, land use and limited land use decisions, and expedited land divisions. Permit does not include any City decision relating to system development charges under Chapter 3.20.

17.04.923 - Pervious.

"Pervious" refers to any material or surface that permits full or partial absorption of stormwater into previously unimproved land.

17.04.925 - Planning Division.

"Planning Division" means the Planning Division of the City of Oregon City.

17.04.930 - Planter (or planting) strip.

"Planter (or planting) strip" means an area for landscaping and street trees within the public street right-of-way, usually located between the curb and sidewalk. Also known as a parking strip or tree lawn.

17.04.935 - Plat.

"Plat" means a map of the lots in a proposed partition or subdivision, drawn to scale and which includes all of the information required by the applicable provisions of OCMC 16 and 17.

17.04.937 - Pollutant.

"Pollutant" means the presence in the outdoor atmosphere, ground, or water of any substances, contaminants, noise, or man-made or man-induced alteration of the chemical, physical, biological, or radiological integrity of air or water, in quantities or at levels which are or may be potentially harmful or injurious to human health or welfare, animal, or plant life, or property, or unreasonably interfere with the enjoyment of life or property.

17.04.940 - Porch.

"Porch" means a roofed open unenclosed area, which may be screened, attached to or part of and with direct access to or from a building.

17.04.945 - Practicable.

"Practicable" means available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purpose.

17.04.950 - Preliminary plan or plat.

"Preliminary plan" or "plat" mean a preliminary subdivision plat or partition plat as appropriate.

17.04.955 - Principal dwelling unit.

"Principal Dwelling Unit" means the primary residence for a particular lot.

17.04.960 - Private street.

"Private street" means a privately owned and maintained street or accessway. The creation of private streets shall include emergency access and utility easements and reciprocal easements for all properties intended to use the accessway. Private streets shall be designed and constructed to the standards required by the city, but those standards may be different than would apply to public streets.

17.04.965 - Property line.

"Property line" means the division or boundary between two legal lots or parcels. The property line may sometimes be the same line as the right of way line even though right of way is not a lot or parcel.

17.04.970 - Protected water features.

"Protected water features" shall include:

1. Title 3 wetlands;
2. Rivers and perennial and intermittent streams;
3. Springs which feed stream and wetlands and have year-round flow; and
4. Natural lakes.

17.04.973 - Public garage.

"Public garage" means any automobile repairs and servicing when enclosed within the building.

17.04.975 - Public recycle drop/receiving center.

"Public recycle drop/receiving center" means a facility that receives and temporarily stores separated recyclable waste materials including glass, scrap paper, corrugated paper, newspaper, tin cans, aluminum, plastic and oil. Maximum storage for each type of separated recyclable waste shall not exceed six hundred cubic feet. Oil storage shall not exceed six hundred gallons. Preparation of separated materials shall be limited to nonmechanical methods such as baling and glass breaking.

17.04.980 - Public recycle warehouse.

"Public recycle warehouse" means a facility that receives and stores and prepares for transport separated recyclable waste material including glass, scrap paper, corrugated paper, newspaper, tin cans, aluminum, plastic and oil. Preparation of separated materials, including baling, compacting and glass breaking, may be part of this facility.

17.04.982 - Public street.

"Public street" means a publicly maintained street or accessway under the jurisdiction of a governmental entity.

17.04.985 - Public utilities and services.

"Public utilities and services" means facilities for providing electric power, communication, water, sewers and transportation.

17.04.986 – Public Utility Easement.

"Public Utility Easement" means an easement that allows a utility the right to use and access specific areas of another's property for constructing and maintaining gas, electric, telecommunication, fiberoptic, water, and sewer lines.

17.04.987 – Public Works Director

"Public Works Director" means the Director of the Public Works Department for the City, their duly authorized representative(s), or the City's duly authorized representative(s) as designated by the City Manager.

17.04.990 - Quasi-judicial.

"Quasi-judicial" means any final decision of the City that applies the provisions of OCMC 16 or 17, in response to an application, that pertains to a specific property or small set of properties and which is legally required to result in a decision by the City.

17.04.995 - Radio frequency (RF) energy.

"Radio frequency (RF) energy" means the energy used by cellular telephones, telecommunications facilities, and other wireless communications devices to transmit and receive voice, video, and other data information.

17.04.1000 - Rear lot line.

"Rear lot line" means a lot line that is opposite to and more distant from the front lot line. In the case of a corner lot, the Community Development Director shall determine the rear lot line. In the case of an irregular or triangular shaped lot, an imaginary lot line ten feet in length shall be drawn within the lot parallel to and at the maximum distance from the front lot line. A lot line abutting an alley is a rear lot line.

17.04.1005 - Record.

"Record" means the public record compiled for each quasi-judicial and legislative action and includes the written minutes of all public hearings, audio tape recordings, if any, of the public meetings, the application and all materials duly submitted by the applicant, all documents, evidence, letters and other materials duly submitted by any party to the decision-making proceeding, staff reports, public notices, and all decisions rendered by city decision-makers.

17.04.1010 - Recreational vehicle.

"Recreational vehicle" means a vehicle which is:

1. Built on a single chassis;
2. Four hundred square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily as temporary quarters for recreational, camping, travel or seasonal use and not for use as a dwelling.

17.04.1015 - Religious institution.

A church or place of worship or religious assembly with related facilities such as the following in any combination: rectory or convent, private school, meeting hall, offices for administration of the institution, licensed child or adult daycare, playground or cemetery.

17.04.1020 - Reserve strip.

"Reserve strip" means a parcel of land, usually one foot in width, running the length of a half-street parallel to the center line or running across the end of a street at right angles to the center line which, when deeded to the city, prevents the abutting property owner from using the street for access to the abutting property without first making the appropriate dedication from his/her land.

17.04.1021 – Residence.

A structure or part of a structure containing dwelling units or rooming units, including single-family detached and attached dwelling units, duplexes, townhomes or townhouses, three-four plexes, accessory dwelling units, multi-family dwelling units, manufactured homes, and boarding or rooming houses. Residences do not include: such transient accommodations as transient hotels, shelters, bed and breakfasts, motels, tourist cabins, or trailer courts; dormitories, fraternity or sorority houses; in a mixed-use structure, that part of the structure used for any nonresidential uses, except accessory to residential uses; or recreational vehicles.

17.04.1025 - Residential facility.

"Residential facility" means a residential care, residential training or residential treatment facility licensed or registered by or under the authority of the state licensing agency, as defined in ORS 443.400, under ORS 443.400 to 443.460 or licensed by the State Office for Services to Children and Families under ORS 418.205 to 418.327 which provides residential care alone or in conjunction with treatment or training or a combination thereof for six to fifteen individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.

17.04.1030 - Residential home.

"Residential home" means a residential treatment or training or an adult foster home licensed by or under the authority of the state licensing agency, as defined in ORS 443.400, under ORS 443.400 to 443.825, a residential facility registered under ORS 443.480 to 443.500 or an adult foster home licensed under ORS 443.705 to 443.825 which provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home.

17.04.1035 - Residential zone.

"Residential zone" shall include any of the following zoning districts: R-10 single-family dwelling district, R-8 single-family dwelling district, R-6 single-family dwelling district, R-5 dwelling district, R-3.5 Dwelling District and R-2 Dwelling District.

17.04.1040 - Resource versus facility.

"Resource" versus "Facility" means the distinction being made is between a "resource," a functioning natural system such as a wetland or stream; and a "facility" which refers to a created or constructed structure or drainage way that is designed, constructed and maintained to collect and filter, retain, or detain surface water runoff during and after a storm event for the purpose of water quality improvement.

17.04.1045 - Restoration.

"Restoration" for the purposes of OCMC17.49 means the process of returning a disturbed or altered area or feature to a previously existing natural condition. Restoration activities reestablish the structure, function and/or diversity to that which occurred prior to impacts caused by human activity. Also see "revegetation" and "mitigation".

17.04.1047 - Restrictive covenant.

"Restrictive covenant" means a restriction on the use of a lot or parcel of land that is set forth in the deed and recorded with the county recorder. It is binding on subsequent owners and may be used to enforce the preservation of trees, wetlands or other natural resources on the property. Also known as "Deed Restriction."

17.04.1048 - Revegetation.

"Revegetation" means the re-establishment of vegetation on previously disturbed land, for the purpose of restoration and mitigation measures for a disturbed natural area or buffer zone. See also "Restoration."

17.04.1050 - Retail store.

"Retail store" means a business establishment where goods are sold in small quantities to the ultimate consumer.

17.04.1055 - Right-of-way.

"Right-of-way" means the area between boundary lines of a public street, public alley or other public accessway. Right of way is not a parcel, lot, or considered real estate or real property.

17.04.1060 - Riparian.

"Riparian" means those areas associated with streams, lakes and wetlands where vegetation communities are predominately influenced by their association with water.

17.04.1065 - Routine repair and maintenance.

"Routine repair and maintenance" means activities directed at preserving an existing allowed use or facility, without expanding the development footprint or site use.

17.04.1070 - School, commercial.

"Commercial school" means a building where instruction is given to pupils in arts, crafts or trades, and operated as a commercial enterprise as distinguished from schools endowed and/or supported by taxation.

17.04.1075 - School, primary, elementary, junior high or high.

"School, primary, elementary, junior high or high" shall include public or private schools, but not nursery school, kindergarten or day care centers, except when operated in conjunction with a school.

17.04.1080 - School, private.

"Private school" means a school not supported by taxes.

17.04.1085 - School, public.

"Public school" means a primarily tax supported school controlled by a local governmental authority.

17.04.1090 - Screening.

"Screening" means for the purposes of OCMC 17.80 means to effectively obscure to a minimum height of six feet the view of the base of a wireless communication facility.

17.04.1093 - Security Lighting.

Lighting intended to reduce the risk of personal attack, discourage intruders, vandals, or burglars, and to facilitate active surveillance of an area by designated surveillance personnel or by remote camera.

17.04.1095 - Sediment.

"Sediment" means any soil, sand, dirt, dust, mud, rock, gravel, refuse or any other organic or inorganic material that is in suspension, is transported, has been moved or is likely to be moved by erosion. Sedimentation is the process by which sediment is removed from its site of origin by soil erosion, suspension in water, and/or wind or water transport.

17.04.1100 - Self-supporting.

"Self-supporting" means the independent support of itself or its own weight.

17.04.1105 - Service station.

"Service station" means an establishment where bulk sales, fuels, oils or accessories for motor vehicles are dispensed, sold or offered for retail sale and where minor motor vehicle repair service is available.

17.04.1110 - Setback.

"Setback" means the minimum distance by which the footprint of all buildings or structures shall be separated from a lot line.

17.04.1115 - Shade.

"Shade" means a shadow cast by the shade point of a structure or vegetation when the sun is at an altitude of 21.3 degrees and an azimuth ranging from 22.7 degrees east and west of true south.

17.04.1125 - Sidewalk, curb-tight (aka attached sidewalk).

"Curb-tight or attached sidewalk" refers to a sidewalk that is attached and not separated from the curb and gutter of a street by a planter strip, tree lawn or other landscaping.

17.04.1127 - Sidewalk, setback (aka detached sidewalk).

"Setback" or "Detached sidewalk" refers to a sidewalk that is separated from the curb and gutter of a street by a planter strip, tree lawn or other landscaping. Setback sidewalks may be placed fully or partially within easements on private property.

17.04.1130 - Significant negative impact.

"Significant negative impact" for the purpose of Chapter 17.49 means an impact that affects the natural environment, considered individually or cumulatively with other impacts on the water quality resource area, to the point where existing water quality functions and values are degraded.

17.04.1140 - Single-family detached residential units.

"Single-family detached residential units" means one principal or primary dwelling unit per lot that is freestanding and structurally separate from other dwelling units on the site, except Accessory Dwelling Units. This includes manufactured homes.

17.04.1135 - Single-family attached residential units.

"Single-family attached residential units" means two or more dwelling units attached side by side with some structural parts in common at a common property line and located on separate and individual lots. Single-family attached residential units are also known as townhouse, townhome or rowhouse.

17.04.1143 – Skyway or skybridge, pedestrian.

"Pedestrian skyway" or "sky bridge" is an elevated walkway exclusively for pedestrian or bicycle traffic, connecting two or more structures, that passes over a right-of-way or open areas such as alleys, plazas and other similar public amenity areas. Such structures may be enclosed or open to the elements.

17.04.1145 - Slope.

"Slope" is an inclined earth surface, the inclination of which is expressed denoting a given rise in elevation over a given run in distance. A forty percent slope, for example, refers to a forty-foot rise in elevation over a distance of one hundred feet. A one hundred percent slope equals a forty-five-degree angle. Slopes are measured across a horizontal rise and run calculation within any horizontal twenty-five foot distance. "Slope" shall be calculated as follows:

1. For lots or parcels individually or cumulatively greater than ten thousand square feet in size, between grade breaks, obtain the vertical distance, divide by the horizontal distance and multiply by one hundred. The horizontal distance to be used in determining the location of grade breaks shall be fifty feet;
2. For lots or parcels ten thousand square feet or smaller in size, obtain the vertical distance across the lot or parcel, divide by the horizontal distance and multiply by one hundred;

The resulting number is the slope expressed as a percentage.

17.04.1150 - Solid waste processing facility.

"Solid waste processing facility" means a place or piece of equipment whereby mixed solid waste is altered in form, condition or content by methods or systems such as, but not limited to, shredding, milling or pulverizing.

17.04.1155 - Solid waste transfer facility.

"Solid waste transfer facility" means a waste collection and disposal system between the point of collection and a processing facility or a disposal site.

17.04.1160 - South or south facing.

"South" or "south facing" means true south, or twenty degrees east of magnetic south.

17.04.1165 - Stable, private.

"Private Stable" means a detached accessory building for the keeping of horses owned by occupants of the premises and which are not kept for remuneration or profit.

17.04.1170 - Start of construction.

"Start of construction" is meant to include substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement

or other improvement was within one hundred eighty days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or shed not occupied as dwelling units or not a part of the main structure.

17.04.1175 - Steep slopes.

"Steep slopes" means those slopes that are equal to or greater than twenty-five percent. Steep slopes have been removed from the "buildable lands" inventory and have not been used in calculations to determine the number of acres within the urban growth boundary which are available for development.

17.04.1180 - Stormwater.

"Stormwater" means the surface water runoff that results from all natural forms of precipitation.

17.04.1183 - Stormwater pre-treatment facility.

"Stormwater pre-treatment facility" means any structure or drainage way that is designed, constructed, and maintained to collect and filter, retain, or detain surface water run-off during and after a storm event for the purpose of water quality improvement.

17.04.1185 - Stormwater quantity control and quality control facilities.

"Stormwater quantity control and quality control facility" means a component of a man-made drainage feature, or features designed or constructed to perform a particular function or multiple functions, including, but not limited to, pipes, swales, ditches, culvert, street gutters, detention basins, retention basins, wet ponds, constructed wetlands, infiltration devices, catch basins, oil/water separators, and sediment basins. Stormwater facilities shall not include building gutters, downspouts and drains serving one single-family residence.

17.04.1190 - Stormwater pretreatment facility.

"Stormwater pretreatment facility" means any structure or drainage way that is designed, constructed and maintained to collect and filter, retain or detain surface water runoff during and after a storm event for the purpose of water quality improvement.

17.04.1195 - Story.

"Story" means that part of a building between the surface of any floor and the surface of the floor next above it or if there be no floor above it, then the space between the floor and the ceiling next above it. A basement shall count as a story if the finished floor level directly above an underfloor space is more than 6 feet above grade for more than 50 percent of the total perimeter or is more than 12 feet above grade at any point.

17.04.1200 - Story, half.

"Half story" means a story under a gable, hip, or gambrel roof of which the wall are not standard height.

17.04.1205 - Stream.

"Stream" means areas where surface water produces a defined channel or bed, including bedrock channels, gravel beds, sand and silt beds, and defined-channel swales. The channel or bed does not have to contain water year-round. This definition is not meant to include irrigation ditches, canals, storm or surface water runoff structures, or other artificial watercourses unless they are used to convey streams naturally occurring prior to construction of such watercourses. Streams are categorized into two classes: perennial streams and intermittent streams. Perennial stream means a stream that flows year-round during years of normal precipitation. Intermittent stream means a stream that flows only part of the year, or seasonally, during years of normal precipitation.

17.04.1210 - Street or road.

"Street or road" means a public or private way that is created to provide the principal means of ingress or egress for persons to one or more lots, parcels, areas or tracts of land, excluding a private way that is created to provide ingress and egress to such land in conjunction with the use of such land for forestry, mining or agricultural purposes.

17.04.1215 - Structure.

"Structure" means anything constructed or erected that requires location on the ground or attached to something having location on the ground.

For OCMC 17.42 "structure" means a walled and roofed building including a gas or liquid storage tank that is principally aboveground.

Utility poles and transportation facilities or any items located within a public easement or right of way are not considered structures within this definition.

17.04.1220 - Structural alterations.

"Structural alterations" means any change in the supporting members of a building such as bearing walls, columns, beams or girders.

17.04.1225 - Subdivide land.

"Subdivide land" means to divide an area or tract of land into four or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year. Subdivide land does not include:

1. A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;
2. An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable zoning ordinance;
3. The division of land resulting from the recording of a partition;
4. A sale or grant by a person to a public agency or public body for State highway, County road, City street or other right-of-way purposes provided that such road or right-of-way complies with the Oregon City Comprehensive Plan, applicable state statutes, and does not create additional parcels.

17.04.1230 - Subdivide.

"Subdivide" means to divide an area or tract of land into four or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year.

17.04.1235 - Subdivider.

"Subdivider" means any person who undertakes the subdividing of a parcel of land, including changes

in street or lot lines, for the purpose of transfer of ownership or development.

17.04.1240 - Subdivision.

"Subdivision" means an act of subdividing land.

17.04.1245 - Subdivision plat.

"Subdivision plat" means and includes a final map or other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.

17.04.1250 - Subject property.

"Subject property" means the land that is the subject of a permit application.

17.04.1255 - Substantial damage.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent of the assessed value of the structure before the damage occurred.

17.04.1260 - Substantial improvement.

"Substantial improvement" for the purpose of OCMC 17.40 means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either:

1. Before the improvement or repair is started; or
2. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which has been identified by the Local Code Enforcement Official and that is the minimum necessary to assure safe living conditions; or
2. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

17.04.1265 - Support structure.

"Support structure" means an existing building or other structure to which an antenna is or will be attached, including, but not limited to, buildings, steeples, water towers, and billboard signs. Support structures do not include support towers, buildings or structures used for residential purposes, utility poles, light standards, or light poles.

17.04.1270 - Support tower.

"Support tower" means a structure designed and constructed exclusively to support a wireless communication facility or an antenna array, including, but not limited to, monopoles, lattice towers, guyed towers, and self-supporting towers.

17.04.1271 - Temporary structure.

A temporary structure permitted in OCMC 17.62 or 17.54.010, excluding mobile vendors.

17.04.1275 - Temporary wireless communication facility (Temporary WCF).

"Temporary wireless communication facility (Temporary WCF)" means any wireless communication facility that is to be placed in use for not more than sixty days, is not deployed in a permanent manner, and does not have a permanent foundation.

17.04.1280 - Through lot.

"Through lot" means a lot having frontage on two streets that are not alleys.

17.04.1285 - Title 3.

"Title 3" means that part of the Metro urban growth management functional plan which requires local governments to comply with regional regulations. Title 3 is a part of those regional regulations.

17.04.1290 - Title 3 wetlands.

"Title 3 "wetlands" means wetlands of metropolitan concern as shown on the Metro Water Quality and Flood Management Area Map and other wetlands added to City or County adopted water quality and flood management area maps consistent with the criteria in OCMC 17.49.[0]90D. Title 3 wetlands do not include artificially constructed and managed stormwater and water quality treatment facilities.

17.04.1295 - Toe.

"Toe" of slope means the point of curvature where the ground surface flattens from a descending slope.

17.04.1300 - Top of bank.

"Top of bank" means the same as "bankfull stage."

17.04.1302 – Townhouse or Townhome

"Townhouse" or "Townhome" means single-family attached residential units.

17.04.1303 – Tract

"Tract" means a piece of land created and designated as part of a land division that is not a lot, lot of record, or a public right of way.

17.04.1305 - Transit stop.

"Transit stop" means any posted bus, light rail or other mass transit stop.

17.04.1310 - Transit street.

"Transit street" means any street identified as an existing or planned bus, rail or mass transit route by a transit agency or a street on which transit operates.

17.04.1312 - Transportation facilities.

"Transportation facilities" shall include construction, operation, and maintenance of travel lanes, bike lanes and facilities, curbs, gutters, drainage facilities, sidewalks, transit stops, landscaping, and related improvements located within rights-of-way controlled by a public agency, consistent with the City's Transportation System Plan.

17.04.1315 - Tree.

"Tree" means a living standing woody plant having a trunk six inches in diameter or nineteen inches in circumference or more at a point four and one-half feet above mean ground level at the base of the tree.

17.04.1320 - Tree, buffer.

"Buffer tree" means an evergreen or deciduous tree that has been approved as part of a buffering and or screening plan.

17.04.1325 - Tree caliper.

"Tree caliper" means an ANSI (American National Standards Institute) standard for the measurement of nursery trees. For trees up to six inches in diameter, caliper is measured at six inches above the ground level. Trees that a seven to twelve-inch caliper are measured at twelve inches above the ground. For nursery stock above twelve inches in diameter, a DBH measurement is used (see Tree, Diameter at Breast Height).

17.04.1330 - Tree, clear cutting.

See "Clear cutting."

17.04.1335 - Tree, critical root zone.

"Tree, critical root zone" means the rooting area of a tree, within the tree's dripline, which if injured or otherwise disturbed is likely to affect a tree's chance for survival.

17.04.1340 - Tree, diameter at breast height (DBH).

"Tree, diameter at breast height (DBH)" means a measurement of the trunk or stem diameter of a mature tree at a height 4.5 feet above the ground level at the base of the tree. Trees growing on slopes are measured at the mid-point between the up-slope and down-slope sides (see Trees, Regulated).

17.04.1345 - Tree dripline.

"Tree dripline" means an imaginary line along the ground that reflects the perimeter of the crown of a tree extended vertically to the ground. The dripline radius is typically measured at approximately one foot away from the trunk of the tree for each inch of tree diameter.

17.04.1350 - Tree, established.

A public or street tree which has been properly planted and maintained in an approved location pursuant to accepted city standards, and which is not diseased, dying or hazardous.

17.04.1355 - Tree, Grove/Tree group.

"Tree, Grove/Tree group" means a stand of more than one tree separated by no more than twenty feet.

17.04.1360 - Tree, diseased.

"Diseased tree" means a tree that has a naturally occurring disease that is expected to kill the tree, or which harbors communicable diseases or insects of a type that could infest and cause the decline of adjacent or nearby trees as determined by a certified arborist, forester or horticulturist.

17.04.1363 - Tree, hazardous.

"Hazardous tree" means a tree that presents a significant risk to life or property as determined by a certified arborist, forester, or horticulturalist. An otherwise healthy tree that may become a hazard to a proposed future development shall not be considered a hazardous tree. Hazardous trees may include, but are not limited to dead, diseased, broken, split, cracked, leaning, and uprooted trees. A tree

harboring communicable diseases or insects of a type that could infest and cause the decline of adjacent or nearby trees may also be identified as a hazardous tree.

17.04.1365 - Tree (or Grove), Heritage. (Also commonly known as a "Heritage Tree" or "Grove".)

"Heritage Tree" or "Grove" means a tree or group of trees that have been designated by the city as having unique importance, and subject to the Heritage Tree Regulations of OCMC 12.08.050. Where a grouping of two or more Heritage Trees is separated by no more than twenty feet on a property or properties, the term Heritage Grove may be used.

17.04.1370 - Tree, imminent hazard.

"Imminent hazard tree" means a hazardous tree as defined in OCMC 12.32.020— all or more than thirty percent of which has already fallen or is estimated to fall within seventy-two hours into the public right-of-way or onto a target that cannot be protected, restricted, moved, or removed. (See also Tree, Hazard.) Determination of Imminent Hazard is made by the City of Oregon City Public Works or Emergency Personnel, a PGE forester, or a certified arborist.

17.04.1375 - Tree lawn.

See the definition of "planter strip".

17.04.1380 - Tree (or Grove), native.

"Native Tree" or "Grove" refers to a regulated native tree or groves of trees that are found on the Oregon City Native Plant List. Significant native trees are those that contribute to the landscape character of the area and include Douglas fir, cedar, redwood, sequoia, oak, ash, birch, and maple. Significant native trees are typically suitable for retention next to streets and are not of a species that would likely create a public nuisance, hazard, or maintenance problem.

17.04.1385 - Tree, ornamental.

"Ornamental tree" means for purposes of tree removal, any tree (including shade trees) that originated as nursery stock as opposed to native trees that originated at the site prior to development.

17.04.1390 - Tree, parking lot.

"Parking lot tree" means a tree the location and variety of which was approved as part of a parking lot plan through the site plan and design review process.

17.04.1395 - Tree, perimeter.

"Tree, perimeter" means a tree located within five feet of an adjacent property line.

17.04.1400 - Tree protection plan.

"Tree protection plan" means a detailed description of how trees intended to remain after development will be protected and maintained.

17.04.1405 - Tree pruning.

"Tree pruning" means the prudent and judicious maintenance of trees through cutting out of branches, water sprouts, suckers, twigs, or branches. Major pruning entails the cutting out of branches three inches in diameter or greater. Major pruning also includes root pruning and cutting out branches and limbs constituting more than twenty percent of the trees foliage bearing area. Minor pruning includes removal of deadwood and pruning less than twenty percent of the tree's foliage bearing area.

17.04.1410 - Tree, public.

"Public Tree" means a tree or trees within a public park, greenway, or other property owned by a governmental agency or dedicated to the public use. Street trees located in the public right-of-way are considered public trees.

17.04.1415 - Tree, (or Grove) regulated.

"Regulated Tree or Grove" means trees and groves located on development properties undergoing land use review which are subject to the tree protection provisions of OCMC 17.41. Street trees, buffer trees, and parking lot trees of any size, as well as Heritage trees and groves, may fall under the general category of "regulated" or protected trees.

17.04.1420 - Tree removal.

"Tree Removal" means to cut down a tree or remove all or fifty percent or more of the crown, trunk, or root system of a tree; or to damage a tree so as to cause the tree to decline or die. "Removal" includes but is not limited to severe crown reduction (topping), damage inflicted upon a root system by application of toxic substances, operation of equipment and vehicles, storage of materials, change of natural grade due to unapproved excavation or filling, or unapproved alteration of natural physical conditions. "Removal" does not include normal and prudent trimming or pruning of trees.

17.04.1425 - Tree, street.

"Street tree" means any tree located in a public right-of-way, including streets and publicly dedicated alleys. For the purposes of this chapter, street right-of-way includes the area between the edge of pavement, edge of gravel or face of curb and the property line, depending on the circumstances.

17.04.1430 - Tree, severe crown reduction.

"Tree, severe crown reduction" means the specific reduction in the overall size of a tree and/or the severe internodal cutting back of branches or limbs to stubs within the tree's crown to such a degree as to remove the normal tree canopy and disfigure the tree. Severe crown reduction is not a form of pruning. (Also known as Tree Topping.)

17.04.1435 - Tree topping.

See "Severe Crown Reduction."

17.04.1437 - Tributary.

"Tributary" means a stream, regardless of size or water volume, that flows into or joins another stream. The point where two tributaries meet is called a confluence.

17.04.1440 - Undevelopable area.

"Undevelopable area" means an area that cannot be used practicably for a habitable structure because of natural conditions, such as severe topographic relief, water bodies, or conditions that isolate one portion of a property from another portion so that access is not practicable to the unbuildable portion; or man-made conditions, such as existing development which isolates a portion of the site and prevents its further development; setbacks or development restrictions that prohibit development of a given area of a lot by law or private agreement; or existence or absence of easements or access rights that prevent development of a given area.

17.04.1445 - Use.

"Use" means the purpose that land, or a building or a structure now serves or for which is occupied, maintained, arranged or designed.

17.04.1450 - Utility facilities.

"Utility facilities" means buildings, ~~features~~structures or any constructed portion of a system which provides for the production, transmission, conveyance, delivery or furnishing of services including, but not limited to, heat, light, water, power, natural gas, sanitary sewer, stormwater, telephone and cable television. Utility facilities do not include stormwater pretreatment facilities.

17.04.1455 - Utility pole placement/replacement.

"Utility pole placement/replacement" means placement of antennas or antenna arrays on existing or replaced ~~features~~structures such as utility poles, light standards, and light poles for streets and parking lots.

17.04.1458 - Vanpool

"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.

17.04.1460 - Variance.

"Variance" means a grant of relief from the requirements of OCMC 16 or 17, which permit construction in a manner that would otherwise be prohibited.

17.04.1465 - Vegetated Corridor.

"Vegetated Corridor" means the area of setback between the top of bank of a protected water feature and the delineated edge of the water quality resource area as defined in OCMC Table 17.49-1 of this chapter.

17.04.1470 - Visible or measurable erosion.

"Visible or measurable erosion" includes, but is not limited to:

1. Deposits of mud, dirt, sediment or similar material exceeding one-half cubic foot in volume on public or private streets, adjacent property, or onto the storm and surface water system, either by direct deposit, dropping discharge, or as a result of the action of erosion.
2. Evidence of concentrated flows of water over bare soils; turbid or sediment laden flows; or evidence of on-site erosion such as rivulets on bare soil slopes, where the flow of water is not filtered or captured on the site.
3. Earth slides, mudflows, earth sloughing, or other earth movement that leaves the property.

17.04.1475 - Watercourse.

"Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently, and if the latter, with some degree of regularity. Such flow must be in a definite direction.

17.04.1480 - Water dependent.

"Water dependent" means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

17.04.1485 - Water quality resource areas.

"Water quality resource areas" means vegetated corridors and the adjacent protected water feature as established by OCMC 17.49.

17.04.1490 - Watershed.

"Watershed" means a geographic unit defined by the flows of rainwater or snowmelt. All land in a watershed drains to a common outlet, such as a stream, lake or wetland.

17.04.1495 - Wetlands.

"Wetlands" means those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support and, under normal circumstances, do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands are those areas identified and delineated by a qualified wetland specialist as set forth in the 1987 Corps of Engineers Wetland Delineation Manual.

17.04.1500 - Wireless communications.

"Wireless communications" means any personal wireless services as defined by the Federal Telecommunications Act of 1996 as amended, including but not limited to cellular, personal communications services, specialized mobile radio, enhanced specialized mobile radio, paging, similar Federal Communications Commission-licensed commercial wireless telecommunications services, and wireless telecommunications services for public safety that currently exist or that may be developed in the future.

17.04.1505 - Wireless communications facility (WCF).

"Wireless communications facility (WCF)" means any un-staffed facility for the transmission and/or reception of radio frequency signals, which includes, but is not limited to, all auxiliary support equipment, any support tower or structure used to achieve the necessary elevation for the antenna, transmission and reception cabling and devices, and all antenna arrays.

17.04.1510 - Yard.

"Yard" means an open space other than a court on the same lot with a building unoccupied or unobstructed from the ground upward except for usual building projections as permitted by this title.

17.04.1515 - Yard, front.

"Front yard" means a yard extending the full width of the lot, the depth of which is the minimum distance from the front lot line to the main building.

17.04.1520 - Yard, rear.

"Rear yard" means a yard extending the full width of the lot, the depth of which is the minimum distance from the rear lot line to the main building.

17.04.1525 - Yard, side.

"Side yard" means a yard extending from the front yard to the rear yard along the side of the main building. The width of such yard is the minimum distance from the side lot line to the main building.

17.04.1530 - Yard, side, corner.

"Corner side yard" means a yard lot located on a corner which extends from the front yard to the rear yard along the side of the main building. The width of such yard is the minimum distance from the side lot line abutting the street to the main building.

17.04.1535 - Yard, side, interior.

"Interior side yard" means a yard extending from the front yard to the rear yard along the side of the main building. The width of such yard is the minimum distance from the side lot line not abutting the street to the main building.



Oregon City Municipal Code

Chapter 17.08 Low Density Residential Districts

17.08.010 - Designated.

The R-10, R-8 and R-6 residential districts are designed for low density residential development.

17.08.020 - Permitted uses.

Permitted uses in the R-10, R-8 and R-6 districts are:

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

17.08.025 - Conditional uses.

The following uses are permitted in the R-10, R-8 and R-6 districts when authorized by and in accordance with the standards contained in OCMC 17.56:

- A. Golf courses, except miniature golf courses, driving ranges or similar commercial enterprises;
- B. Bed and breakfast inns/boarding houses;
- C. Cemeteries, crematories, mausoleums and columbariums;
- D. Child care centers and nursery schools;
- E. Emergency service facilities (police and fire), excluding correctional facilities;
- F. Residential care facilities;
- G. Private and/or public educational or training facilities;
- H. Public utilities, including sub-stations (such as buildings, plants and other structures);
- I. Religious institutions;
- J. Assisted living facilities; nursing homes and group homes for over fifteen patients;

17.08.030 - Master plans.

The following are permitted in the R-10, R-8 and R-6 districts when authorized by and in accordance with the standards contained in OCMC 17.65.

A. Single-family attached residential units.

17.08.035 - Prohibited uses.

Prohibited uses in the R-10, R-8 and R-6 districts are:

- A. Any use not expressly listed in OCMC 17.08.020, 17.08.025 or 17.08.030;
- B. Marijuana businesses.

17.08.040 - Dimensional standards.

Dimensional standards in the R-10, R-8 and R-6 districts are as follows:

Table 17.08.040

Standard	R-10	R-8	R-6
Minimum lot size ¹	10,000 sq. ft.	8,000 sq. ft.	6,000 sq. ft.
Maximum height	35 ft.	35 ft.	35 ft.
Maximum building lot coverage With ADU	40%, except 45%	40%, except 45%	40%, except 45%
Minimum lot width	65 ft.	60 ft.	50 ft.
Minimum lot depth	80 ft.	75 ft.	70 ft.
Minimum front yard setback	20 ft., except 15 ft. - Porch	15 ft., except 10 ft. - Porch	10 ft., except 5 ft. - Porch
Minimum interior side yard setback	8 ft.	7 ft.	5 ft.
Minimum corner side yard setback	10 ft.	10 ft.	10 ft.
Minimum rear yard setback	20 ft, except 15 ft - Porch 10 ft - ADU	20 ft, except 15 ft - Porch 10 ft - ADU	20 ft, except 15 ft - Porch 10 ft - ADU
Garage setback	20 ft. from ROW, except 5 ft. Alley	20 ft. from ROW, except 5 ft. Alley	20 ft. from ROW, except 5 ft. Alley

Notes:

1. For land divisions, lot sizes may be reduced pursuant to OCMC 16.08.065.
2. Accessory structures may have reduced setbacks pursuant to OCMC 17.54.010.B.
- ~~2-3.~~ Public utility easements may supersede the minimum setback.

17.08.045 - Exceptions to setbacks.

- A. Projections from buildings. Ordinary building projections such as cornices, eaves, overhangs, canopies, sunshades, gutters, chimneys, flues, sills or similar architectural features may project into the required yards up to twenty-four inches.
- B. Through lot setbacks. Through lots having a frontage on two streets shall provide the required front yard on each street. The required rear yard is not necessary.

17.08.050 - Density standards.

A. Density standards in the R-10, R-8 and R-6 districts are as follows:

Table 17.08.050

Standard	R-10	R-8	R-6
Minimum net density	3.5 du/acre	4.4 du/acre	5.8 du/acre
Maximum net density	4.4 du/acre	5.4 du/acre	7.3 du/acre

B. Exceptions.

1. Any dwelling units created as accessory dwelling units or internal conversions do not count towards the minimum or maximum density limits in Table 17.08.050.
2. Corner duplexes shall count as a single dwelling unit for the purposes of calculating density.
3. Cluster housing is permitted at higher densities exempt from the standards in Table 17.08.050; see OCMC 17.20.020.



Oregon City Municipal Code

Chapter 17.10 Medium Density Residential Districts

17.10.010 - Designated.

The R-5 and R-3.5 residential districts are designed for medium density residential development.

17.10.020 - Permitted uses.

Permitted uses in the R-5 and R-3.5 districts are:

- A. Single-family detached residential units;
- B. Accessory uses, buildings and dwellings;
- C. Internal conversions;
- D. Duplexes;
- E. Corner duplexes;
- F. Single-family attached residential units;
- G. 3-4 plex residential;
- H. Cluster housing;
- I. Manufactured home parks or subdivisions in the R-3.5 district only;
- J. Residential homes;
- K. Parks, playgrounds, playfields and community or neighborhood centers;
- L. Home occupations;
- M. Family day care providers;
- N. Farms, commercial or truck gardening and horticultural nurseries on a lot not less than twenty thousand square feet in area (retail sales of materials grown on-site is permitted);
- O. Temporary real estate offices in model homes located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
- P. Transportation facilities.

17.10.025 - Conditional uses.

The following uses are permitted in the R-5 and R-3.5 districts when authorized by and in accordance with the standards contained in OCMC 17.56:

- A. Golf courses, except miniature golf courses, driving ranges or similar commercial enterprises;
- B. Bed and breakfast inns/boarding houses;
- C. Cemeteries, crematories, mausoleums and columbariums;
- D. Child care centers and nursery schools;
- E. Emergency service facilities (police and fire), excluding correctional facilities;
- F. Residential care facilities;
- G. Private and/or public educational or training facilities;
- H. Public utilities, including sub-stations (such as buildings, plants and other structures);
- I. Religious institutions;
- J. Assisted living facilities; nursing homes and group homes for over fifteen patients.
- K. Live/work dwellings.

17.10.030 - Master plans.

The following use is permitted in the R-3.5 district when authorized by and in accordance with the standards contained in OCMC 17.65.

- A. Multifamily residential.

17.10.035 - Prohibited uses.

Prohibited uses in the R-5 and R-3.5 districts are:

- A. Any use not expressly listed in OCMC 17.10.020, 17.10.025 or 17.10.030.
B. Marijuana businesses.

17.10.040 - Dimensional standards.

Dimensional standards in the R-5 and R-3.5 districts are as follows:

Table 17.10.040

Standard	R-5	R-3.5
Minimum lot size ¹ Single-family detached Duplex Single-family attached 3-4 plex	5,000 sq. ft. 6,000 sq. ft. 3,500 sq. ft. 2,500 sq. ft. per unit	3,500 sq. ft. 4,000 sq. ft. 2,500 sq. ft. 2,000 sq. ft. per unit
Maximum height	35 ft.	35 ft.
Maximum building lot coverage Single-family detached and all duplexes With ADU Single-family attached and 3-4 plex	50% 60% 70%	55% 65% 80%
Minimum lot width All, except Single-family attached	35 ft., except 25 ft.	25 ft., except 20 ft.
Minimum lot depth	70 ft.	70 ft.
Minimum front yard setback	10 ft., except 5 ft. - Porch.	5 ft., except 0 ft. - Porch
Minimum interior side yard setback All, except Single-family attached	5 ft., except 0 ft. (attached) /5 ft. (side)	5 ft., except 0 ft. (attached) /5 ft. (side)
Minimum corner side yard setback	7 ft.	7 ft.
Minimum rear yard setback	20 ft., except 15 ft. - porch 10 ft. - ADU	20 ft., except 15 ft. - porch 5 ft. - ADU
Garage setbacks	20 ft. from ROW, except 5 ft. from alley	20 ft. from ROW, except 5 ft. from alley

Notes:

1. ~~1.~~ For land divisions, lot sizes may be reduced pursuant to OCMC 16.08.065.

1-2. ~~2.~~ Public utility easements may supersede the minimum setback.

17.10.045 - Exceptions to setbacks.

- A. Projections from buildings. Ordinary building projections such as cornices, eaves, overhangs, canopies, sunshades, gutters, chimneys, flues, sills or similar architectural features may project into the required yards up to twenty-four inches.
- B. Through lot setbacks. Through lots having a frontage on two streets shall provide the required front yard on each street. The required rear yard is not necessary.

17.10.050 - Density standards.

- A. Density standards in the R-5 and R-3.5 districts are as follows:

Table 17.10.050

Standard	R-5	R-3.5
Minimum net density	7.0 du/acre	10 du/acre
Maximum net density • Single-family detached • Single-family attached • 3-4 plexes	8.7 du/acre 12.4 du/acre 17.4 du/acre	12.4 du/acre 17.4 du/acre 21.8 du/acre

- B. Exceptions.

1. Any dwelling units created as accessory dwelling units or internal conversions do not count towards the minimum or maximum density limits in Table 17.10.050.
2. Duplexes and corner duplexes shall count as a single dwelling unit for the purposes of calculating minimum and maximum density standards.
3. Cluster housing is permitted at higher densities exempt from the standards in Table 17.10.050; see OCMC 17.20.020.

17.10.060 - Conversion of Existing Duplexes.

Any conversion of an existing duplex unit into two single-family attached dwellings shall be reviewed for compliance with the land division requirements in Title 16 and the underlying zone district.



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Chapter 17.12 High Density Residential District

17.12.010 - Designated.

The R-2 residential district is designed for high density residential development.

17.12.020 - Permitted uses.

Permitted uses in the R-2 district are:

- A. Accessory dwelling units for existing single-family detached residential units constructed prior to the effective date of this ordinance;
- B. Internal conversions of existing single-family detached residential units constructed prior to the effective date of this ordinance;
- C. Duplexes;
- D. Corner duplexes;
- E. Single-family attached residential units;
- F. 3-4 plex residential;
- G. Multifamily residential;
- H. Cluster housing;
- I. Residential care facilities;
- J. Accessory buildings;
- K. Parks, playgrounds, playfields and community or neighborhood centers;
- L. Home occupations;
- M. Family day care providers;
- N. Temporary real estate offices in model homes located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
- O. Management and associated offices and buildings necessary for the operations of a multi-family residential development;
- P. Transportation facilities.

17.12.025 - Conditional uses.

The following uses are permitted in the R-2 districts when authorized by and in accordance with the standards contained in OCMC 17.56:

- A. Golf courses, except miniature golf courses, driving ranges or similar commercial enterprises;
- B. Bed and breakfast inns/boarding houses;
- C. Cemeteries, crematories, mausoleums and columbariums;
- D. Child care centers and nursery schools;
- E. Emergency service facilities (police and fire), excluding correctional facilities;
- F. Private and/or public educational or training facilities;
- G. Public utilities, including sub-stations (such as buildings, plants and other structures);

- H. Religious institutions;
- I. Assisted living facilities; nursing homes and group homes for over fifteen patients;
- J. Live/work dwellings;

17.12.030 - Pre-existing industrial use.

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

17.12.035 - Prohibited uses.

Prohibited uses in the R-2 district are:

- A. Any use not expressly listed in OCMC 17.12.020, 17.12.025 or 17.12.030.
- B. Marijuana businesses.

17.12.040 - Dimensional standards.

Dimensional standards in the R-2 district are as follows:

Table 17.12.040

Standard	R-2
Minimum lot size ¹ • Duplex • Single-family attached • 3-4 plex and multifamily	4,000 sq. ft. 2,000 sq. ft. 6,000 sq. ft.
Maximum height All, except Multifamily	35 ft., except 45 ft.
Maximum building lot coverage	85%
Minimum lot width All, except Single-family attached	50 ft., except 20 ft.
Minimum lot depth All, except Multifamily	70 ft., except 75 ft.
Minimum front yard setback	5 ft., except 0 ft. - Porch
Maximum front yard setback	20 ft.
Minimum interior side yard setback All, except Single-family attached	5 ft. ¹ 0 ft. (attached) / 5 ft. (side)
Minimum corner side yard setback	5 ft.
Minimum rear yard setback	10 ft. ¹ , except

	5 ft. - Porch
Garage setbacks	20 ft. from ROW, except 5 ft. from alley
Minimum required landscaping (including landscaping within a parking lot)	15%

Notes:

1. ~~1.~~ If a multifamily residential development abuts a parcel zoned R-10, R-8, R-6, there shall be a landscaped yard of 10 feet on the side abutting the adjacent zone in order to provide a buffer area.
2. Public utility easements may supersede the minimum setback.
3. Maximum setback may be increased per OCMC 17.62.055.D.

17.12.045 - Exceptions to setbacks.

- A. Projections from buildings. Ordinary building projections such as cornices, eaves, overhangs, canopies, sunshades, gutters, chimneys, flues, sills or similar architectural features may project into the required yards up to twenty-four inches.
- B. Through lot setbacks. Through lots having a frontage on two streets shall provide the required front yard on each street. The required rear yard is not necessary.

17.12.050 - Density standards.

- A. The minimum net density in the R-2 district shall be 17.4 dwelling units per acre.
- B. The maximum net density in the R-2 district shall be 21.8 dwelling units per acre.
- C. Affordable housing density bonus. Residential projects in the R-2 zone with five or more units on a single lot are eligible for a density bonus in exchange for developing affordable housing. A bonus of one additional dwelling unit per affordable unit included in the project, up to a maximum twenty percent increase from maximum net density up to 26.2 du/acre, is allowed. Projects containing exclusively affordable units may develop to the maximum twenty percent increase or 26.2 du/acre. Affordable units shall be affordable to households earning equal to or less than 80 percent of the area median income as defined by the U.S. Department of Housing and Urban Development, adjusted for household size, and guaranteed affordable for a minimum term of 30 years through restrictive covenant or other similar guarantee approved by the Community Development Director.



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Chapter 17.24 NC Neighborhood Commercial District

17.24.010 - Designated.

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

17.24.020 - Permitted Uses—NC.

The following uses are permitted within the Neighborhood Commercial District:

- A. Any use permitted in the Mixed-Use Corridor, provided the maximum footprint for a stand alone building with a single store or multiple buildings with the same business does not exceed ten thousand square feet, unless otherwise restricted in this chapter;
- B. Grocery stores, provided the maximum footprint for a stand alone building with a single store or multiple buildings with the same business does not exceed forty thousand square feet;
- C. Live/work dwellings;
- D. Outdoor sales that are ancillary to a permitted use on the same or abutting property under the same ownership.

17.24.025 - Conditional uses.

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

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

17.24.035 - Prohibited uses.

The following uses are prohibited in the NC District:

- A. Distributing, wholesaling and warehousing;
- B. Outdoor storage;
- C. Outdoor sales that are not ancillary to a permitted use on the same or abutting property under the same ownership;
- D. Hospitals;
- E. Kennels;
- F. Motor vehicle sales and incidental service;
- G. Motor vehicle repair and service;
- H. Self-service storage facilities;
- I. Heavy equipment service, repair, sales, storage or rental (including but not limited to construction equipment and machinery and farming equipment);
- J. Marijuana production, processing, wholesaling, research, testing, and laboratories;
- K. Mobile Food Units or Vendors, except with a special event permit.
- L. Residential use that exceeds fifty percent of the total building square footage on-site.

17.24.040 - Dimensional standards.

Dimensional standards in the NC district are:

- A. Maximum building height: Forty feet or three stories, whichever is less.
- B. Maximum building footprint: Ten thousand square feet.
- C. Minimum required setbacks if not abutting a residential zone: None.
- D. Minimum required interior and rear yard setbacks if abutting a residential zone: Ten feet plus one-foot additional yard setback for every one foot of building height over thirty-five feet.
- E. Maximum Allowed Setback.
 - 1. Front yard setback: Five feet.
 - 2. Interior yard setback: None.
 - 3. Corner side yard setback abutting a street: Thirty feet.
 - 4. Rear yard setback: None.

Public utility easements may supersede the minimum setback. Maximum setback may be increased per OCMC 17.62.055.D.
- F. Standards for residential uses: Residential uses shall meet the minimum net density standards for the R-3.5 district, except that no minimum net density shall apply to residential uses proposed above nonresidential uses in a mixed-use configuration or to live/work dwellings. Any new lots proposed for exclusive residential use shall meet the minimum lot size and setbacks for the R-3.5 zone for the proposed residential use type.
- G. Minimum required landscaping (including landscaping within a parking lot): Fifteen percent.



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Chapter 17.26 HC Historic Commercial District

17.26.010 - Designated.

The Historic Commercial District is designed for limited commercial use. Allowed uses should facilitate the re-use and preservation of existing buildings and the construction of new architecturally compatible structures. Land uses are characterized by high-volume establishments such as retail, service, office, residential, lodging, recreation and meeting facilities, or a similar use as defined by the Community Development Director. Additional design requirements or adjustments to dimensional standards may be required to comply with OCMC 17.40 Historic Overlay District.

17.26.20 - Permitted uses.

- A. Single-family detached residential units or a single unit in conjunction with a nonresidential use;
- B. Duplexes or two units in conjunction with a nonresidential use;
- C. Internal conversions;
- D. Live/work dwellings; Accessory uses, buildings and dwellings;
- E. Banquet, conference facilities and meeting rooms;
- F. Bed and breakfast/boarding houses, hotels, motels, and other lodging facilities for up to ten guests per night;
- G. Child care centers and/or nursery schools;
- H. Indoor entertainment centers and arcades;
- I. Health and fitness clubs;
- J. Medical and dental clinics, outpatient; infirmary services;
- K. Museums, libraries and cultural facilities;
- L. Offices, including finance, insurance, real estate and government;
- M. Outdoor markets, such as produce stands, craft markets and farmers markets that are operated on the weekends and after six p.m. during the weekday;
- N. Postal services;
- O. Parks, playgrounds, play fields and community or neighborhood centers;
- P. Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoes and small appliances and equipment;
- Q. Restaurants, eating and drinking establishments without a drivethrough;
- R. Services, including personal, professional, educational and financial services; laundry and dry-cleaning;
- S. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores, marijuana, and similar, provided the maximum footprint for a stand-alone building with a single store or multiple buildings with the same business does not exceed sixty thousand square feet;
- T. Seasonal sales;

- U. Assisted living facilities; nursing homes and group homes for over fifteen patients licensed by the state;
- V. Studios and galleries, including dance, art, photography, music and other arts;
- W. Utilities: Basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers;
- X. Veterinary clinics or pet hospitals, pet day care;
- Y. Home occupations;
- Z. Research and development activities;
- AA. Temporary real estate offices in model dwellings located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
- BB. Residential care homes and facilities licensed by the state;
- CC. Transportation facilities.

17.26.030 - Conditional Uses.

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

- A. Drive-through facilities;
- B. Emergency service facilities (police and fire), excluding correctional facilities;
- C. Gas stations;
- D. Outdoor markets that do not meet the criteria of OCMC 17.29.020.1.;
- E. Public utilities and services including sub-stations (such as buildings, plants, and other structures);
- F. Public and/or private educational or training facilities;
- G. Religious institutions;
- H. Retail trade, including gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores and any other use permitted in the neighborhood, historic or limited commercial districts that have a footprint for a stand-alone building with a single store in excess of sixty thousand square feet in the MUC-1 or MUC-2 zone;
- J. Hospitals;
- K. Parking not in conjunction with a primary use;
- L. Passenger terminals.

17.26.035 - Prohibited uses.

- A. Single-family attached dwellings;
- B. 3-4 plex residential
- C. Multifamily residential
- D. Marijuana businesses;
- E. Mobile Food Units, except with a special event permit.

17.26.050 - Dimensional standards.

- A. Residential uses:
 1. Single-family detached residential units shall comply with the dimensional and density standards required for the R-6 District.
 2. Duplexes shall comply with the dimensional and density standards required for the R-3.5 District.
- B. All other uses:
 1. Minimum lot area: None.
 2. Maximum building height: Thirty-five feet or three stories, whichever is less.

3. Minimum required setbacks if not abutting a residential zone: None.
4. Minimum required rear yard setback if abutting a residential zone: Twenty feet.
5. Minimum required side yard setbacks if abutting a single-family residential use: Five feet.
6. Maximum front yard setback: Five feet.
7. Maximum interior side yard: None.
8. Maximum rear yard: None.
9. Minimum required landscaping (including landscaping within a parking lot): Twenty percent.

Public utility easements may supersede the minimum setback. Maximum setback may be increased per OCMC 17.62.055.D.



Oregon City Municipal Code

Chapter 17.29 MUC Mixed Use Corridor District

17.29.010 - Designated.

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

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

- A. Banquet, conference facilities and meeting rooms;
- B. Bed and breakfast/boarding houses, hotels, motels, and other lodging facilities;
- C. Child care centers and/or nursery schools;
- D. Indoor entertainment centers and arcades;
- E. Health and fitness clubs;
- F. Medical and dental clinics, outpatient; infirmity services;
- G. Museums, libraries and cultural facilities;
- H. Offices, including finance, insurance, real estate and government;
- I. Outdoor markets, such as produce stands, craft markets and farmers markets that are operated on the weekends and after six p.m. during the weekday;
- J. Postal services;
- K. Parks, playgrounds, playfields and community or neighborhood centers;
- L. Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoes and small appliances and equipment;
- M. Multifamily residential, 3-4 plex residential;
- N. One or two dwelling units in conjunction with a nonresidential use, provided that the residential use occupies no more than 50% of the total square footage of the development;
- O. Restaurants, eating and drinking establishments without a drive-through;
- P. Services, including personal, professional, educational and financial services; laundry and dry-cleaning;
- Q. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores, marijuana, and similar, provided the maximum footprint for a stand-alone building with a single store or multiple buildings with the same business does not exceed sixty thousand square feet;
- R. Seasonal sales;

- S. Residential care facilities, assisted living facilities; nursing homes and group homes for over fifteen patients licensed by the state;
- T. Studios and galleries, including dance, art, photography, music and other arts;
- U. Utilities: Basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers;
- V. Veterinary clinics or pet hospitals, pet day care;
- W. Home occupations;
- X. Research and development activities;
- Y. Temporary real estate offices in model dwellings located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
- Z. Transportation facilities;
- AA. Live/work dwellings;
- BB. After-hours public parking.

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

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

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

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

The following uses are prohibited in the MUC district:

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

- J. Marijuana production, processing, wholesaling, research, testing, and laboratories;
- K. Mobile Food Units, except with a special event permit.

17.29.050 - Dimensional standards—MUC-1.

- A. Minimum lot areas: None.
- B. Maximum building height: Forty feet or three stories, whichever is less.
- C. Minimum required setbacks if not abutting a residential zone: None.
- D. Minimum required interior and rear yard setbacks if abutting a residential zone: Twenty feet, plus one foot additional yard setback for every one foot of building height over thirty-five feet.
- E. Maximum allowed setbacks.
 - 1. Front yard: Five feet.
 - 2. Interior side yard: None.
 - 3. Corner side setback abutting street: Thirty feet.
 - 4. Rear yard: None.

Public utility easements may supersede the minimum setback. Maximum setback may be increased per OCMC 17.62.055.D.

- F. Maximum lot coverage of the building and parking lot: Eighty percent.
- G. Minimum required landscaping (including landscaping within a parking lot): Twenty percent.
- H. Residential minimum net density of 17.4 units per acre, except that no minimum net density shall apply to residential uses proposed above nonresidential uses in a mixed-use configuration or to live/work dwellings.

17.29.060 - Dimensional standards—MUC-2.

- A. Minimum lot area: None.
- B. Minimum floor area ratio: 0.25.
- C. Minimum building height: Twenty-five feet or two stories except for accessory structures or buildings under one thousand square feet.
- D. Maximum building height: Sixty feet.
- E. Minimum required setbacks if not abutting a residential zone: None.
- F. Minimum required interior and rear yard setbacks if abutting a residential zone: Twenty feet, plus one foot additional yard setback for every two feet of building height over thirty-five feet.
- G. Maximum Allowed Setbacks.
 - 1. Front yard: Five feet.
 - 2. Interior side yard: None.
 - 3. Corner side yard abutting street: Twenty feet.
 - 4. Rear yard: None.
- H. Maximum site coverage of building and parking lot: Ninety percent.
- I. Minimum landscaping requirement (including parking lot): Ten percent.
- J. Residential minimum net density of 17.4 units per acre, except that no minimum net density shall apply to residential uses proposed above nonresidential uses in a mixed-use configuration or to live/work dwellings.

17.29.070 - Floor area ratio (FAR).

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

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



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Chapter 17.31 MUE Mixed Use Employment District

17.31.10 - Designated.

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

17.31.020 - Permitted uses.

Permitted uses in the MUE district are defined as:

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

17.31.030 - Limited uses.

The following permitted uses, alone or in combination, shall not exceed twenty percent of the total gross floor area of all of the other permitted and conditional uses within the MUE development site or complex. The total gross floor area of two or more buildings may be used, even if the buildings are not

all on the same parcel or owned by the same property owner, as long as they are part of the same development site, as determined by the community development director.

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

17.31.040 - Conditional uses.

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

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

17.31.050 - Prohibited uses.

The following uses are prohibited in the MUE district:

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

17.31.060 - Dimensional standards.

- A. Minimum lot areas: None.
- B. Minimum Floor Area Ratio: 0.25.
- C. Maximum building height: except as otherwise provided in subsection C.1. of this section building height shall not exceed sixty feet.
 - 1. In that area bounded by Leland Road, Warner Milne Road and Molalla Avenue, and located in this zoning district, the maximum building height shall not exceed eighty-five feet in height.
- D. Minimum required interior and rear yard setbacks if abutting a residential zone: twenty feet, plus one-foot additional yard setback for every one foot of building height over thirty-five feet.
- E. Maximum allowed setbacks: None. Public utility easements may supersede the minimum setback. Maximum setback may be increased per OCMC 17.62.055.D.
- F. Maximum site coverage of the building and parking lot: Eighty percent.
- G. Minimum landscape requirement (including the parking lot): Twenty percent.

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

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

17.31.070 - Floor area ratio (FAR).

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

A. Standards.

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


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Chapter 17.32 C General Commercial District

17.32.010 - Designated.

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

17.32.020 - Permitted uses.

- A. Banquet, conference facilities and meeting rooms;
- B. Bed and breakfast/boarding houses, hotels, motels, and other lodging facilities;
- C. Child care centers and/or nursery schools;
- D. Drive-in or drive-through facilities;
- E. Gas stations;
- F. Indoor entertainment centers and arcades;
- G. Health and fitness clubs;
- H. Motor vehicle and recreational vehicle sales and/or incidental service;
- I. Motor vehicle and recreational vehicle repair and/or service;
- J. Custom or specialized vehicle alterations or repair wholly within a building.
- K. Medical and dental clinics, outpatient; infirmary services;
- L. Museums, libraries and cultural facilities;
- M. Offices, including finance, insurance, real estate and government;
- N. Outdoor markets, such as produce stands, craft markets and farmers markets;
- O. Postal services;
- P. Passenger terminals (water, auto, bus, train);
- Q. Parks, playgrounds, play fields and community or neighborhood centers;
- R. Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoes and small appliances and equipment;
- S. Multifamily residential, 3-4 plex residential, or 1 or 2 units in conjunction with a nonresidential use;
- T. Restaurants, eating and drinking establishments without a drive through;
- U. Services, including personal, professional, educational and financial services; laundry and dry-cleaning;
- V. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores, marijuana, and similar, provided the maximum footprint for a stand-alone building with a single store or multiple buildings with the same business does not exceed sixty thousand square feet;
- W. Seasonal sales;
- X. Assisted living facilities; nursing homes and group homes for over fifteen patients licensed by the state;

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

17.32.030 - Conditional uses.

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

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

17.32.040 - Prohibited uses in the General Commercial District.

The following uses are prohibited in the General Commercial District:

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

17.32.050 - Dimensional standards.

- A. Minimum lot area: None.
- B. Maximum building height: Sixty feet.
- C. Minimum required setbacks if not abutting a residential zone: None.
- D. Minimum required interior and rear yard setbacks if abutting a residential zone: twenty feet, plus one foot additional yard setback for every two feet of building height over thirty-five feet.
- E. Maximum Allowed Setbacks.
 - 1. Front yard setback: Five feet.
 - 2. Interior side yard setback: None.
 - 3. Corner side yard setback abutting street: None

4. Rear yard setback: None.

Public utility easements may supersede the minimum setback. Maximum setback may be increased per OCMC 17.62.055.D.

- F. Maximum site coverage of building and parking lot: Eighty-five percent
- G. Minimum landscaping requirement (including parking lot): Fifteen percent.
- H. Residential minimum net density of 17.4 units per acre, except that no minimum net density shall apply to residential uses proposed above nonresidential uses in a mixed-use configuration or to live/work dwellings.



Oregon City Municipal Code

Chapter 17.34 MUD Mixed Use Downtown District

17.34.010 - Designated.

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

17.34.020 - Permitted uses.

Permitted uses in the MUD district are defined as:

- A. Banquet, conference facilities and meeting rooms;
- B. Bed and breakfast/boarding houses, hotels, motels, and other lodging facilities;
- C. Child care centers and/or nursery schools;
- D. Indoor entertainment centers and arcades;
- E. Health and fitness clubs;
- F. Medical and dental clinics, outpatient; infirmary services;
- G. Museums, libraries and cultural facilities;
- H. Offices, including finance, insurance, real estate and government;
- I. Outdoor markets, such as produce stands, craft markets and farmers markets that are operated on the weekends and after six p.m. during the weekday;
- J. Postal services;
- K. Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoes and small appliances and equipment;
- L. Multifamily residential, 3-4 plex residential;
- M. 1 or 2 units in conjunction with a nonresidential use provided that the residential use occupies no more than 50% of the total square footage of the development;
- N. Restaurants, eating and drinking establishments without a drive through;
- O. Services, including personal, professional, educational and financial services; laundry and dry-cleaning;
- P. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores provided the maximum footprint of a freestanding building with a single store does not exceed sixty thousand square feet (a freestanding building over sixty thousand square feet is allowed as long as the building contains multiple stores);
- Q. Seasonal sales;

- R. Residential care facilities, assisted living facilities; nursing homes and group homes for over fifteen patients licensed by the state;
- S. Studios and galleries, including dance, art, photography, music and other arts;
- T. Utilities: Basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers;
- U. Veterinary clinics or pet hospitals, pet day care;
- V. Home occupations;
- W. Research and development activities;
- X. Temporary real estate offices in model dwellings located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
- Y. Transportation facilities;
- Z. Live/work dwellings;
- AA. After-hours public parking;
- BB. Marinas;
- CC. Religious institutions.
- DD. Mobile food units outside of the downtown design district.

17.34.030 - Conditional uses.

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

- A. Drive-through facilities;
- B. Emergency services;
- C. Hospitals;
- D. Outdoor markets that do not meet the criteria of OCMC 17.34.020.I.;
- E. Parks, playgrounds, play fields and community or neighborhood centers;
- F. Parking structures and lots not in conjunction with a primary use on private property, excluding after-hours public parking;
- G. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies and specialty stores in a freestanding building with a single store exceeding a foot print of sixty thousand square feet;
- H. Public facilities such as sewage and water treatment plants, water towers and recycling and resource recovery centers;
- I. Public utilities and services such as pump stations and sub-stations;
- J. Distributing, wholesaling and warehousing;
- K. Gas stations;
- L. Public and or private educational or training facilities;
- M. Stadiums and arenas;
- N. Passenger terminals (water, auto, bus, train), excluding bus stops;
- O. Recycling center and/or solid waste facility;
- P. Shelters, except within the Downtown Design District.

17.34.040 - Prohibited uses.

The following uses are prohibited in the MUD district:

- A. Kennels;
- B. Outdoor storage and sales, not including outdoor markets allowed in OCMC 17.34.030;
- C. Self-service storage;
- D. Single-Family attached and detached residential units and duplexes;

- E. Motor vehicle and recreational vehicle repair/service;
- F. Motor vehicle and recreational vehicle sales and incidental service;
- G. Heavy equipment service, repair, sales, storage or rental²(including but not limited to construction equipment and machinery and farming equipment);
- H. Marijuana production, processing, wholesaling, research, testing, and laboratories;
- I. Mobile food units within the downtown design district unless a special event has been issued.

17.34.050 - Pre-existing industrial uses.

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

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

- A. Minimum lot area: None.
- B. Minimum floor area ratio: 0.30.
- C. Minimum building height: Twenty-five feet or two stories except for accessory structures or buildings under one thousand square feet.
- D. Maximum building height: Seventy-five feet, except for the following location where the maximum building height shall be forty-five feet:
 - 1. Properties between Main Street and McLoughlin Boulevard and 11th and 16th streets;
 - 2. Property within five hundred feet of the End of the Oregon Trail Center property; or
 - 3. Property abutting single-family detached or attached units.
- E. Minimum required setbacks, if not abutting a residential zone: None.
- F. Minimum required interior side yard and rear yard setback if abutting a residential zone: Fifteen feet, plus one additional foot in yard setback for every two feet in height over thirty-five feet.
- G. Maximum Allowed Setbacks.
 - 1. Front yard: Twenty feet.
 - 2. Interior side yard: No maximum.
 - 3. Corner side yard abutting street: Twenty feet.
 - 4. Rear yard: No maximum.
 - 5. Rear yard abutting street: Twenty feet.
- H. Maximum site coverage including the building and parking lot: Ninety percent.
- I. Minimum landscape requirement (including parking lot): Ten percent.
- J. Residential minimum net density of 17.4 units per acre, except that no minimum net density shall apply to residential uses proposed above nonresidential uses in a vertical mixed-use configuration or to live/work dwellings.

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

- A. Minimum lot area: None.
- B. Minimum floor area ratio: 0.5.
- C. Minimum building height: Twenty-five feet or two stories except for accessory structures or buildings under one thousand square feet.
- D. Maximum building height: Fifty-eight feet.
- E. Minimum required setbacks, if not abutting a residential zone: None.

- F. Minimum required interior and rear yard setback if abutting a residential zone: Twenty feet, plus one foot additional yard setback for every three feet in building height over thirty-five feet.
- G. Maximum Allowed Setbacks.
 - 1. Front yard setback: Ten feet.
 - 2. Interior side yard setback: No maximum.
 - 3. Corner side yard setback abutting street: Ten feet.
 - 4. Rear yard setback: No maximum.
 - 5. Rear yard setback abutting street: Ten feet.

Public utility easements may supersede the minimum setback. Maximum setback may be increased per OCMC 17.62.055.D.
- H. Maximum site coverage of the building and parking lot: Ninety-five percent.
- I. Minimum landscape requirement (including parking lot): 5 percent.
- J. Residential minimum net density of 17.4 units per acre, except that no minimum net density shall apply to residential uses proposed above nonresidential uses in a vertical mixed-use configuration or to live/work dwellings.

17.34.080 - Explanation of certain standards.

- A. Floor Area Ratio (FAR).
 - 1. Purpose. Floor area ratios are a tool for regulating the intensity of development. Minimum FARs help to achieve more intensive forms of building development in areas appropriate for larger-scale buildings and higher residential densities.
 - 2. Standards.
 - a. The minimum floor area ratios contained in OCMC 17.34.060 and 17.34.070 apply to all non-residential and mixed-use building developments.
 - b. Required minimum FARs shall be calculated on a project-by-project basis and may include multiple contiguous blocks. In mixed-use developments, residential floor space will be included in the calculations of floor area ratio to determine conformance with minimum FARs.
 - c. An individual phase of a project shall be permitted to develop below the required minimum floor area ratio provided the applicant demonstrates, through covenants applied to the remainder of the site or project or through other binding legal mechanism, that the required density for the project will be achieved at project build out.
- B. Building height.
 - 1. Purpose.
 - a. The Masonic Hall is currently the tallest building in downtown Oregon City, with a height of fifty-eight feet measured from Main Street. The maximum building height limit of fifty-eight feet will ensure that no new building will be taller than the Masonic Hall.
 - b. A minimum two-story (twenty-five feet) building height is established for the Downtown Design District Overlay sub-district to ensure that the traditional building scale for the downtown area is maintained.



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Chapter 17.35 Willamette Falls Downtown District

17.35.010 - Designated.

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

17.35.020 - Permitted uses.

Permitted uses in the WFD district are defined as:

- A. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, marijuana pursuant to OCMC 17.54.110, and specialty stores provided the maximum footprint of a freestanding building with a single store does not exceed forty thousand square feet (a freestanding building over forty thousand square feet is allowed as long as the building contains multiple tenant spaces or uses);
- B. Industrial uses including food and beverage production, limited to the design, light manufacturing, processing, assembly, packaging, fabrication and treatment of products made from previously prepared or semi-finished materials, and not to exceed sixty thousand square feet;
- C. Research and development activities;
- D. Offices, including finance, insurance, real estate, software, engineering, design, and government;
- E. Restaurants, eating and drinking establishments without a drive-through, and mobile food units;
- F. Parks, playgrounds, outdoor entertainment space, and community or neighborhood centers;
- G. Museums, libraries, and interpretive/education facilities;
- H. Outdoor markets, such as produce stands, craft markets and farmers markets;
- I. Indoor entertainment centers and arcades;
- J. Studios and galleries, including dance, art, film and film production, photography, and music;
- K. Hotel and motel, commercial lodging;
- L. Conference facilities and meeting rooms;
- M. Public and/or private educational or training facilities;
- N. Child care centers and/or nursery schools;
- O. Health and fitness clubs;
- P. Medical and dental clinics, outpatient; infirmary services;
- Q. Repair shops, except automotive or heavy equipment repair;
- R. Residential units—Multi-family, and 3-4 plex;
- S. Services, including personal, professional, educational and financial services; laundry and dry cleaning;

- T. Seasonal sales;
- U. Utilities: Basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers;
- V. Veterinary clinics or pet hospitals, pet day care;
- W. Home occupations;
- X. Religious institutions;
- Y. Live/work units;
- Z. Water-dependent uses, such as boat docks;
- AA. Passenger terminals (water, auto, bus, train);
- BB. Existing parking, storage and loading areas, as an interim use, to support open space/recreational uses;
- CC. After-hours public parking.

17.35.030 - Conditional uses.

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

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

17.35.040 - Prohibited uses.

The following uses are prohibited in the WFD district:

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

17.35.050 - Temporary uses.

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

17.35.060 - Willamette Falls Downtown District dimensional standards.

- A. Minimum lot area: None.
- B. Minimum floor area ratio (as defined in OCMC 17.34.080): 1.0.
- C. Minimum building height: Two entire stories and twenty-five feet, except for:
 - 1. Accessory structures or buildings under one thousand square feet; and
 - 2. Buildings to serve open space or public assembly uses.
- D. Maximum building height: Eighty feet.
- E. Minimum required setbacks: None. Public utility easements may supersede the minimum setback. Maximum setback may be increased per OCMC 17.62.055.D.
- F. Maximum allowed setbacks: Ten feet.
- G. Maximum site coverage: One hundred percent.
- H. Minimum landscape requirement: None for buildings. Landscaping for parking areas required per OCMC 17.52.



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Chapter 17.36 GI General Industrial District

17.36.010 - Designated.

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

17.36.020 - Permitted uses.

In the GI district, the following uses are permitted:

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

17.36.030 - Conditional uses.

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

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

17.36.040 - Dimensional standards.

Dimensional standards in the GI district are:

- A. Minimum lot area, minimum not required;
- B. Maximum building height, three stories, not to exceed forty feet;
- C. Minimum required setbacks:
 - 1. Front yard, ten feet minimum setback;
 - 2. Interior side yard, no minimum setback;
 - 3. Corner side yard, ten feet minimum setback;
 - 4. Rear yard, ten feet minimum setback;

Public utility easements may supersede the minimum setback. Maximum setback may be increased per OCMC 17.62.055.D.
- D. Buffer Zone. If a use in this zone abuts or faces a residential or commercial use, a yard of at least twenty-five feet shall be required on the side abutting or facing the adjacent residential use and commercial uses in order to provide a buffer area, and sight obscuring landscaping thereof shall be subject to site plan review. The community development director may waive any of the foregoing requirements if he/she determines that the requirement is unnecessary in the particular case.
- E. Outdoor storage within building or yard space other than required setbacks and such occupied yard space shall be enclosed by a sight-obscuring wall or fence of sturdy construction and uniform color or an evergreen hedge not less than six feet in height located outside the required yard, further provided that such wall or fence shall not be used for advertising purposes.
- F. Minimum required landscaping (including landscaping within a parking lot): Fifteen percent.



Community Development – Planning

698 Warner Parrott Road | Oregon City OR 97045
Ph (503) 722-3789 | Fax (503) 722-3880

Oregon City Municipal Code

Chapter 17.37 CI Campus Industrial District

17.37.010 - Designated.

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

17.37.020 - Permitted uses.

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

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

Q. Mobile food units operating on a property for less than five hours in a 24-hour period.

17.37.030 - Conditional uses.

The following conditional uses may be established in a Campus Industrial District subject to review and action on the specific proposal, pursuant to the criteria and review procedures in OCMC 17.50 and 17.56:

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

17.37.040 - Dimensional standards.

Dimensional standards in the CI district are:

- A. Minimum lot area: No minimum required.
- B. Maximum building height: except as otherwise provided in subsection B.1. of this section building height shall not exceed forty-five feet.
 - 1. In that area bounded by Leland Road, Warner Milne Road and Molalla Avenue, and located in this zoning district, the maximum building height shall not exceed eighty-five feet in height.
- C. Minimum required setbacks:
 - 1. Front yard: Twenty feet minimum setback;
 - 2. Interior side yard: No minimum setback;
 - 3. Corner side yard: Twenty feet minimum setback;
 - 4. Rear yard: Ten feet minimum setback.

Public utility easements may supersede the minimum setback. Maximum setback may be increased per OCMC 17.62.055.D.
- D. Buffer zone: If a use in this zone abuts or faces a residential use, a yard of at least twenty-five feet shall be required on the side abutting or facing the adjacent residential or commercial zone in order to provide a buffer area, and landscaping thereof shall be subject to site plan review.
- E. If the height of the building exceeds forty-five feet, as provided in subsection B.1. of this section for every additional story built above forty-five feet, an additional twenty-five foot buffer shall be provided.

17.37.050 - Development standards.

All development within the CI district is subject to the review procedures and application requirements under OCMC17.50, and the development standards under OCMC 17.62. In addition, the following specific standards, requirements and objectives shall apply to all development in this district. Where requirements conflict, the more restrictive provision shall govern:

- A. Landscaping. A minimum of fifteen percent of the developed site area shall be used for landscaping. The design and development of landscaping in this district shall:

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



Oregon City Municipal Code

Chapter 17.39 I Institutional District

17.39.010 - Designated.

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

17.39.020 - Permitted uses.

Permitted uses in the institutional district are:

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

17.39.030 - Accessory uses.

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

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

17.39.040 - Conditional uses.

Uses requiring conditional use permit are:

- A. Any uses listed under OCMC 17.39.030 that are not accessory to the primary institutional use;
- B. Boarding and lodging houses, bed and breakfast inns;
- C. Cemeteries, crematories, mausoleums, and columbariums;
- D. Correctional facilities;
- E. Helipad in conjunction with a permitted use;
- F. Parking lots not in conjunction with a primary use;
- G. Public utilities, including sub-stations (such as buildings, plants and other structures);
- H. Fire stations;

I. Police Station.

17.39.045 - Prohibited uses.

Prohibited uses in the I district are:

- A. Any use not expressly listed in OCMC 17.39.020, 17.39.030 or 17.39.040;
- B. Marijuana businesses;

17.39.050 - Dimensional standards.

Dimensional standards in the I district are:

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

Public utility easements may supersede the minimum setback. Maximum setback may be increased per OCMC 17.62.055.D.

- C. Minimum required landscaping (including landscaping within a parking lot): Fifteen percent.

17.39.060 - Relationship to master plan.

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



Oregon City Municipal Code Chapter 17.44 Geologic Hazards

Footnotes:

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Editor's note— Ord. No. 08-1014, adopted July 1, 2009, repealed Chapter 17.44 in its entirety and enacted new provisions to read as herein set out. Prior to amendment, Chapter 17.44 pertained to similar subject matter. See Ordinance Disposition List for derivation.

17.44.10 - Intent and purpose.

The intent and purpose of the provisions of this chapter are:

- A. To ensure that activities in geologic hazard areas are designed based on detailed knowledge of site conditions in order to reduce the risk of private and public losses;
- B. To establish standards and requirements for the use of lands within geologic hazard areas;
- C. To provide safeguards to prevent undue hazards to property, the environment, and public health, welfare, and safety in connection with use of lands within geologic hazard areas;
- D. To mitigate risk associated with geologic hazard areas, not to act as a guarantee that the hazard risk will be eliminated, nor as a guarantee that there is a higher hazard risk at any location. Unless otherwise provided, the geologic hazards regulations are in addition to generally applicable standards provided elsewhere in the Oregon City Municipal Code.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.44.25 - When required; regulated activities; permit and approval requirements.

No person shall develop land, construct, reconstruct, structurally alter, relocate or enlarge and building or structure for which a land development, sign, or building permit is required on a property that contains an area mapped engage in any of the following regulated activities on areas mapped within the adopted Oregon City Geologic Hazards Overlay Zone as defined in section 17.04.515 of the Oregon City Municipal Code without first obtaining permits or approvals as required by this chapter.:

A. ——— Installation or construction of a new accessory structure which is 500 square feet or greater in footprint;

A.B. — Expansion of an existing building where the new expansion is greater than 500 square feet or greater in total area or in building footprint in area;

B.C. — Development of land, construction, reconstruction, structural alteration, relocation or enlargement of any building or structure for which a land development, sign or building permit

~~approval is required pursuant to the Oregon City Municipal Code;~~

~~C.D. Tree removal on slopes greater than 25 percent or greater where canopy area removal exceeds 25 percent of the portion of the lot which contains 25 percent or greater slopes. For the purpose of this chapter, "tree" shall be as defined in OCMC 17.04.1315.~~

~~D.E. Excavation which equals exceeds two feet or more in depth, or which involves twenty five or more cubic yards of volume;~~

~~F. Fill which equals two feet or more in depth, or which involves twenty five or more cubic yards of volume.~~

~~G. Cut or Fill combined that involves twenty five or more cubic yards of volume.~~

~~H. Any development activity identified by a suitably qualified geotechnical engineer or engineering geologist who is licensed in Oregon and derives his or her livelihood principally from that profession as being subject to soil instability, slumping or earth flow, high groundwater level, and landslide as defined in OCMC 17.04.515.~~

~~I. Land disturbance as defined as any movement of earth, placement of earth, or movement of heavy trucks on earth, not including the right of way.~~

~~J. Square footage of a development is measured in area and is only considered for the footprint of the structure or development.~~

The requirements of this chapter are in addition to other provisions of the Oregon City Municipal Code. Where the provisions of this chapter conflict with other provisions of the Oregon City Municipal Code, the provisions that are the more restrictive of regulated development activity shall govern.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.44.30 - Procedures.

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

- ~~A. Where the development is part of an application that otherwise requires a Type III procedure and use permit application, review shall occur in the manner established in Chapter 17.50 for a consolidated Type III review review of land use decisions.~~
- ~~B. Where the development is part of an application that otherwise requires a Type II procedure limited land use permit application, review shall occur in the manner established in Chapter 17.50 for a consolidated Type II review of limited land use decisions.~~
- ~~C. Where the development is solely part of a grading permit or building permit, the City Engineer may allow review to occur in the manner established in Title 15, Chapters 15.04 and 15.48 if the application meets Section 17.44.060 development standards.~~
- C. For any other proposed development not otherwise subject to review as part of a development proposal that requires land use review a land use or limited land use permit application, review shall occur in the manner established in Chapter 17.50 for a Type II procedure limited land use decisions.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.44.35 - Exemptions.

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

- A. An excavation which is less than two feet in depth, or which involves less than twenty-five cubic yards of
- Oregon City Municipal Code ~~Effective July 21, 2017~~

volume;

- B. A fill which does not exceed two feet in depth or ~~which includes~~volves less than twenty-five cubic yards of volume;
- C. ~~B.~~A combined cut and fill that does not involve more than twenty-five cubic yards of volume.
- D. Installation, new construction, addition or structural alteration of any existing structure of less than five hundred square feet in building footprint that does not involve grading as defined in this chapter;
- ~~D. C.E. Installation or construction of any new structure less than five hundred square feet that does not involve grading as defined in this chapter;~~
- ~~E.D.E.~~Installation, construction, reconstruction, or replacement of public and private utility lines in the hardscape portion of the city right-of-way, existing utility crossings, existing basalt lined drainage channels, or public easement, not including electric substations;
- F. Tree removal on slopes 25 percent or greater where canopy area removal is less than 25 percent of the portion of the lot which contains 25 percent or greater slopes. For the purpose of this chapter, "tree" shall be as defined in OCMC 17.04.1315.
- G. The removal or control of noxious vegetation;
- H. Emergency actions which must be undertaken immediately to prevent an imminent threat to public health or safety, or prevent imminent danger to public or private property. The person undertaking emergency action shall notify the building official on all regulated activities associated with any building permit or City Engineer/Public Works Director on all others within one working day following the commencement of the emergency activity. If the City Engineer/Public Works Director or building official determine that the action or part of the action taken is beyond the scope of allowed emergency action, enforcement action may be taken.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.44.50 - Development—Application requirements and review procedures and approvals.

Except as provided by subsection CB. of this section, an application for a geologic hazards overlay review shall include the following ~~requirements apply to all development proposals subject to this chapter:~~

A geological assessment and geotechnical report that specifically includes, but is not limited to:

1. Comprehensive information and data regarding the nature and distribution of underlying geology, the physical and chemical properties of existing soils and groundwater; an opinion of site geologic stability, and conclusions regarding the effect of geologic conditions on the proposed development. In addition to any field reconnaissance or subsurface investigation performed for the site, the following resources, as a minimum, shall be reviewed to obtain this information and data:
 - a. The State of Oregon Department of Geology and Mineral Industries (DOGAMI) in Bulletin 99, Geology and Geological Hazards of North Clackamas County, Oregon (1979), or in any subsequent DOGAMI mapping for the Oregon City area;
 - b. Portland State University study entitled "Environmental Assessment of Newell Creek Canyon, Oregon City, Oregon" (1992);
 - c. Portland State University study, "Landslides in the Portland, Oregon, Metropolitan Area Resulting from the Storm of February 1996: Inventory Map, Database and Evaluation" (Burns and others, 1998);
 - d. DOGAMI Open File Report O-06-27, "Map of Landslide Geomorphology of Oregon City, Oregon,

and Vicinity Interpreted from LIDAR Imagery and Aerial Photographs" (Madin and Burns, 2006);

- e. "Preliminary Geologic Map of the Oregon City Quadrangle, Clackamas County, Oregon" (Madin, in press);
 - f. Landslide Hazards Land Use Guide for Oregon Communities (October 2019), prepared by the State of Oregon Department of Geology and Mineral Industries (DOGAMI) and the Oregon Department of Land Conservation and Development (DLCD); and
 - e.g. Mapped Landslide Data shall be from the City's Maps as a minimum but may be supplemented with maps from items a through f above.
2. Information and recommendations regarding existing local drainage, proposed permit activity impacts on local drainage, and mitigation to address adverse impacts;
 3. Comprehensive information about site topography;
 4. Opinion as to the adequacy of the proposed development from an engineering standpoint;
 5. Opinion as to the extent that instability on adjacent properties may adversely affect the project;
 6. Description of the field investigation and findings, including logs of subsurface conditions and laboratory testing results;
 7. Conclusions regarding the effect of geologic conditions on the proposed development, tree removal, or grading activity;
 8. Specific requirements and recommendations for plan modification, corrective grading, and special techniques and systems to facilitate a safe and stable site;
 9. Recommendations and types of considerations as appropriate for the type of proposed development:
 - a. General earthwork considerations, including recommendations for temporary and permanent cut and fill slopes and placement of structural fill;
 - b. Location of residence on lot;
 - c. Building setbacks from slopes;
 - d. Erosion control techniques applicable to the site;
 - e. Surface drainage control to mitigate existing and potential geologic hazards;
 - f. f. Subsurface drainage and/or management of groundwater see page;
 - g. f.g. Foundations;
 - h. g.h. Embedded/retaining walls;
 - i. h.i. Management of surface water and irrigation water; ~~and~~
 - j. Impact of the development on the slope stability of the lot and the adjacent properties; ~~-~~
 - k. Construction phasing and implementation schedule as it relates to foundation excavation, allowance for stockpiles, imported backfill, site subsurface drainage or dewatering, provision for off season site protections;
 - l. Stormwater Management; and
 - m. Construction Methods
 10. Scaled drawings that describe topography and proposed site work, including:
 - a. Natural physical features, topography at two or ten-foot contour intervals locations of all test excavations or borings, watercourses both perennial and intermittent, ravines and all existing and manmade structures or features all fully dimensioned, trees six-inch caliper or greater

measured four feet from ground level, rock outcroppings and drainage facilities;

- b. All of the features and detail required for the site plan above, but reflecting preliminary finished grades and indicating in cubic yards whether and to what extent there will be a net increase or loss of soil.
 - c. A cross-section diagram, indicating depth, extent and approximate volume of all excavation and fills.
11. For properties greater than one acre and any property that has any portion of its property existing within a mapped landslide, where the activity is not exempted by 17.44.35, a preliminary hydrology report, prepared by a suitably qualified and experienced hydrology expert, addressing the effect upon the watershed in which the proposed development is located; the effect upon the immediate area's stormwater drainage pattern of flow, the impact of the proposed development upon downstream areas and upon wetlands and water resources; and the effect upon the groundwater supply.
- B. Review procedures and approvals require the following:
1. Examination to ensure that:
 - a. Required application requirements are completed;
 - b. Geologic assessment and geotechnical report procedures and assumptions are generally accepted; and
 - c. All conclusions and recommendations are supported and reasonable.
 2. Conclusions and recommendations stated in an approved assessment or report shall then be directly incorporated as permit conditions or provide the basis for conditions of approval for the regulated activity.
 3. All geologic assessments and geotechnical reports shall be reviewed by an engineer certified for expertise in geology or geologic engineering and geotechnical engineering, respectively, as determined by the city. The city will prepare a list of prequalified consultants for this purpose. The cost of review by independent review shall be paid by the applicant.
- C. The City Engineer may waive one or more requirements of subsections A and B of this section if the City Engineer determines that site conditions, size or type or development of grading requirements do not warrant such detailed information. If one or more requirements are waived, the City Engineer shall, in the staff report or decision, identify the waived provision(s), explain the reasons for the waiver, and state that the waiver may be challenged on appeal and may be denied by a subsequent review authority.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.44.60- Development standards.

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

- A. All developments shall be designed to avoid unnecessary disturbance of natural topography, vegetation and soils. To the maximum extent practicable as determined by the review authority, tree and ground cover removal and fill and grading for residential development on individual lots shall be confined to building footprints and driveways, to areas required for utility easements and for slope easements for road construction, and to areas of geotechnical remediation.
- B. All grading, drainage improvements, or other land disturbances shall only occur from May 1 to October 31. **"Land disturbance" is defined as any movement of earth, placement of earth, or movement of heavy**

trucks on earth, not including the right of way. Erosion control measures shall be installed and functional prior to any disturbances. Erosion control measures shall also be functioning and in a winterized stable condition once all land disturbance work has ceased for the year. The City Engineer may allow grading, drainage improvements or other land disturbances to begin before May 1 (but no earlier than March 16) and end after October 31 (but no later than November 30), based upon weather conditions and the and in consultation with the recommendation and direction of the project's geotechnical engineer. The City Engineer may use the expertise of a City contracted geotechnical consultant to make the decision to allow any work before May 1 or after October 31. The City Engineer has full authority to not allow any extension of work before May 1 or after October 31. In no case shall the applicant be allowed to begin work before May 1 or complete work after October 31 if the average monthly rainfall in any individual month between September and April is exceeded.

When allowed by the City Engineer, The modification of dates shall be the minimum necessary, based upon the evidence provided by the applicant, to accomplish the necessary project goals. Temporary protective fencing shall be established around all trees and vegetation designed for protection prior to the commencement of grading or other soil disturbance.

- C. Designs shall minimize the number and size of cuts and fills.
- D. Cut and fill slopes, ~~such as those for a street, driveway accesses, or yard area,~~ greater than seven feet in height (as measured vertically) shall be terraced. Faces on a terraced section shall not exceed five feet. Terrace widths shall be a minimum of three feet and shall be vegetated. Total cut and fill slopes shall not exceed a vertical height of fifteen feet. Except in connection with geotechnical remediation plans approved in accordance with the chapter, cuts shall not remove the toe of any slope that contains a known landslide or is greater than twenty-five percent slope. The top of cut or fill slopes not utilizing structural retaining walls shall be located a minimum of one-half the height of the cut slope from the nearest property line.
- E. Any structural fill shall be designed by a suitably qualified and experienced civil or geotechnical engineer licensed in Oregon in accordance with standard engineering practice. The applicant's engineer shall certify that the fill has been constructed as designed in accordance with the provisions of this chapter. The structural fill design must be provided prior to any fill being placed onsite. The structural fill design must contain the stamp and signature of a professional engineer licensed in the State of Oregon.
- F. Retaining walls shall be constructed in accordance with the Oregon Structural Specialty Code adopted by the State of Oregon.
 - 1. Retaining walls that are four feet or greater in height, tiered walls with a total height four feet or greater, and walls on slopes steeper than 2:1 must be designed by a professional engineer licensed in the State of Oregon which includes a stamped and signed set of plans.
 - 2. The construction of the wall must be inspected by the professional engineer responsible for the design and must be certified prior to the structure receiving temporary occupancy. The certification must contain the stamp and signature of a professional engineer licensed in the State of Oregon.
 - ~~1-3.~~ All retaining walls required to be designed by a professional engineer shall be reviewed by the City, when expertise exists on staff, or by the City's consultant. When reviewed by the City's consultant, the applicant shall reimburse the City for time spent by the City's consultant to review the design.
- ~~F-G.~~ Roads shall be the minimum width necessary to provide safe vehicle and emergency access, minimize cut and fill and provide positive drainage control. The review authority may grant a variance from the city's required road standards upon findings that the variance would provide safe vehicle and emergency access and is necessary to comply with the purpose and policy of this chapter.
- H. Density shall be determined as follows:
 - 1. Slope
 - a. For those areas with slopes less than twenty-five percent between grade breaks, the allowed density shall be that permitted by the underlying zoning district, unless further

limited by the following code section;

- b. For those areas with slopes of twenty-five to thirty-five percent between grade breaks, the density shall not exceed two dwelling units per acre except as otherwise provided in subsection I of this section;
 - c. For those areas with slopes over thirty-five percent between grade breaks, development shall be prohibited except as otherwise provided in subsection I.4. of this section.
- 2. Existing landslide (as shown in the Geologic Hazard Overlay Zone)
 - a. For those areas with historic landslides where the structure or ground disturbance will be located within any portion of the mapped landslide or buffer zone, the density shall not exceed two dwelling units per acre except as otherwise provided in subsection I of this section;
- I. For properties with slopes of twenty-five to thirty-five percent between grade breaks or are located within any portion of a mapped landslide and buffer zone:
 - 1. For those portions of the property with slopes of twenty-five to thirty-five percent or located within any portion of a mapped landslide and buffer zone, the maximum residential density shall be limited to two dwelling units per acre; provided, however, that where the entire site is less than one-half acre in size, a single dwelling shall be allowed on a lot or parcel existing as of January 1, 1994 and meeting the minimum lot size requirements of the underlying zone;
 - 2. An individual lot or parcel with slopes between twenty-five and thirty-five percent or located within any portion of a mapped landslide and buffer zone, shall have no more than fifty percent or four thousand square feet of the surface area, whichever is smaller, graded or stripped of vegetation or covered with structures or impermeable surfaces.
 - 3. No cut into a slope of twenty-five to thirty-five percent or located within any portion of a mapped landslide and buffer zone, for the placement of a housing unit shall exceed a maximum vertical height of fifteen feet for the individual lot or parcel.
 - 4. For those portions of the property with slopes over thirty-five percent between grade breaks:
 - a. Notwithstanding any other city land use regulation, development other than roads, utilities, public facilities and geotechnical remediation shall be prohibited; provided, however, that the review authority may allow development upon such portions of land upon demonstration by an applicant that failure to permit development would deprive the property owner of all economically beneficial use of the property. This determination shall be made considering the entire parcel in question and contiguous parcels in common ownership on or after January 1, 1994, not just the portion where development is otherwise prohibited by this chapter. Where this showing can be made on residentially zoned land, development shall be allowed and limited to one single-family residence. Any development approved under this chapter shall be subject to compliance with all other applicable city requirements as well as any applicable state, federal or other requirements;
 - b. To the maximum extent practicable as determined by the review authority, the applicant shall avoid locating roads, utilities, and public facilities on or across slopes exceeding thirty-five percent.
- J. The geotechnical engineer of record shall review final grading, drainage, and foundation plans and specifications and confirm in writing that they are in conformance with the recommendations provided in their report.
- K. At the city's discretion, peer review shall be required for the geotechnical evaluation/investigation report submitted for the development and/or lot plans. The peer reviewer shall be selected by the city. The applicant's geotechnical engineer shall respond to written comments provided by the city's peer reviewer prior to issuance of building permit.
- L. The review authority shall determine whether the proposed methods of rendering a known or potential

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

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.44.070 - Access to property.

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

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.44.080 - Utilities.

All new ~~service~~-utilities (storm sewer, sanitary sewer, potable water, and gas), both on-site and off-site, shall be placed underground and under roadbeds where practicable. All other service utilities (including, but not limited to, electric, telephone, telecom, cable, fiberoptic) shall be placed above ground on existing poles if poles exist. If no poles exist, the service lines shall be placed underground. Every effort shall be made to minimize the impact of utility construction. Underground utilities require the geologic hazards permitting and review prescribed herein when applicable.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.44.090 - Stormwater drainage.

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

A geotechnical report must include analysis and solutions for infiltration facilities located in areas where these facilities could impact nearby slopes of greater than 10 percent. Infiltration shall be minimized as practicable for any site located within a Geologic Hazard Overlay. Infiltration is not allowed for any site located in areas greater than 25 percent.

The project's civil or geotechnical engineer shall inspect any stormwater management feature and must certify that the stormwater management feature was constructed per plan and with the recommendations of the geotechnical engineer prior to receiving temporary occupancy. The certification must contain the stamp and signature of a professional engineer licensed in the State of Oregon.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.44.100 - Construction standards.

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

- A. All development activity shall minimize vegetation removal and soil disturbance and shall provide positive erosion prevention measures in conformance with OCMC Chapter 17.47—Erosion and Sediment Control.
- B. No grading, clearing or excavation of any land shall be initiated prior to approval of the grading plan, except that the City Engineer shall authorize the site access, brush to be cleared and the location of the test pit digging prior to approval of such plan to the extent needed to complete preliminary and final engineering and surveying. The grading plan shall be approved by the City Engineer as part of the city's review under this chapter. The developer shall be responsible for the proper execution of the approved grading plan.
Measures shall be taken to protect against landslides, mudflows, soil slump and erosion. Such measures shall include sediment fences, straw bales, erosion blankets, temporary sedimentation ponds, interceptor dikes and swales, undisturbed buffers, grooving and stair stepping, check dams, etc. The applicant shall comply with the measures described in the Oregon City Public Works Standards for Erosion and Sedimentation Control (Ordinance 99-1013). Erosion control measures shall be in place at all times during construction to the maximum extent practicable.
- C. All disturbed vegetation shall be replanted with suitable vegetation upon completion of the grading of the steep slope area.
- D. Existing vegetative cover shall be maintained to the maximum extent practicable. No grading, compaction or change in ground elevation, soil hydrology and/or site drainage shall be permitted within the drip line of trees designated for protection, unless approved by the city.
- E. Existing perennial and intermittent watercourses shall not be disturbed unless specifically authorized by the review authority. This includes physical impacts to the stream course as well as siltation and erosion impacts. The City, at its discretion, is not required to but may request the examination and assessment by other State agencies to determine if impacts are acceptable.
- F. All soil erosion and sediment control measures shall be maintained during construction and for one year after development is completed, or until soils are stabilized by revegetation or other measures to the satisfaction of the City Engineer. Such maintenance shall be the responsibility of the developer. If erosion or sediment control measures are not being properly maintained or are not functioning properly due to faulty installation or neglect, the City may order work to be stopped. (Ord. 03-1014, Att. B3 (part), 2003; Ord. 94-1001 §2(part), 1994)
- G. All newly created lots, either by subdivision or partition, shall contain building envelopes with a slope of thirty-five percent or less.
- H. The applicant's geotechnical engineer shall provide special inspection during construction to confirm that the subsurface conditions and assumptions made as part of their geotechnical evaluation/investigation are appropriate. This will allow for timely design changes if site conditions are encountered that are different from those anticipated. Inspection is required on a daily basis for any day that earth disturbance is occurring or after any rainfall event of ½ inch or greater.
- I. Prior to issuing an occupancy permit, the geotechnical engineer shall prepare a summary letter stating that the soils- and foundation-related project elements were accomplished in substantial conformance

with their recommendations. The summary letter must contain the stamp and signature of a professional engineer licensed in the State of Oregon.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.44.110 - Approval of development.

The ~~C~~city ~~E~~ngineer shall review the application and verify, based on the applicant's materials and the land use record, whether the proposed development constitutes a hazard to life, property, natural resources or public facilities. If, in the ~~C~~city ~~E~~ngineer's opinion, a particular development poses such a hazard, the ~~C~~city ~~E~~ngineer shall recommend to the review authority permit conditions designed to reduce or eliminate the hazard. These conditions may include, but are not limited to, prohibitions on construction activities between November 1st and ~~April~~ ~~March~~ ~~30~~ ~~1~~st.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.44.120 - Liability.

Approval of an application for development on land subject to this chapter shall not imply any liability on the part of the city for any subsequent damage due to earth slides. Prior to the issuance of a building permit, a waiver of damages and an indemnity and hold harmless agreement shall be required which releases the city from all liability for any damages resulting from the development approved by the city's decision. The indemnity and hold harmless agreement shall be recorded on the property and run with the property.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.44.130 - Compliance.

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

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.44.140 - Appeal.

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

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)



Oregon City Municipal Code

Chapter 17.62 - Site Plan and Design Review

17.62.010 - Purpose.

The purposes of site plan and design review are to: encourage site planning in advance of construction; protect lives and property from potential adverse impacts of development; consider natural or man-made hazards which may impose limitations on development; conserve the city's natural beauty and visual character and minimize adverse impacts of development on the natural environment as much as is reasonably practicable; assure that development is supported with necessary public facilities and services; ensure that structures and other improvements are properly related to their sites and to surrounding sites and structure; and implement the city's comprehensive plan and land use regulations with respect to development standards and policies.

17.62.015 - Modifications that will better meet design review requirements.

The review body shall consider modification of certain site related development standards of this Chapter specified below. These modifications may be approved as part of a Type II design review process.

A. Applicability.

1. This process shall apply to modifications to:
 - a. Landscaping in OCMC 17.62.050.A;
 - b. Vehicular Connections to Adjoining Properties in OCMC 17.62.050.B.2;
 - c. On-site pedestrian circulation in OCMC 17.62.050.C;
 - d. ~~Utility Undergrounding Requirements in OCMC 16.12.095.G;~~ Onsite utility location;
 - e.d. Building location in OCMC 17.62.055.D;
 - f.e. Building Details in OCMC 17.62.050.B.9.055.I;
 - g.f. Windows in OCMC 17.62.050.B.10.055.J
2. Modifications that are denied through Type II design review may be requested as a variance through the Variance process pursuant to OCMC 17.60.020 or Master Plan Adjustment pursuant to OCMC 17.65.070 as applicable.
3. Rather than a modification, applicants may choose to apply for a Variance through the Variance process pursuant to OCMC 17.60.020 or Master Plan Adjustment pursuant to OCMC 17.65.070 as applicable.

- ##### B. The review body may approve requested modifications if it finds that the applicant has shown that the following approval criteria are met:
1. The modification will result in a development that better meets the applicable design guidelines; and
 2. The modification meets the intent of the standard. On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.

17.62.030 - When required.

Site plan and design review shall be required for all development of real property in all zones except the low and medium density residential districts, unless otherwise provided for by this title or as a condition of approval of a permit. Site plan and design review shall also apply to all conditional uses, cluster housing developments, multi-family uses, manufactured home parks, and non-residential uses in all zones. Site Plan and Design Review does not apply to activities occurring within the right-of-way except for communication facilities pursuant to OCMC 17.80.

Site plan and design review is required for a change in use between the uses in Table 17.62.030:

Table 17.62.030

Existing Use	Proposed Use
Residential	Nonresidential use, including but not limited to: commercial, office, industrial, retail, or institutional
Single-family or duplex	3 or more dwellings

Site plan and design review shall not alter the type and category of uses permitted in the underlying zoning districts.

The general standards of section 17.62.050 do not apply to 3-4 plex, duplex, single-family attached dwellings, single-family detached residential unit, internal conversions, live/work dwelling and accessory dwelling unit Type I applications.

17.62.035 - Minor site plan and design review.

This section provides for a Minor Site Plan and Design Review process. Minor Site Plan review is a Type I or Type II decision, as described in OCMC 17.62.035.A., subject to administrative proceedings described in OCMC 17.50 and may be utilized as the appropriate review process only when authorized by the Community Development Director. The purpose of this type of review is to expedite design review standards for uses and activities that require only a minimal amount of review, typical of minor modifications and/or changes to existing uses or buildings.

A. Type I Minor Site Plan and Design Review.

1. Applicability. Type I applications involve no discretion and are typically processed concurrently with a building permit application. The Type I process is not applicable for:
 - a. Any activity which is included with or initiates actions that require Type II-IV review.
 - b. Any increase in square footage of a conditional or nonconforming use (excluding nonconforming structures).
 - c. Any proposal in which nonconforming upgrades are required under OCMC 17.58.
 - d. Any proposal in which modifications are proposed under OCMC 17.62.015.
2. The following projects may be processed as a Type I application:
 - a. Addition of up to two hundred square feet to a commercial, institutional, or multifamily structure in which no increases are required to off-street parking. This includes a new ancillary structure, addition to an existing structure, or new interior space (excluding new drive thru). Increases of more than two hundred square feet in a twelve-month period shall be processed as Type II.
 - b. Addition of up to one thousand square feet to an industrial use in which no increases are required to off-street parking. This includes a new ancillary structure, addition to an existing structure, or new interior space (excluding ancillary retail and office). Increases of more than one thousand square feet in a twelve-month period shall be processed as Type II.
 - c. Temporary structures, excluding mobile vendors.
 - d. Removal, replacement or addition of awnings, or architectural projections to existing structures.

- e. Addition, modification, or relocation of refuse enclosure.
 - f. Changes to amount, location, or design of bicycle parking.
 - g. Installation of mechanical equipment.
 - h. Repaving of previously approved parking lots with no change to striping.
 - i. Replacement of exterior building materials.
 - j. Addition of windows and doors, relocation of windows and doors in which transparency levels remain unchanged, or removal of windows and doors provided minimum transparency requirements are still met.
 - k. Addition or alteration of parapets or rooflines.
 - l. Modification of building entrances.
 - m. Addition to or alteration of a legal nonconforming single or two-family dwelling.
 - n. Change to parking lot circulation or layout, excluding driveway modifications.
 - o. Removal or relocation of vehicle parking stalls provided total parking remains between approved minimum and maximum with no new reductions other than through the downtown parking district.
 - p. Adoption of shared parking agreements.
 - q. Changes to landscaping that do not require stormwater quality and quantity treatment under OCMC 13.12.
 - r. New or changes to existing pedestrian accessways, walkways or plazas.
 - s. Installation of or alterations to ADA accessibility site elements.
 - t. Modification or installation of a fence, hedge, or wall, or addition of a fence, hedge or wall.
 - u. Addition of or alterations to outdoor lighting.
 - v. Demolition of any structure or portion of a structure
 - w. Tree removal
 - x. Type I Master Plan Amendments under OCMC 17.65.080.
 - y. Mobile food units in one location for five hours or less as identified in OCMC 17.54.115
 - z. 3-4 plex, duplex, single-family attached dwellings, single-family detached residential unit, internal conversions, live/work dwelling and accessory dwelling unit.
 - aa. Placement of a single manufactured home within an existing space or lot in a manufactured home park.
3. Submittal Requirements. A Type I application shall include:
- a. A narrative describing the project.
 - b. Site plan drawings showing existing conditions/uses and proposed conditions/uses.
 - c. Architectural drawings, including building elevations and envelopes, if architectural work is proposed.
 - d. A completed application form.
 - e. Any other information determined necessary by the Community Development Director.
- B. Type II Minor Site Plan and Design Review.
1. Type II Minor Site Plan and Design Review applies to the following uses and activities unless those uses and activities qualify for Type I review per OCMC 17.62.035.A.:
- a. Modification of an office, commercial, industrial, institutional, public or multi-family structure that does not increase the interior usable space (for example covered walkways or entryways, addition of unoccupied features such as clock tower, etc.).
 - b. Modification to parking lot layout and landscaping, or the addition of up to five parking spaces.
 - c. A maximum addition of up to one thousand square feet to a commercial, office, institutional, public, multi-family, or industrial building provided that the addition is not more than thirty-five percent of the original building square footage.

- d. Mobile food units in OCMC 17.54.115.
 - e. Other land uses and activities may be added if the Community Development Director makes written findings that the activity/use will not increase off-site impacts and is consistent with the type and/or scale of activities/uses listed above.
2. Application. The application for the Type II Minor Site Plan and Design Review shall contain the following elements:
- a. The submittal requirements of OCMC 17.50.
 - b. A narrative explaining all aspects of the proposal in detail and addressing each of the applicable criteria listed in OCMC 17.62.
 - c. Site plan drawings showing existing conditions/uses and proposed conditions/uses.
 - d. Architectural drawings, including building elevations and envelopes, if architectural work is proposed.
 - e. Additional submittal material may be required by the Community Development Director on a case-by-case basis.

17.62.040 – Items required.

A complete application for Site Plan and Design Review shall be submitted. Except as otherwise in subsection I of this section, the application shall include the following:

- A. A site plan or plans, to scale, containing the following:
- 1. Vicinity information showing streets and access points, pedestrian and bicycle pathways, transit stops and utility locations;
 - 2. The site size, dimensions, and zoning, including dimensions and gross area of each lot or parcel and tax lot and assessor map designations for the proposed site and immediately adjoining properties;
 - 3. Contour lines at two foot contour intervals for grades zero to ten percent, and five-foot intervals for grades over ten percent;
 - 4. The location of natural hazard areas on and within one hundred feet of the boundaries of the site, including:
 - a. Areas indicated on floodplain maps as being within the one-hundred-year floodplain,
 - b. Unstable slopes, as defined in OCMC 17.44.020,
 - c. Areas identified on the seismic conditions map in the comprehensive plan as subject to earthquake and seismic conditions;
 - 5. The location of natural resource areas on and within one hundred feet of the boundaries of the site, including fish and wildlife habitat, existing trees (six inches or greater in caliper measured four feet above ground level), wetlands, streams, natural areas, wooded areas, areas of significant trees or vegetation, and areas designated as being within the natural resources overlay district;
 - 6. The location of inventoried historic or cultural resources on and within one hundred feet of the boundaries of the site;
 - 7. The location, dimensions, and setback distances of all existing permanent structures, improvements and utilities on or within twenty five feet of the site, and the current or proposed uses of the structures;
 - 8. The location, dimensions, square footage, building orientation and setback distances of proposed structures, improvements and utilities, and the proposed uses of the structures by square footage;
 - 9. The location, dimension and names, as appropriate, of all existing and platted streets, other public ways, sidewalks, bike routes and bikeways, pedestrian/bicycle accessways and other

- pedestrian and bicycle ways, transit street and facilities, neighborhood activity centers, and easements on and within two hundred fifty feet of the boundaries of the site;
10. The location, dimension and names, as appropriate, of all proposed streets, other public ways, sidewalks, bike routes and bikeways, pedestrian/bicycle accessways and other pedestrian and bicycle ways, transit streets and facilities, neighborhood activity centers, and easements on and within two hundred feet of the boundaries of the site;
 11. All parking, circulation, loading and servicing areas, including the locations of all carpool, vanpool and bicycle parking spaces as required in OCMC 17.52;
 12. Site access points for automobiles, pedestrians, bicycles and transit;
 13. On-site pedestrian and bicycle circulation;
 14. Outdoor common areas proposed as open space;
 15. Total impervious surface created (including buildings and hard ground surfaces);
 16. The proposed location, dimensions and materials of fences and walls.
- B. A landscaping plan, drawn to scale, showing the location and types of existing trees (six inches or greater in caliper measured four feet above ground level) and vegetation proposed to be removed and to be retained on the site, the location and design of landscaped areas, the varieties, sizes and spacings of trees and plant materials to be planted on the site, other pertinent landscape features, and irrigation systems required to maintain plant materials.
 - C. Architectural drawings or sketches, drawn to scale and showing floor plans, elevations accurately reflected to grade, and exterior materials of all proposed structures and other improvements as they will appear on completion of construction. The name of the adjacent street shall be identified on each applicable building elevation.
 - D. An electronic materials board clearly depicting all building materials with specifications as to type, color and texture of exterior materials of proposed structures. .
 - E. An erosion/sedimentation control plan, in accordance with the requirements of OCMC 17.47 and the Public Works Erosion and Sediment Control Standards, and a drainage plan developed in accordance with city drainage master plan requirements, OCMC 13.12 and the Public Works Stormwater and Grading Design Standards. The drainage plan shall identify the location of drainage patterns and drainage courses on and within one hundred feet of the boundaries of the site. Where development is proposed within an identified hazard area, these plans shall reflect concerns identified in the hydrological/geological/geotechnical development impact statement.
 - F. An exterior lighting plan, drawn to scale, showing type, height, and area of illumination.
 - G. Archeological Monitoring Recommendation. For all projects that will involve ground disturbance, the applicant shall provide:
 1. A letter or email from the Oregon State Historic Preservation Office Archaeological Division indicating the level of recommended archeological monitoring on-site, or demonstrate that the applicant had notified the Oregon State Historic Preservation Office and that the Oregon State Historic Preservation Office had not commented within forty-five days of notification by the applicant; and
 2. A letter or email from the applicable tribal cultural resource representative of the Confederated Tribes of the Grand Ronde, Confederated Tribes of the Siletz, Confederated Tribes of the Umatilla, Confederated Tribes of the Warm Springs and the Confederated Tribes of the Yakama Nation indicating the level of recommended archeological monitoring on-site, or demonstrate that the applicant had notified the applicable tribal cultural resource representative and that the applicable tribal cultural resource representative had not commented within forty-five days of notification by the applicant.

If, after forty-five days' notice from the applicant, the Oregon State Historic Preservation Office or the applicable tribal cultural resource representative fails to provide comment, the City will

not require the letter or email as part of the completeness review. For the purpose of this section, ground disturbance is defined as the movement of native soils.

- H. Such special studies or reports as the Community Development Director may require to obtain information to ensure that the proposed development does not adversely affect the surrounding community or identified natural resource areas or create hazardous conditions for persons or improvements on the site. The Community Development Director shall require an applicant to submit one or more development impact evaluations as may be necessary to establish that the City's traffic safety or capacity standards, natural resource, including geologic hazard and flood plain overlay districts, will be satisfied.
- I. The Community Development Director may waive the submission of information for specific requirements of this section or may require information in addition to that required by a specific provision of this section, as follows:
 - 1. The Community Development Director may waive the submission of information for a specific requirement upon determination either that specific information is not necessary to evaluate the application properly, or that a specific approval standard is not applicable to the application. If submission of information is waived, the Community Development Director shall, in the decision, identify the waived requirements, explain the reasons for the waiver, and state that the waiver may be challenged on appeal and may be denied by a subsequent review authority. If the matter is forwarded to the Planning Commission for initial review, the information required by this paragraph shall be included in the staff report;
 - 2. The Community Development Director may require information in addition to that required by a specific provision of this section upon determination that the information is needed to evaluate the application properly and that the need can be justified on the basis of a special or unforeseen circumstance as necessary to comply with the applicable standards. If additional information is required, the Community Development Director shall, in the decision, explain the reasons for requiring the additional information.
- J. All new utilities shall be placed underground.
 - 1. Service poles may be allowed on private property when undergrounding service is technically or - physically infeasible.
- K. One full-sized copy of all architectural and site plans.

17.62.050 - General Standards

All development shall comply with the following standards:

- A. Landscaping.
 - 1. Existing native vegetation is encouraged to be retained to the maximum extent practicable. All plants listed on the Oregon City Nuisance Plant List shall be removed from the site prior to issuance of a final occupancy permit for the building.
 - 2. The amount of landscaping required is found in the standards for each underlying zone. Where the underlying zone does not contain and minimum landscaping standard, the minimum site landscaping shall be 15% of the total site area. Except as allowed elsewhere in Title 16 or 17 of this Code, all areas to be credited towards landscaping shall be installed with growing plant materials.
 - 3. Pursuant to OCMC 17.49, landscaping requirements within the Natural Resource Overlay District, other than landscaping required for parking lots, may be met by preserving, restoring and permanently protecting native vegetation and habitat on development sites.

4. A landscaping plan shall be prepared by a registered landscape architect for new or revised landscaped areas and parking lots. Landscape architect approval is not required for tree removal and/or installation if the species are chosen from an approved street tree list. A certified landscape designer, arborist, or nurseryman shall be acceptable in lieu of a landscape architect for projects with less than five hundred square feet of landscaping. All landscape plans shall include a mix of vertical (trees and shrubs) and horizontal elements (grass, groundcover, etc.) that within three years will cover one hundred percent of the landscape area. Plant species listed on the Oregon City Nuisance Plant list are prohibited and native species are encouraged. No mulch, bark chips, or similar materials shall be allowed at the time of landscape installation except under the canopy of shrubs and within two feet of the base of trees.
 5. Landscaping shall be visible from public thoroughfares to the extent practicable.
 6. The landscaping in parking areas shall not obstruct lines of sight for safe traffic operation and shall comply with all requirements of OCMC 10.32, Traffic Sight Obstructions.
- B. Vehicular Access and Connectivity.
1. Parking areas shall be located behind the building façade that is closest to the street, below buildings, or on one or both sides of buildings.
 2. Existing or future connections to adjacent sites through the use of vehicular and pedestrian access easements which provide connection from the right-of-way to the adjoining property shall be provided.
 3. Parcels larger than three acres shall provide streets as required in OCMC 16.12.
 4. Parking garage entries shall not be more than half of the streetscape.
- C. A well-marked, continuous and protected on-site pedestrian circulation system meeting the following standards shall be provided:
1. Pathways between all building entrances and the street are required. Pathways between the street and buildings fronting on the street shall be direct and not cross a drive aisle. Exceptions may be allowed by the director where steep slopes, a physically constrained site, or protected natural resources prevent a direct connection or where an indirect route would enhance the design and/or use of a common open space.
 2. The pedestrian circulation system shall connect all main entrances, parking areas, bicycle parking, recreational areas, common outdoor areas, and any pedestrian amenities on the site. For buildings fronting on the street, the sidewalk may be used to meet this standard.
 3. The pedestrian circulation system shall connect the principal building entrance to those of buildings on adjacent sites, except within industrial zoning designations.
 4. Elevated external stairways or walkways shall not extend beyond the building facade except for external stairways or walkways located in, or facing interior courtyard areas that are not visible from the street or a public access easement. This standard does not apply to sky-bridges or sky-ways.
 5. On-site pedestrian walkways shall be hard surfaced, well drained and at least five feet wide. Surface material shall contrast visually to adjoining surfaces. When bordering parking spaces other than spaces for parallel parking, pedestrian walkways shall be a minimum of seven feet in width unless curb stops are provided. When the pedestrian circulation system is parallel and adjacent to an auto travel lane, the walkway shall be raised or separated from the auto travel lane by a raised curb, bollards, landscaping or other physical barrier. If a raised walkway is used, the ends of the raised portions shall be equipped with curb ramps for each direction of travel. Pedestrian walkways that cross drive isles or other vehicular circulation areas shall utilize a change in textual material or height to alert the driver of the pedestrian crossing area.

- D. All development shall maintain continuous compliance with applicable federal, state, and City standards .
- E. Adequate public water and sanitary sewer facilities sufficient to serve the proposed or permitted level of development shall be provided pursuant to OCMC 16.12. The applicant shall demonstrate that adequate facilities and services are presently available or can be made available concurrent with development. Service providers shall be presumed correct in the evidence, which they submit. All facilities shall be designated to City standards as set out in the City's facility master plans and public works design standards. A development may be required to modify or replace existing offsite systems if necessary to provide adequate public facilities. The City may require over sizing of facilities where necessary to meet standards in the City's facility master plan or to allow for the orderly and efficient provision of public facilities and services. Where over sizing is required, the developer may request reimbursement from the City for over sizing based on the City's reimbursement policy and fund availability, or provide for recovery of costs from intervening properties as they develop.
- F. If a transit agency, upon review of an application for an industrial, institutional, retail or office development, recommends that a bus stop, bus turnout lane, bus shelter, accessible bus landing pad, lighting, or transit stop connection be constructed, or that an easement or dedication be provided for one of these uses, consistent with an agency adopted or approved plan at the time of development, the review authority shall require such improvement, using designs supportive of transit use. Improvements at a major transit stop may include intersection or mid-block traffic management improvements to allow for crossings at major transit stops, as identified in the City's Transportation System Plan.
- G. Screening of Mechanical Equipment: Commercial, mixed-use, institutional, and multi-family buildings shall include the following measures to screen or block views of mechanical equipment from adjacent streets according to the following requirements.
 - 1. Rooftop mechanical equipment, including HVAC equipment and utility equipment that serves the structure, shall be screened from view from the adjacent street on all new buildings or building additions. Screening shall be accomplished through the use of parapet walls or a sight-obscuring enclosure around the equipment constructed of one of the primary materials used on the primary facades of the structure, and that is an integral part of the building's architectural design. The parapet or screen shall completely surround the rooftop mechanical equipment to an elevation equal to or greater than the highest portion of the rooftop mechanical equipment being screened from adjacent streets, as viewed from the sidewalk or future sidewalk location on the adjacent street at pedestrian level. In the event such parapet wall does not fully screen all rooftop equipment, then the rooftop equipment shall be enclosed by a screen constructed of one of the primary materials used on the primary facade of the building so as to achieve complete screening. Screening requirements do not apply to new or replacement equipment on existing buildings. New or replacement rooftop mechanical equipment on existing buildings shall be painted or powder-coated.
 - 2. Wall-mounted mechanical HVAC and air conditioning equipment, and groups of multiple utility meters shall not be placed on the front facade of a building or on a facade that faces a right-of-way. Wall-mounted mechanical equipment, including air conditioning and groups of multiple utility meters, that extend six inches or more from the outer building wall shall be screened from view from adjacent streets; from residential, public, and institutional properties; and from public areas of the site or adjacent sites through the use of (a) sight-obscuring enclosures constructed of one of the primary materials used on the primary facade of the structure, (b) sight-obscuring fences, or (c) trees or shrubs that block at least eighty percent of the equipment from view or (d) painting the units to match the building. Wall-mounted mechanical equipment that extends six inches or less from the outer building wall

shall be designed to blend in with the color and architectural design of the subject building. Vents which extend six inches or less from the outer building wall shall exempt from this standard if painted.

3. Ground-mounted above-grade mechanical equipment shall be screened by ornamental fences, screening enclosures, trees, or shrubs that block at least eighty percent of the view from the public right of way.
4. This section shall not apply to the installation of solar energy panels, photovoltaic equipment, wind power generating equipment, dishes/antennas, pipes, vents, and chimneys.

H. Building Materials.

1. Prohibited Materials. The following materials shall be prohibited in visible locations from the right-of-way or a public access easement unless an exception is granted by the Community Development Director based on the integration of the material into the overall design of the structure.
 - i. Vinyl or plywood siding (including T-111 or similar plywood).
 - ii. Glass block or highly tinted, reflected, translucent or mirrored glass (except stained glass) as more than ten percent of the building facade.
 - iii. Corrugated fiberglass.
 - iv. Chain link fencing (except for temporary purposes such as a construction site, gates for a refuse enclosure, stormwater facilities, when excepted by 17.62.050.H.2.vii, or when located on properties within the General Industrial District).
 - v. Crushed colored rock/crushed tumbled glass.
 - vi. Non-corrugated and highly reflective sheet metal.
 - vii. Tarps, except for the protection of outside storage.
2. Special Material Standards. The following materials are allowed if they comply with the requirements found below:
 - i. Concrete Block. When used for the front façade of any building, concrete blocks shall be split, rock- or ground-faced and shall not be the prominent material of the elevation. Plain concrete block or plain concrete may be used as foundation material if the foundation material is not revealed more than three feet above the finished grade level adjacent to the foundation wall.
 - ii. Metal Siding. Metal siding shall have visible corner moldings and trim and incorporate masonry or other similar durable/permanent material near the ground level (first two feet above ground level) except when used for a temporary structure.
 - iii. Exterior insulation and finish system (EIFS) and similar troweled finishes shall be trimmed in wood, masonry, or other approved materials and shall be sheltered from extreme weather by roof overhangs or other methods.
 - iv. Building surfaces shall be maintained in a clean condition and painted surfaces shall be maintained to prevent or repair peeling, blistered or cracking paint.
 - v. Membrane or fabric covered storage areas are permitted as temporary structures, excluding the use of tarps.
 - vi. Vinyl or powder coated chain link fencing is permitted for City-owned stormwater management facilities, reservoirs, and other public works facilities such as pump stations, maintenance yards, and storage yards not located within the General Industrial District.
 - vii. Chain link fencing is permitted in the following circumstances:
 1. Within City-owned parks and recreational facilities
 2. On any property when used for a baseball or softball backstop or dugout, track and field facility, or sports court.

I. Temporary Structures. Temporary structures are permitted pursuant to the following standards:

1. Structures up to two hundred square feet:
 - i. Shall not be on a property for more than three consecutive days; and
 - ii. Shall not be on a property more than six times per year; and
 - iii. Shall comply with the minimum dimensional standards of the zoning designation; and
 - iv. Shall be sited so as to leave the minimum number of parking spaces for the primary uses as required by OCMC 17.52 or as otherwise specified in a land use approval;
 - v. Shall not disturb ingress or egress to the site; and
 - vi. Shall be exempt from all sections of s OCMC 12.08, 16.12, 17.52 and 17.62 except subsections 17.62.050.I and J.
2. Temporary structures larger than two hundred square feet may be permitted up to 2 times per year; and:
 - i. Structures larger than two hundred square feet up to eight hundred square feet:
 - a. Shall not be on a property for more than thirty consecutive days;
 - b. Shall comply with the minimum dimensional standards of the zoning designation;
 - c. Shall be sited so as to leave the minimum number of parking spaces for the primary uses as required by OCMC 17.52 or as otherwise specified in a land use approval;
 - d. Shall not disturb ingress or egress to the site; and
 - e. Shall be exempt from all sections of OCMC 12.08, 16.12, 17.52 and 17.62 except subsections 17.62.050.I and J.
 - ii. Structures larger than eight hundred square feet:
 - a. Shall not be on a property for more than seven consecutive days;
 - b. Shall comply with the minimum dimensional standards of the zoning designation;
 - c. Shall be sited so as to leave the minimum number of parking spaces for the primary uses as required by OCMC 17.52 or as otherwise specified in a land use approval;
 - d. Shall not disturb ingress or egress to the site; and
 - e. Shall be exempt from all sections of OCMC 12.08, 16.12, 17.52 and 17.62 except subsections 17.62.050.I and J.
3. Government owned properties are exempt from all sections of OCMC 12.08, 16.12, 17.52 and 17.62 except subsections 17.62.050.H and I and the dimensional standards of the zoning designation.

L. All new utilities shall be placed underground.

1. Service poles may be allowed on private property when undergrounding service is technically or - physically infeasible.

J. K. Development shall comply with requirements of the following Oregon City Municipal Code chapters, as applicable, including but not limited to:

1. 12.04 Streets, Sidewalks and Public Places
2. 12.08 Public and Street Trees
3. 13.04 Water Service System
4. 13.08 Sewer Regulations
5. 13.12 Stormwater Management
6. 16.12 Minimum Improvements and Design Standards for Development
7. 17.20 Residential Design Standards for ADU's, Cluster Housing, Internal Conversions, Live/Work Units, and Manufactured Home Parks
8. 17.40 Historic Overlay District
9. 17.41 Tree Protection Standards

10. 17.42 Flood Management Overlay District

11. 17.44 Geologic Hazards
12. 17.47 Erosion and Sediment Control
13. 17.48 Willamette River Greenway
14. 17.49 Natural Resource Overlay District
15. 17.50 Administration and Procedures
16. 17.52 Off-Street Parking and Loading
17. 17.54 Supplemental Zoning Regulations and Exceptions
18. 17.58 Lawful Nonconforming Uses, Structures, and Lots
19. 17.65 Master Plans and Planned Unit Development

17.62.55 –Institutional, office, multi-family, retail, and commercial building standards.

- A. Purpose. The primary objective of the regulations contained in this section is to provide a range of design choices that promote creative, functional, and cohesive development that is compatible with surrounding areas. Buildings approved in compliance with these standards are intended to serve multiple tenants over the life of the building, and are not intended for a one-time occupant. The standards encourage people to spend time in the area, which also provides safety through informal surveillance. Finally, this section is intended to promote the design of an urban environment that is built to human scale by creating buildings and streets that are attractive to pedestrians, create a sense of enclosure, provide activity and interest at the intersection of the public and private spaces, while also accommodating vehicular movement.
- B. Applicability. This section applies to institutional, office, multi-family, retail and commercial buildings except accessory structures less than one thousand square feet and temporary structures. .
- C. Conflicts. With the exception of standards for building orientation and building front setbacks, in the event of a conflict between a design standard in this section and a standard or requirement contained in the underlying zoning district, the standard in the zoning district shall prevail.
- D. Siting of Structures. On sites with one hundred feet or more of frontage at least sixty percent of the site frontage width shall be occupied by buildings placed within five feet of the property line. For sites with less than one hundred feet of street frontage, at least fifty percent of the site frontage width shall be occupied by buildings placed within five feet of the property. Multi-family developments shall be placed no farther than twenty feet from the front property line. This section does not apply to properties with less than forty feet of frontage.
A larger front yard setback may be approved through site plan and design review if the setback area incorporates at least one element from the following list for every five feet of increased setback requested:
 1. Tables, benches or other approved seating area.
 2. Cobbled, patterned or paved stone or enhanced concrete.
 3. Pedestrian scale lighting.
 4. Sculpture/public art.
 5. Fountains/Water feature.
 6. At least twenty square feet of landscaping or planter boxes for each tenant facade fronting on the activity area.
 7. Outdoor café.
 8. Enhanced landscaping or additional landscaping.
 9. Other elements, as approved by the Community Development Director, that can meet the intent of this section.
- E. Building Orientation. All buildings along the street frontage shall face the front most architecturally significant facade toward the street and have a functional primary entrance facing the street. Primary

building entrances shall be clearly defined and recessed or framed by a sheltering element such as an awning, arcade or portico in order to provide shelter from the summer sun and winter weather.

F. Entryways. Entrances shall include a doorway and a minimum of four of the following elements:

1. Display windows;

Recesses or projections; Peaked roof or raised parapet over the door; Canopy of at least five feet in depth; Porch; Distinct materials; Architectural details such as tile work and moldings; Pedestrian amenities such as benches, planters or planter boxes; Landscape treatments integrating arbors, low walls, trellis work; or Similar elements. Trellises, canopies and fabric awnings may project up to five feet into front setbacks and public rights-of-way, provided that the base is not less than eight feet at the lowest point and no higher than ten feet above the sidewalk.

G. Corner Lots.

For buildings located at the corner of intersections, the primary entrance of the building shall be located at the corner of the building or within twenty-five feet of the corner of the building. Additionally, one of the following treatments shall be required:

1. Incorporate prominent architectural elements, such as increased building height or massing, cupola, turrets, or pitched roof, at the corner of the building or within twenty-five feet of the corner of the building.
2. Chamfer the corner of the building (i.e. cut the corner at a forty-five degree angle and a minimum of ten feet from the corner) and incorporate extended weather protection (arcade or awning), special paving materials, street furnishings, or plantings in the chamfered area.
3. Standards 1 and 2 above do not apply to vertically attached 3-4 plexes, multi-family buildings or multi-family portions of residential mixed-use buildings.

H. Variation in Massing. For street facing facades greater than 120 feet in length a modulation is required which extends through all floors. Decks and roof overhangs may encroach up to three feet per side into the modulation. The modulation shall meet one of the following dimensional requirements:

1. A minimum depth of two percent of the length of the façade and a minimum width of thirty percent of the length of the façade; or
2. A minimum depth of four percent of the length of the façade and a minimum width of twenty percent of the length of the façade.

I. Building Design Elements.

1. All front and side facades shall provide a design element or architectural feature that add interest and detail such that there are no blank walls of thirty feet in length or more, measured horizontally. Features that can meet this requirement include:
 - a. Change in building material or texture;
 - b. Window or door;
 - c. Balcony; or
 - d. Pillar or post
2. Street facing facades shall include additional design features. For every thirty feet of façade length, three of the following elements are required:
 - a. Decorative materials on more than ten percent of the total wall area (e.g., brick or stonework, shingles, wainscoting, ornamentation, and similar features);
 - b. Decorative cornice and/or roof line (e.g., for flat roofs);
 - c. Roof gable;
 - d. Recessed entry;
 - e. Covered canopy entry;
 - f. Cupola or tower;
 - g. Dormer;

- h. Balcony;
- i. Pillars or posts;
- j. Repeating pattern of building materials;
- k. A change in plane of at least two feet in width and six inches in depth;
- l. Bay or oriel window; or
- m. An alternative feature providing visual relief and detail as approved by the Community Development Director

3. Building Detail Variation. Architectural features shall be varied on different buildings within the same development. At least two of the required features on each street-facing elevation shall be distinct from the street-facing elevations of other buildings within the same development.

J. Windows.

1. The minimum windows requirements are set forth in Table 17.62.055.J. Windows are measured in lineal fashion between 3.5 feet and six feet from the ground. For example, a one hundred foot long building elevation would be required to have at least sixty feet (sixty percent of one hundred feet) of windows in length between the height of 3.5 feet and six feet from the ground.

Table 17.62.055.J Minimum Windows				
Use	Ground Floor: Front and Street Facing Facades	Upper floor(s): Front and Street Facing Facades	Ground Floor: Side(s) Facades	Upper Floor(s): Side(s) Facades
Non-Multi-Family (or Portions of Buildings Thereof)	60%	10%	30%	10%
Multi-Family (or Portions of Buildings Thereof)	15%	15%	10%	10%

2. Reflective, glazed, mirrored or tinted glass is limited to ten percent of the lineal footage of windows on the street facing facade. Highly reflective or glare-producing glass with a reflective factor of one-quarter or greater is prohibited on all building facades. Any glazing materials shall have a maximum fifteen percent outside visual light reflectivity value. No exception shall be made for reflective glass styles that appear transparent when internally illuminated.
3. Side walls that face walkways may include false windows and door openings only when actual doors and windows are not feasible because of the nature of the use of the interior use of the building. False windows located within twenty feet of a right-of-way shall be utilized as display windows with a minimum display depth of thirty-six inches.
4. Multi-family windows shall incorporate window trim at least four inches in width when surrounded by horizontal or vertical lap siding.
- K. Roof Treatments. The maximum length of any continuous roofline on a street-facing façade shall be seventy-five feet without a cross gable or change in height of at least two feet.
- L. Drive-through facilities shall:
- 1. Be located at the side or rear of the building.
 - 2. Be designed to maximize queue storage on site.
- M. Special development standards along transit streets.
- 1. Purpose. This section is intended to provide direct and convenient pedestrian access to retail, office and institutional buildings from public sidewalks and transit facilities and to promote pedestrian and transit travel to commercial and institutional facilities.

2. Applicability. Except as otherwise provide in this section, the requirements of this section shall apply to the construction of new retail, office and institutional buildings which front on a transit street.
3. Development Standards.
 - a. All buildings shall have at least one main building entrance oriented towards the transit street. A main building entrance is oriented toward a transit street if it is directly located on the transit street, or if it is linked to the transit street by an on-site pedestrian walkway that does not cross off-street parking or maneuvering areas.
 - i. If the site has frontage on more than one transit street, or on a transit street and a street intersecting a transit street, the building shall provide one main building entrance oriented to the transit street or to the corner where the two streets intersect.
 - ii. For building facades over three hundred feet in length on a transit street, two or more main building entrances shall be provided as appropriate and oriented towards the transit street.
 - b. In the event a requirement of this section conflicts with other requirements in Title 17, the requirements of this section shall control.
4. Exemptions. The following permitted uses are exempted from meeting the requirements of subsection 3. of this section:
 - a. Heavy equipment sales;
 - b. Motor vehicle service stations, including convenience stores associated therewith; or
 - c. Solid waste transfer stations.

17.62.56 - Additional standards for large retail establishments.

Retail building(s) occupying more than ten thousand gross square feet of floor area shall contribute to the establishment or enhancement of community and public spaces by providing at least two of the following:

- A. Patio/seating area;
- B. Pedestrian plaza with benches;
- C. Transportation center;
- D. Window shopping walkway;
- E. Outdoor playground area;
- F. Kiosk area, water feature;
- G. Clock tower; or
- H. Other such deliberately shaped area and/or a focal feature or amenity that, in the judgment of the appropriate decision maker, adequately enhances such community and public spaces. Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principle materials of the building and landscape.

17.62.57 - Multifamily Usable Open Space Requirements

- A. Intent. Creating areas of usable open space that are easily accessed by residents provides focal points for community recreation and interaction and adds to the overall quality of life for residents. Given the environmental and recreational benefits of common open space, it should be integrated purposefully into the overall design of a development and not merely be residual areas left over after buildings and parking lots are sited.
- B. Open Space Required. All new multi-family developments in all zones shall provide usable open space.

1. In residential zones, each development shall provide a minimum of one hundred square feet of open space per dwelling unit.
2. In non-residential, commercial and mixed-use zones, each development shall provide a minimum of fifty square feet of open space per dwelling unit.
3. Required setback areas shall not count toward the open space requirement unless setback areas are incorporated into spaces that meet all other requirements of this section.
4. Required open space areas may be counted towards both the open space requirements and the minimum landscaping requirements in OCMC 17.62.050.A, if the spaces meet the requirements of both sections.

C. Usable Open Space Types.

1. Common open spaces shall be accessible to all residents of the development and include landscaped courtyards, decks, gardens with pathways, children's play areas, common rooftop decks and terraces, and other multipurpose recreational or green spaces. Common open spaces may be used to meet one hundred percent of the usable open space requirement.

Design standards:

- a. Minimum dimensions for common open space shall be twelve feet with a minimum size of two hundred square feet for developments with twenty units or less, and twenty feet with a minimum size of four hundred square feet for developments with twenty-one or more units.
 - b. Common open space shall feature a mix of natural and recreational amenities to make the area more functional and enjoyable for a range of users. Sites with twenty units or less shall provide a minimum of two of the following amenities, and sites with twenty-one units or more shall provide a minimum of three of the following amenities and an additional amenity for every twenty units over forty, rounded up.
 1. Landscaping areas.
 2. Community gardening areas.
 3. Large trees expected to reach over eighteen inches dbh at maturity.
 4. Seating.
 5. Pedestrian-scaled lighting.
 6. Hard-surfaced pedestrian paths in addition to those required for internal pedestrian circulation.
 7. Paved courtyard or plaza.
 8. Gazebos or other decorative shelters.
 9. Play structures for children.
 10. Sports courts.
 11. An alternative amenity as approved by the Community Development Director.
 - c. Common open space shall be separated from ground level windows, streets, service areas and parking lots with landscaping, low-level fencing, and/or other treatments as approved by the City that enhance safety and privacy for both the common open space and dwelling units.
 - d. Common open space shall be accessible from the dwelling units and, as appropriate, from public streets and sidewalks. The space shall be oriented to encourage activity from local residents.
2. Private open space that is not open to all residents includes balconies, patios, and other outdoor multi-purpose recreational or green spaces. It may be used to meet up to fifty percent of the usable open space requirement.
 - a. Minimum dimensions for private open space shall be five feet with a minimum size of forty square feet.

3. Indoor recreational space may be used to meet up to twenty-five percent of the usable open space requirement provided the space is:
 - a. Accessible to all dwelling units.
 - b. Designed for and includes equipment for a recreational use (e.g., exercise, group functions, etc.).

17.62.059 - Cluster housing.

All cluster housing shall comply with the standards in Chapter 17.20.020 in addition to the standards in this chapter.

17.62.065 - Outdoor lighting.

- A. Purpose. The general purpose of this section is to require outdoor lighting that is adequate for safety and convenience; in scale with the activity to be illuminated and its surroundings; directed to the surface or activity to be illuminated; and designed to clearly render people and objects and contribute to a pleasant nighttime environment. Additional specific purposes are to:
 1. Provide safety and personal security as well as convenience and utility in areas of public use or traverse, for uses where there is outdoor public activity during hours of darkness;
 2. Control glare and excessive brightness to improve visual performance, allow better visibility with relatively less light, and protect residents from nuisance and discomfort;
 3. Control trespass light onto neighboring properties to protect inhabitants from the consequences of stray light shining in inhabitants' eyes or onto neighboring properties;
 4. Result in cost and energy savings to establishments by carefully directing light at the surface area or activity to be illuminated, using only the amount of light necessary; and
 5. Control light pollution to minimize the negative effects of misdirected light and recapture views to the night sky.
 6. Encourage energy efficient lighting with new technologies such as Light Emitting Diodes (LED) or similar to reduce ongoing electrical demand and operating costs.
- B. Applicability.
 1. General.
 - a. All exterior lighting for any type of commercial, mixed-use, industrial, institutional, or multi-family development shall comply with the standards of this section, unless excepted in subsection B.3.
 - b. The City Engineer or Public Works Director shall have the authority to enforce these regulations on private property if any outdoor illumination is determined to present an immediate threat to the public health, safety and welfare.
 2. Lighting Plan Requirement. All commercial, industrial, mixed-use, cottage housing and multi-family developments shall submit a proposed exterior lighting plan. The plan shall be submitted concurrently with the site plan. The exterior lighting plan shall include plans and specifications for streetlights, parking lot lights, and exterior building lights. The specifications shall include details of the pole, fixture height and design, lamp type, wattage, and spacing of lights.
 3. Excepted Lighting. The following types of lighting are excepted from the requirements of this section.
 - a. Residential lighting for single-family attached and detached homes, and duplexes
 - b. Public street and right-of-way lighting.
 - c. Temporary decorative seasonal lighting provided that individual lamps have a light output of sixty watts or less.
 - d. Temporary lighting for emergency or nighttime work and construction.

- e. Temporary lighting for theatrical, television, and performance areas, or for special public events.
 - f. Lighting for a special district, street, or building that, according to an adopted municipal plan or ordinance, is determined to require special lighting aesthetics as part of its physical character.
 - g. Lighting required and regulated by the Federal Aviation Administration.
- C. Design and Illumination Standards.
1. Outdoor lighting, if provided, shall be provided in a manner that enhances security, is appropriate for the use, avoids adverse impacts on surrounding properties, and the night sky through appropriate shielding as defined in this section. Glare shall not cause illumination on other properties in excess of a measurement of 0.5 footcandles of light as measured at the property line.
 2. Lighting shall be provided in parking lots and vehicular circulation areas.
 3. Lighting shall be provided in pedestrian walkways, pedestrian plazas, and pedestrian circulation areas.
 4. Lighting shall be provided at all building entrances.
 5. With the exception of pedestrian scale lighting, all light sources shall be concealed or shielded with a full cut-off style fixture in order to minimize the potential for glare and unnecessary diffusion on adjacent property.
 6. The maximum height of any lighting pole serving a multi-family residential use shall be twenty feet. The maximum height serving any other type of use shall be twenty-five feet, except in parking lots larger than five acres, the maximum height shall be thirty-five feet if the pole is located at least one hundred feet from any residential use.
 7. Floodlights shall not be utilized to light all or any portion of a building facade between 10 p.m. and 6 a.m.
 8. Lighting on outdoor canopies shall be fully recessed into the canopy and shall not protrude downward beyond the ceiling of the canopy.
 9. All outdoor light not necessary for security purposes shall be reduced, activated by motion sensor detectors, or turned off during non-operating hours.
 10. Light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal, or platform shall use a narrow cone beam of light that will not extend beyond the illuminated object.
 11. For upward-directed architectural, landscape, and decorative lighting, direct light emissions shall not be visible above the building roofline.
 12. No flickering or flashing lights shall be permitted, except for temporary decorative seasonal lighting.
 13. Lighting for outdoor recreational uses such as ball fields, playing fields, tennis courts, and similar uses, are allowed a light post height up to eighty feet in height.
 14. Main building entrances shall be well lighted and visible from any transit street. The minimum lighting level for building entries fronting on a transit street shall be three foot-candles.

17.62.085 - Refuse and recycling standards for commercial, industrial, office, institutional, and multi-family developments.

The purpose and intent of these provisions is to provide an efficient, safe and convenient refuse and recycling enclosure for the public as well as the local collection firm. All new development, change in property use, expansions or exterior alterations to uses, other than single-family or duplex residences, single-family attached dwellings, 3-4 plexes, internal conversions, or accessory dwelling units (ADUs), shall include a refuse and recycling enclosure. The area(s) shall be:

- A. Fully enclosed and visually screened;
- B. Located in a manner easily and safely accessible by collection vehicles;
- C. Located in a manner so as not to hinder travel lanes, walkways, streets or adjacent properties;
- D. On a level, hard surface designed to discharge surface water runoff and avoid ponding;
- E. Maintained by the property owner;
- F. Used only for purposes of storing solid waste and recyclable materials;
- G. Designed in accordance with applicable sections of the Oregon City Municipal Code (including OCMC 8.20—Solid Waste Collection and Disposal) and city adopted policies.

Enclosures are encouraged to be sized appropriately to meet the needs of current and future tenants and designed with sturdy materials which are compatible to the primary structure(s).

17.62.090 – Implementation.

- A. Applications for site plan and design review shall be reviewed in the manner provided in OCMC 16.12 and 17.50. The Building Official may issue a certificate of occupancy only after the improvements required by Site Plan and Design Review approval have been completed, or a schedule for completion and a bond or other financial guarantee have been accepted by the City.
- B. In performing Site Plan and Design Review, the review authority shall consider the effect of additional financial burdens imposed by such review on the cost and availability of needed housing types. Consideration of such factors shall not prevent the imposition of conditions of approval found necessary to meet the requirements of this section. The cost of such conditions of approval shall not unduly increase the cost of housing beyond the minimum necessary to achieve the provisions of this title, nor shall such cost prevent the construction of needed housing types.
- C. The Site Plan and Design Review provisions of this chapter shall not be applied to reduce the density or height of an application for a development project that reserves at least seventy-five percent of the gross floor area for housing where the proposed density or height is at or below what is allowed in the base zone, except in the following situations:
 - 1. Where the reduction in density is required for development subject to historic overlay provision in OCMC 17.40; or
 - 2. Where the reduction in density is necessary to resolve a health, safety or habitability issue, or to comply with the Natural Resource Overlay District regulations of OCMC 17.49, the Geologic Hazard Overlay District regulations of OCMC 17.44, or the Floodplain Management Overlay District regulations of OCMC 17.42 or steep slope regulations.



Oregon City Municipal Code

Chapter 17.80 Communication Facilities

17.80]10 - Purpose.

The provisions of this chapter are designed to protect the visual, aesthetic, and historical features of Oregon City, ensure that wireless communications services are located, designed, installed, maintained, and removed in an appropriate manner for the safety, health, and welfare of the citizens of Oregon City, and to provide for development consistent with the Oregon City Comprehensive Plan by:

- A. Promoting maximum utilization and encourage collocation of new and existing wireless communication antennas to minimize the total number of support structures and towers throughout the city;
- B. Encouraging careful consideration of topography, greenways, and historical significance of potential telecommunication sites and the use of camouflaging and screening to ensure development has minimal impacts on the community, views, and historical areas;
- C. Encouraging the use of existing buildings, light or utility poles, or water towers as opposed to construction of new telecommunication towers; and
- D. Encourage the location of monopole telecommunication towers and antenna arrays in non-residential areas.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.80.[0]30 - Applicability and exemptions.

- A. **Applicability.** All wireless communication facilities that are not exempt pursuant to this section shall conform to the standards specified in this chapter.
- B. **Exemptions.** The following are exempt from the provisions of this chapter and shall be allowed:
 - 1. Wireless communication facilities that were legally established prior to the effective date of this chapter;
 - 2. Temporary facilities used on the same property for sixty days or less;
 - 3. Temporary wireless communications facilities of all types that are used by a public agency solely for emergency communications in the event of a disaster, emergency preparedness, or public health or safety purposes;
 - 4. Any maintenance or repair of previously approved wireless communications facilities provided that such activity does not increase the height, width, or mass of the facility;

5. Dish antennas used for residential purposes;
6. VHF and UHF receive-only television antennas and radio transmitter antennas on public facilities used for public safety, provided they are fifteen feet or less above the existing or proposed roof;
7. Amateur Stations on properties zoned residential are exempt from the standards of this chapter. Amateur Stations on properties zoned non-residential are exempt from the standards of this chapter, provided the antenna is fifteen (15) feet or less above the existing or proposed roof. Amateur Stations located on: (1) public facilities/property; or (2) properties zoned non-residential with an antenna in excess of fifteen feet above the existing or proposed roof, shall be reviewed under the Compatibility Review process set forth in this chapter and shall be subject to the Design Standards of Section 17.80.110; and
8. Wireless Communication Facilities for public safety are exempt from the following Sections: Section 17.80.090.C.17, Section 17.80.090.D.2, Section 17.80.090.D.5, and Section 17.80.100.
9. Small wireless facility within the right-of-way

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.80.035 Modifications to Existing Facilities.

All modifications and expansions to existing wireless communication facilities are permitted in every zone, subject to the requirements of this Section. Certain modifications are deemed minor in nature and are deemed “eligible modifications” These modifications include the addition, removal, and/or replacement of transmission equipment that do not make a substantial change to the physical dimensions (height, mass, width) of the existing tower, support structure, or base station. Replacement of an existing tower may also be considered an eligible modification if such replacement meets the standards in paragraph 4 below.

1. For the purpose of this Section, “substantial change” means the following:
 - a. The mounting of the proposed antenna on the tower would increase the existing height of the tower by more than 10%, or by the height of 1 additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this subsection by up to an additional 5% if necessary to avoid interference with existing antennas; or
 - b. The mounting of the proposed antenna would involve the installation of more than the standard number of new equipment cabinets for the technology involved (not to exceed 4) or more than 1 new equipment shelter; or
 - c. The mounting of the proposed antenna would involve adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than 20 feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this subsection to the extent necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable; or
 - d. The mounting of the proposed antenna would involve excavation outside the current tower site, defined as the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site.
2. Increases to height allowed by this subsection above the existing tower shall be based on the existing height of the tower, excluding any tower lighting required in the original land use approval or in the proposed modification request.

3. To the extent feasible, additional equipment shall maintain the appearance intended by the original facility, including, but not limited to, color, screening, landscaping, mounting configuration, or architectural treatment.
4. To be considered an eligible modification, a replacement tower shall not exceed the height of the original tower by more than 10%, or the diameter of the original tower by more than 25% at any given point.

17.80]40 - Collocation of additional antenna(s) on existing support towers.

Except for “eligible modifications” authorized in Section 17.80.035, the following standards shall apply for the placement of antenna(s) and auxiliary support equipment on an existing wireless communication facility support tower.

- A. Compatibility Review. Required for property zoned GI, CI, I, C, HC, MUC-1, MUC-2, MUE, MUD or NC.
- B. Site Plan and Design Review. Required for all cases other than those identified in Section 17.80.040.A.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.80]50 - Collocation of additional antenna(s) on support structures.

Except for “eligible modifications” authorized in Section 17.80.035, the following standards shall apply for the placement of antenna(s) and auxiliary support equipment on a support structure.

- A. Compatibility Review. Required if the following exist:
 1. Property is zoned GI, CI, I, C, HC, MUC-1, MUC-2, MUE, MUD or NC; and
 2. Property is not located in the McLoughlin or Canemah Historical Conservation Districts; and
 3. Antenna(s) and auxiliary support equipment are setback a minimum of ten feet from each edge of the support structure and do not exceed a total height of twelve feet or a total width of eight feet, unless the antenna(s) is less than four inches in diameter and does not exceed a total height of twenty feet.
- B. Site Plan and Design Review. Required if the property is zoned GI, CI, I, C, MUC-1, MUC-2, MUE, MUD or NC and does not meet all the criteria of Section 17.80.050.A.
- C. Conditional Use Review. Required for all cases other than those identified in Sections 17.08.050.A and 17.08.050.B.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.80]60 - Collocation of additional antenna(s) on existing utility poles, light standards, and light poles.

The following standards shall apply for the collocation of additional antenna(s) on existing utility poles, light standards, and light poles that meet the following requirements:

- A. Site Plan and Design Review. Required for property zoned GI, CI, I, C, HC, MUC-1, MUC-2, MUE, MUD or NC.
- B. Conditional Use Review. Required for all cases other than those identified in Section 17.80.060.A.
- C. Permits. The applicant shall apply for and obtain all permits necessary for the construction, installation, and operation of its facilities in the streets. The applicant shall pay all applicable fees due for city permits. All construction and maintenance of any and all of the applicant's facilities within the streets incident to the applicant's provision of telecommunications services shall, regardless of who performs installation and/or construction, be and remain the responsibility of the applicant.
- D. Installation of Equipment. The applicant's facilities shall be installed and maintained in accordance with the laws of the State of Oregon and the ordinances and standards of the city regulating such construction.
- E. Common Users. The applicant's facilities shall be attached to utility poles, light standards, and light poles located within the streets. The applicant shall also allow and encourage other wireless carriers to collocate facilities on the utility poles, light standards, and light poles with the applicant's facilities, provided such collocation does not interfere with the applicant's facilities or jeopardize the physical integrity of the structure and provided the owner of the structure consents to such collocation.
- F. Scale of Facilities. This section establishes standards for attaching facilities to utility poles, light standards, and light poles in the streets in a manner that minimizes the facilities' potential incompatibility with adjacent uses.
 - 1. Facilities may be collocated on existing utility poles, light standards, and light poles, provided:
 - a. Facilities do not jeopardize the physical integrity of the utility pole, light standard, or light pole;
 - b. Triangular "top hat" style antenna mounts are prohibited;
 - c. The device used to mount the facilities does not project more than ten feet above the utility pole, light standard, or light pole;
 - d. Antennas will be mounted flush with the device referenced in Section 17.80.060.F.1.c. or the existing utility pole, light standard, or light pole, within a unicast-style top cylinder, or on davit arms that are no greater than five feet in length as measured from the center of the utility pole, light standard, or light pole;
 - e. The visual impact of any facilities located in the streets must be minimized by utilizing the smallest antennas, equipment, and equipment cabinets available that will satisfy engineering requirements and the service objectives of the site. Whenever possible, facilities shall be painted or otherwise treated architecturally so as to minimize visual impacts;
 - f. All antennas, cabling, mounting hardware, and associated microcell/equipment cabinets mounted on an existing utility pole, light standard, or light pole must be painted to match the color of the utility pole, light standard, or light pole. If cabinets

require a special heat-reducing paint finish, they must be a neutral color such as beige, off-white, or light gray; and

- g. The existing utility pole, light standard, or light pole is not replaced with a taller utility pole, light standard, or light pole, except as authorized in Section 17.80.060.F.2.
- 2. Replacement Utility Poles, Light Standards, and Light Poles. For purposes of this section, "replacement utility poles, light standards, and light poles" shall mean a utility pole, light standards, or light pole that a) replaces an existing or original utility pole, light standard, or light pole to accommodate facilities; and b) does not result in an increase in the total number of utility, guy, or support poles in the streets. Facilities may be attached to replacement utility poles, light standards, and light poles in the streets, provided:
 - a. The replacement utility poles, light standards, and light poles are of sufficient integrity to support the facilities;
 - b. The replacement utility poles, light standards, and light poles, and any subsequent replacements, are no more the twenty feet taller than the original utility pole, light standard, or light pole; and
 - c. The utility pole, light standard, or light pole the replacement utility pole, light standard, or light pole replaces is promptly removed.
- 3. The applicant shall not locate any facilities, such as cabinets, at grade within the streets, but may connect its facilities in the streets to facilities located on property adjacent to the streets in accordance with applicable city codes and with the permission of the adjacent property owner.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.80.[0]70 - Construction or modification of a support tower.

Except for "eligible modifications" authorized in Section 17.80.035:

- A. Site Plan and Design Review. Required if the following exists:
 - 1. Property is zoned GI, CI, I, C, MUC-2 or MUE; and
 - 2. No adjacent parcel is zoned for residential use.
- B. Conditional Use Review. Required for all cases other than those identified in Section 17.80.070.A.
- C. Prohibited Zoning Districts and Locations. No new support towers shall be permitted within the Canemah Historic Neighborhood, McLoughlin Conservation District, The Oregon Trail-Barlow Road Historic Corridor, five hundred feet of the Willamette Greenway Corridor, or any new Historic Districts unless the applicant can demonstrate that failure to allow the support tower would effectively prevent the provision of communication services in that area. If the applicant makes such a demonstration, the minimum height required to allow that service shall be the maximum height allowed for the tower.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.80]80 - Site review process.

No wireless communications facilities, as defined in Section 17.80.020, may be constructed, collocated, modified to increase height, installed, or otherwise located within the city except as provided in this section or unless otherwise authorized by Section 17.80.035. Depending on the type and location of the wireless communication facility, the facility shall be subject to the following review unless collocation or an increase in height was granted through a prior land use process. A Conditional Use Review shall require Site Plan and Design Review to occur concurrently with the Conditional Use Review process.

- A. **Compatibility Review.** A wireless communication facility that, pursuant to Sections 17.80.030—17.80.050, is subject to a compatibility review shall be processed in accordance with Standards of Section 17.80.110. The criteria contained in Section 17.80.110 shall govern approval or denial of the compatibility review application. No building permit shall be issued prior to completion of the compatibility review process.
- B. **Site Plan and Design Review.** A wireless communication facility that, pursuant to Sections 17.80.040—17.80.070, is subject to site plan and design review shall be processed in accordance with the standards of Section 17.80.110 and Chapter 17.62, as applicable. The criteria contained in Section 17.80.110 and Chapter 17.62 shall govern approval or denial of the site plan and design review application. In the event of a conflict in criteria, the criteria contained in this chapter shall govern. No building permit shall be issued prior to completion of the site plan and design review process, including any local appeal.
- C. **Conditional Use Review.** A wireless communication facility that, pursuant to Sections 17.80.050—17.80.070, is subject to conditional use review, shall be processed in accordance with the Standards of Section 17.80.110 and Chapter 17.56, as applicable. The criteria contained in Section 17.80.110 and Chapter 17.56 shall govern approval or denial of the conditional use review application. In the event of a conflict in criteria, the criteria contained in this chapter shall govern. No building permit shall be issued prior to completion of the Conditional Use Review process, including any local appeal.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.80]90 - Permit application requirements.

- A. **Eligible Modification Requirements** – For an application under Section 17.80.035, the following information is required:
 - 1. Application fee;
 - 2. Planning Division land use application form;
 - 3. Description of the project design and dimensions;
 - 4. A written response demonstrating compliance with each criterion listed in OCMC Chapter 17.80.035;
 - 5. Signature of the property owner(s) on the application form or a statement from the property owner(s) granting authorization to proceed with building permit and land use process; and
 - 6. Elevations showing all improvements and connections to utilities.
- B. **Compatibility Review Requirements** — For an application under Sections 17.80.030.B.7, 17.80.040.A or 17.80.050.A, the following information is required:
 - 1. Application fee(s).
 - 2. Planning Division land use application form;

3. A narrative of the proposed project that includes a description of the following:
 - i. Need for the project;
 - ii. Rationale and supporting evidence for the location; and
 - iii. Description of the project design and dimensions.
 - iv. A written response demonstrating compliance with each criterion listed in OCMC Chapter 17.80.110
4. Documentation demonstrating compliance with non-ionizing electromagnetic radiation (NIER) emissions standards as set forth by the Federal Communications Commission (FCC) particularly with respect to any habitable areas within the structure on which the antenna(s) are collocated on or in structures directly across from or adjacent to the antenna(s);
5. Documentation that the auxiliary support equipment shall not produce sound levels in excess of standards contained in Section 17.80.110G., or designs showing how the sound is to be effectively muffled to meet those standards;
6. Signature of the property owner(s) on the application form or a statement from the property owner(s) granting authorization to proceed with building permit and land use process;
7. Documentation of the integrity of the support tower, support structure, utility pole, light standard, or light pole to safely handle the load created by the collocation;
8. Elevations showing all improvements and connections to utilities; and
9. Color simulations of the site after construction demonstrating compatibility.
- C. Site Plan and Design Review. For an application under Sections 17.80.040.B, 17.80.050B., 17.80.060A., or 17.80.070A. the following information is required:
 1. The information required in OCMC Chapter 17.80.90A.;
 2. Pre-application notes;
 3. A written response demonstrating compliance with each criterion listed in the Site Plan and Design Review Standards of Chapter 17.62.050 and all other applicable criterion as defined by the community development director; and
 4. Supplemental requirements listed in OCMC Chapter 17.80.90D. as needed.
- D. Conditional Use Review. For an application under Sections 17.80.050C., 17.80.060B., or 17.80.070B. the following information is required:
 The information required in OCMC Chapter 17.80.90.A;
 1. Pre-application notes;
 2. A written response demonstrating compliance with each criterion listed in the Site Plan and Design Review Standards of Chapter 17.62.050, 17.56, and all other applicable criterion as defined by the community development director as applicable;
 3. For an application under Section 17.80.070. Construction of Modification of a Support Tower, the requirements listed under Section 17.80.090D. Supplemental Information are required;
 4. Responses to conditional use review criteria under Chapter 17.56.010;

5. For an application under Section 17.80.050C. Collocation of Additional Antenna(s) on Support Structures, rationale for being unable to collocate in areas identified in Sections 17.80.050A. and 17.80.050B. shall be provided;
 6. For an application under Section 17.80.060B. Collocation of Additional Antenna(s) on Utility Poles, Light Standards, and Light Poles, rationale for being unable to collocate in areas identified in Section 17.80.060A. shall be provided; and
 7. For an application under Section 17.80.070B. Construction or Modification of a Support Tower, rationale for being unable to collocate in areas identified in Section 17.80.070A. shall be provided.
 8. Supplemental information listed in OCMC Chapter 17.80.90D.
- E. Supplemental Information. The applicant shall submit the following information for all applications subject to conditional use and site plan and design review:
1. The capacity of the support tower in terms of the number and type of antennas it is designed to accommodate.
 2. A signed agreement, as supplied by the city, stating that the applicant shall allow collocation with other users, provided all safety, structural, technological, and monetary requirements are met. This agreement shall also state that any future owners or operators will allow collocation on the tower.
 3. Documentation demonstrating that the Federal Aviation Administration has reviewed and approved the proposal, and Oregon Aeronautics Division has reviewed the proposal. Alternatively, a statement documenting that notice of the proposal has been submitted to the Federal Aviation Administration and Oregon Aeronautics Division may be submitted. The review process may proceed and approval may be granted for the proposal as submitted, subject to Federal Aviation Administration approval. If Federal Aviation Administration approval requires any changes to the proposal as initially approved, then that initial approval shall be void. A new application will need to be submitted, reviewed, and approved through an additional site plan and design review or conditional use review process. No building permit application shall be submitted without documentation demonstrating Federal Aviation Administration review and approval and Oregon Aeronautics Division review.
 4. A visual study containing, at a minimum, a graphic simulation showing the appearance of the proposed tower, antennas, and auxiliary support equipment from at least five points within a one-mile radius. Such points shall be chosen by the provider with a review and approval by the community development director to ensure that various potential views are represented.
 5. Documentation that one or more wireless communications service providers will be using the support tower within sixty days of construction completion.
 6. A site plan, drawn to scale, that includes:
 - a. Existing and proposed improvements;
 - b. Adjacent roads;
 - c. Parking, circulation, and access;
 - d. Connections to utilities, right-of-way cuts required, and easements required;

- e. A landscape plan describing the maintenance plan and showing areas of existing and proposed vegetation to be added, retained, replaced, or removed; and
 - f. Setbacks from property lines or support structure edges of all existing and proposed structures. Plans that have been reduced, but have not had their scale adjusted, will not be accepted as satisfying this requirement.
7. An alternatives analysis for new support towers demonstrating compliance with the Support Tower Location Requirements of Chapter 17.80.100.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.80.100 - Support tower location requirements.

No new support tower shall be permitted under the provisions of Chapter 17.80.070 unless the applicant demonstrates to the satisfaction of the community development director, and the results are verified by a State of Oregon certified professional engineer, that no existing collocation or modification possibility can accommodate the service needs of the applicant's proposed support tower. All proposals for new support towers must be accompanied by a statement and documentation from a qualified engineer, as determined by the community development director, that the necessary service cannot be provided by collocation on, or modification to, an existing support tower or structure for one or more of the following reasons:

- A. No existing support towers or support structures are located within the geographic area required to meet the applicant's engineering requirements;
- B. Existing support towers or support structures are not of sufficient height to meet the applicant's engineering requirements;
- C. Existing support towers or support structures do not have sufficient structural strength to support the applicant's proposed antenna(s) and related equipment.
- D. The applicant's proposed antenna would cause electromagnetic interference with the antenna(s) on the existing support tower or support structure, or the existing antenna would cause interference with the applicant's proposed antenna(s);
- E. The applicant demonstrates that there are other limiting factors that render existing support towers and support structures unsuitable; or
- F. That fees, costs, or contractual provisions required by the owner in order to share or adapt to an existing support tower or support structure for collocation are unreasonable.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.80.110 - Design standards.

Installation, collocation, construction, or modification of all support towers, structures, and antennas shall comply with the following standards, unless it qualifies as an “eligible modification” under Section 17.80.035 or an adjustment is obtained pursuant to the provisions of Section 17.80.120.

- A. Support Tower. The support tower shall be self-supporting.

- B. Height Limitation. Support tower and antenna heights shall not exceed the maximum heights provided below.
1. If the property is zoned GI, CI or I; and no adjacent parcel is zoned residential the maximum height of a support tower, including antennas, is one hundred twenty feet.
 2. If the property is zoned: a. GI, CI or I, and an adjacent parcel is zoned residential; or b. C, MUC-2 or MUE; the maximum height of a support tower, including antennas, is one hundred feet.
 3. If the property is zoned MUC-1, MUD or NC; the maximum height of a support tower, including antennas, is seventy-five feet.
 4. For all cases other than those identified in Section 17.80.110.B.1-3 above, the maximum height of a support tower, including antennas, is seventy-five feet.
- C. Collocation. New support towers shall be designed to accommodate collocation of additional providers.
1. New support towers of a height greater than seventy-five feet shall be designed to accommodate collocation of a minimum of two additional providers either outright or through future modification of the tower.
 2. New support towers of a height between sixty feet and seventy-five feet shall be designed to accommodate collocation of a minimum of one additional provider either outright or through future modification of the tower.
- D. Setbacks. The following setbacks shall be required from property lines, not the lease area, for support towers, auxiliary support equipment, and perimeter fencing.
1. Support towers not designed to collapse within themselves shall be setback from all property lines a distance equal to the proposed height of the support tower.
 2. Support towers designed to collapse within themselves shall be setback from the property line a distance equal to the following:
 - a. If the property is zoned GI, CI, I, C, MUC-2 or MUE; and no adjacent parcel is zoned for a residential use the underlying zone setback shall apply;
 - b. If the property is zoned:
 - i. GI, CI, I, C, MUC-2 or MUE and an adjacent parcel is zoned residential; or
 - ii. MUC-1, MUD or NC; the setback shall be a minimum of twenty-five feet from all adjacent residentially zoned property lines and the underlying zoning setback for all other adjacent property lines; or
 - c. For all cases other than those identified in Section 17.80.110.D.2.a. and b. above, the setback shall be a minimum of twenty-five feet from all adjacent property lines.
- E. Auxiliary Support Equipment. The following standards shall be required.
1. If the property is zoned:
 - a. For GI, CI, I, MUC-1, MUC-2, C, MUD, MUE or NC, the auxiliary support equipment footprint shall not exceed an area of three hundred forty square feet and fifteen feet in height at the peak;

- b. For all cases other than those identified in Section 17.80.110.E.1.a. above, the auxiliary support equipment shall be:
 - i. Located underground or completely screened by landscaping or an architecturally significant masonry wall. The wall shall be finished with brick, stone, or stucco. The community development director may approve an alternate screening material if it is compatible with adjacent development and is architecturally significant. No exposed CMU is allowed on the exterior of the wall.
 - 2. Only one auxiliary accessory cabinet shall be allowed per service provider located on a support structure.
- F. Landscaping. In all zoning districts, existing vegetation shall be preserved to the maximum extent practicable. Screening of a site is mandatory.
 - 1. If the property is zoned:
 - a. GI or CI, and no adjacent parcel is zoned residential, landscaping may not be required if water quality issues are addressed and appropriate screening around the facility is proposed;
 - b. For all cases other than those identified in Section 17.80.110.F.1.a. above, landscaping shall be placed completely around the perimeter of the wireless communication facility, except as required to gain access. The minimum planting height shall be a minimum of six feet at the time of planting, densely placed so as to screen the facility. The landscaping shall be compatible with vegetation in the surrounding area, and shall be kept healthy and well maintained as long as the facility is in operation. Failure to maintain the site will be grounds to revoke the ability to operate the facility.
 - c. The community development director may approve an alternative landscaping plan that visually screens the facility and is consistent with the intent of this standard.
- G. Noise Reduction. Noise generating equipment shall be baffled to reduce sound level measured at the property line to the following levels except during short durations for testing and operation of generators in emergency situations:
 - 1. For any property where no adjacent parcel is zoned residential, the sound level at the property line shall not be greater than fifty dB;
 - 2. For all other cases, the sound level shall not be greater than forty dB when measured at the nearest residential parcel's property line.
- H. Lighting.
 - 1. Unless required by the Federal Aviation Administration or the Oregon Aeronautics Division, artificial lighting of wireless communication towers and antennas shall be prohibited.
 - 2. Strobe lighting is prohibited unless required by the Federal Aviation Administration.
 - 3. Security lighting for equipment shelters or cabinets and other on-the-ground auxiliary equipment shall be initiated by motion detecting lighting. The lighting shall be the minimal necessary to secure the site, shall not cause illumination on adjacent properties in excess of a measurement of 0.5 footcandles at the property line, and shall be shielded to keep direct light within the site boundaries.

I. Color.

Unless otherwise required by the Federal Aviation Administration, all support towers and antennas shall have a non-glare finish and blend with the natural background.

J. Signage.

Support towers and antenna(s) shall not be used for signage, symbols, flags, banners, or other devices or objects attached to or painted on any portion of a wireless communication facility.

K. Access Drives.

1. On a site with an existing use, access shall be achieved through use of the existing drives to the greatest extent practicable. If adequate intersection sight distance is unavailable at the existing access intersection with a city street, an analysis of alternate access sites shall be required.
2. Site shall be serviced by an access adequate to ensure fire protection of the site.
3. New access drives shall be paved a minimum of twenty feet deep from the edge of the right-of-way (though the use of pervious paving materials such as F-mix asphalt, pavers, or geotech webbing is encouraged) and designed with material to be as pervious as practicable to minimize stormwater runoff.
4. New access drives shall be reviewed for adequate intersection sight distances.

L. Informing the city. All service providers with facilities within the city of Oregon City shall be required to report in writing to the community development director any changes in the status of their operation.

1. An annual written statement shall be filed with the Planning Manager verifying continued use of each of their facilities in the city's jurisdiction as well as continued compliance with all state and federal agency regulations.
2. The report shall include any of the following changes:
 - a. Changes in or loss of Federal Communication Commission license from the Federal Communication Commission to operate;
 - b. Receipt of notice of failure to comply with the regulations of any other authority over the business or facility;
 - c. Change in ownership of the company that owns wireless communication facility or provides telecommunications services; or
 - d. Loss or termination of lease with the telecommunications facility for a period of six months or longer.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.80.120 - Adjustments.

Adjustments to the standards of this chapter may be approved by the planning commission at a duly noticed public hearing. The planning commission may grant an adjustment under either of the following circumstances:

1. The planning commission may grant an adjustment when a gap in the applicant's service exists and the gap can only be alleviated through the adjustment of one of more of the standards in

this section. If an adjustment is to be approved, the applicant must demonstrate each of the following:

- a. A gap in coverage or capacity exists in the wireless communication provider's service network that results in network users being regularly unable to connect with the provider's network, or maintain connection;
 - b. The proposed facility will fill the existing service gap. The gap would be filled if the proposed facility would substantially reduce the frequency with which users of the network are unable to connect, or maintain connection, with the provider's network; and
 - c. The gap cannot be filled through collocation on existing facilities, or establishment of facilities that are consistent with the standards of this section on properties other than the proposed site or on the proposed site in a manner which does not require an adjustment under this subsection.
2. The planning commission may grant an adjustment to a standard when the proposed adjustment would utilize existing site characteristics to minimize demonstrated or potential impacts on the use of surrounding properties. For the purposes of this subsection, site characteristics shall include, but need not be limited to, the suitability of the proposed use considering size, shape, location, topography, existence of improvements, and natural features. Applicants for an adjustment under this provision must demonstrate that the adjustment will result in a lower level of impact on surrounding properties than would be generated if the standard were not adjusted. In considering the requested adjustment, the planning commission may consider the following:
 - a. Visual impacts;
 - b. Impacts on views;
 - c. Impacts on property values; and
 - d. Other impacts that the planning commission finds can be mitigated by an adjustment so that the proposed use will have greater compliance in not altering the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of surrounding properties for the primary use listed in the underlying district.
 3. Requests for adjustments under this subsection shall only be considered concurrently with the applicable Site Review Process as required by Section 17.80.080. If the Site Review Process required by Section 17.80.080 is a Compatibility Review or a Site Plan and Design Review, the inclusion of an adjustment will require that the application be subject to a Conditional Use Review under Section 17.80.090.C.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.80.130 - Temporary facilities.

In order to facilitate continuity of services during maintenance or repair of existing installations, or prior to completion of construction of a new wireless communication facility, temporary wireless communication facilities shall be allowed subject to a Type I administrative review. Temporary wireless communication facilities shall not be in use in excess of six-month period. Temporary wireless communication facilities shall not have a permanent foundation, and shall be removed within thirty days of suspension of service they provide.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.80.140 - Removal for discontinuance of service.

Any wireless communication facility that has not provided service for six months shall be deemed a nuisance and subject to removal as provided in Oregon City Municipal Code Chapter 8.08. The planning manager may grant a six-month extension where a written request has been filed, within the initial six months period, to reuse the support tower or antenna(s).

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)

17.80.150 - Fees.

Notwithstanding any other provisions of this code, the community development director may require, as part of the application fees for land use permits, an amount sufficient to recover all of the city's costs in retaining consultants to verify statements made in conjunction with the permit application, to the extent that verification requires telecommunication experts.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)



CITY OF OREGON CITY
PUBLIC WORKS

SANITARY SEWER DESIGN STANDARDS

RESOLUTION NO. 19-25

ADOPTED: July 17, 2020

PREPARED BY

Public Works Department

625 Center Street

Oregon City, Oregon 97045-0304

RESOLUTION NO. ~~19-25~~

A RESOLUTION ADOPTING UPDATED CITY OF OREGON CITY PUBLIC WORKS SANITARY SEWER DESIGN STANDARDS

WHEREAS, the City of Oregon City operates a sanitary sewer system in order to convey sanitary sewage from the residents of the City to the Tri-City Sewer District (also known as Water Environment Services District); and

WHEREAS, the City's sanitary sewer system serves over 5,500 acres of developed property within the City limits and is comprised of over 100 miles of pipelines, over 2,000 manholes, and numerous service lines; and

WHEREAS, the City finds it is necessary to establish and implement uniform engineering design standards for all Public Works Sanitary Sewer projects in the interest of health, safety, and welfare of the residents of the City of Oregon City.

NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:

Section 1. That the Commission, by this Resolution, adopts the Public Works Sanitary Sewer Design Standards, attached to this resolution as Exhibit "A", for application to all publicly-owned Sanitary Sewer System improvements within the City.

Section 2. The effective date for the Public Works Sanitary Sewer Design Standards shall be the date this resolution is adopted, signed, and approved.

Section 3. The Public Works Sanitary Sewer Design Standards adopted by this resolution shall supersede the Public Works Sanitary Sewer Design Standards, as adopted July~~ne~~ 17th, 2019~~1993~~.

Section 4. That the Commission, by this Resolution, empowers the City Engineer to periodically update these Standards as needed to maintain currency with standard engineering practices and standards.

Approved and adopted at a regular meeting of the City Commission held on the 17th day of July, 2020~~19~~.

DAN HOLLADAY, Mayor

Attested to this ____ day of _____ Approved as to legal sufficiency:
2020~~19~~:

Kattie Riggs, City Recorder

City Attorney

SANITARY SEWER DESIGN STANDARDS

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SECTION I – GENERAL

1.00 PURPOSE

The purpose of these Sanitary Sewer Design Standards is to provide a consistent policy under which certain physical aspects of sanitary sewer design will be implemented. Most of the elements contained in this document are Public Works oriented and most are related to public improvements and City contract projects; however, it is intended that they apply to both public and private work designated herein.

These Standards cannot provide for all situations. They are intended to assist but not to substitute for competent work by design professionals. It is expected that land surveyors, engineers, and architects will bring to each project the best of skills from their respective disciplines.

The Standards are also not intended to limit unreasonably any innovative or creative effort which could result in better quality, better cost savings, or both. Any proposed departures from the Standards will be judged, however, on the likelihood that such variance will produce a compensating or comparable result, in every way adequate for the user and City resident.

1.01 GOALS

Following from the above purpose, the Standards have the objective of developing a sanitary sewer system which will:

- A. Be consistent with the Oregon City Comprehensive Plan, Oregon City Municipal Code, the Oregon City Sanitary Sewer Master Plan, Tri-City Service District Plans and Policies, the State Plumbing Code, Oregon Department of Environmental Quality (DEQ) Wastewater Permitting Program, the most recent edition of the ODOT/APWA Standard Specifications for Construction, and City Code Chapter 13.08;
- B. Be of adequate design to carry the expected flow, within their design life, and at sufficient depth to serve adjacent properties;
- C. Has sufficient grade to maintain a minimum velocity of two feet (2') per second when flowing half full;
- D. Have sufficient structural strength to resist all expected loads, both internal and external, which may be imposed; and able to preserve the functionality of the sewer system;

- E. Be of materials resistant to both corrosion and erosion, and have a minimum design life of 75 years or the maximum industry standard, whichever is greater;
- F. Be economical and safe to build and maintain; and,
- G. Prevent infiltration and/or inflow of ground and surface waters.

Alternate materials and methods will be considered for approval on the basis of these objectives.

Whenever any conflict exists between the references in 1.01.A. and these standards, the references in 1.01.A. take precedent.

1.02 REVISIONS TO THESE STANDARDS

It is anticipated that revisions to these Standards will be made from time to time. The date appearing on the title page is the date of the latest revision. Users should apply the latest published issue to the work contemplated. The Standard Drawings and Construction Notes referenced in Section III and IV may be revised from time to time as deemed necessary without revision to this overall document.

1.03 SHORTENED DESIGNATION

These City of Oregon City Sanitary Sewer Design Standards shall be cited routinely in the text as the "Standards."

1.04 APPLICABILITY

These Standards shall govern all construction and upgrading of all public and private sanitary sewer facilities in the City of Oregon City and/or applicable work within its service areas.

Permanent sanitary sewer facilities shall be provided to all property (legal lots of record created by a partitioning or subdivision of land as per City of Oregon City Municipal Code within the City of Oregon City per these Standards).

Whenever possible, sewer pipelines shall be located on public property. Where pipelines are required to pass through private property, easements shall be obtained from the property owner.

The public sewer system shall include the sewer mains, manholes, and the service lines up to the curb of edge of pavement. The public sewer system is owned, operated, and maintained by the City of Oregon City unless otherwise noted.

The piping from the City curb or edge of pavement to the point of sanitary sewer use (the building supply line) is subject to the requirements of the Oregon Plumbing Specialty Code. The piping beyond the City curb or edge of pavement is considered privately owned and maintained.

Where applicable, developing property shall provide public sewer extension along their frontage or through their site for extension to undeveloped property.

The design of the following are special problems and are not covered in detail in these Standards:

- A. Sewage Pump Stations
- B. Force Mains
- C. Siphons
- D. Relining of Existing Sewers
- E. Internal Sealing of Existing Sewers
- F. Treatment Plants
- G. Outfall Sewers
- H. Energy Dissipators
- I. Regulating Devices
- J. Flow Measurement Devices
- K. Hydrogen Sulfide and/or Hazardous Gasses

Review and approval of the above special problems by the City Engineer shall be required. When requested by the City, full design calculations shall be submitted for review prior to approval. Additional review and approval of the above special problems where applicable by the Department of Environmental Quality (DEQ) shall be required.

For areas of the City or Urban Growth Boundary that cannot be served by public sewer, internal policies and decisions will determine if the property can be developed.

1.05 REFERENCES

The Standards are intended to be consistent with the most currently adopted provisions of:

- A. Oregon City Municipal Code;
- B. Oregon City Comprehensive Plan;
- C. Oregon City Sanitary Sewer Master Plan;
- D. Oregon Statewide Planning Goals and Guidelines;
- E. Oregon Plumbing Specialty Code;
- F. Oregon Administrative Rules, Chapter 340;
- G. Referenced National Trade Standards such as ASTM;
- H. Local Trade Standards such as ODOT/APWA; and
- I. Tri-City Service District (Water Environment Services).

Design shall comply with Oregon Department of Environmental Quality sewer design guidelines.

American Society of Civil Engineers (ASCE) Manual and Report on Engineering Practice, No. 60, Gravity Sanitary Sewer Design and Construction, was used as a reference in preparation of the original 1993 design standards.

1.06 STANDARD SPECIFICATIONS

The workmanship and materials shall be in accordance with the current edition of the “Standard Specifications for Public Works Construction” except where the Standards provide other design detail. These standards are prepared by the Oregon Chapter of APWA, as modified by the City of Oregon City.

1.07 DEFINITIONS AND TERMS

As-Built Plans/Record Drawing – Plans signed and dated by the Consulting Engineer indicating that the plans have been reviewed and revised, if necessary, to accurately show all known as-constructed details of a particular public works project.

Building Drain – The building drain is that part of the lowest piping of the sewer system which receives the discharge from waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, which begins five feet (5') outside the building wall (building foundation).

Building Official – The Building Official of the City of Oregon City or his/her authorized representative.

Building Sewer – That part of the horizontal piping of the sewer system which extends from the end of the building drain and which receives the discharge of the building drain and conveys it to the public sewer, private sewer, individual sewage-disposal system, or other point of disposal.

Building Supply – The building supply is the pipe carrying potable sewage from the cleanout near the property line to a building or other point of use or distribution to the lot. Building supply shall also mean sewer service. (See Customer Line)

City – The City of Oregon City, Oregon.

City Engineer – The City Engineer of the City of Oregon City or his/her authorized representative.

Collection Systems – Facilities maintained by the City of Oregon City and Tri-City Service District connected thereto for the collecting, pumping, conveying, and controlling of wastewater.

Commercial User – Any user of the sanitary sewer who is neither a residential or industrial user.

Consulting Engineer – The engineer, licensed by the State of Oregon as a Civil Engineer under whose direction plans, profiles, and details for the work are prepared and submitted to the City for review and approval.

Cooling Water – Water other than sewage or industrial waste which is used as a medium for carrying away excess heat from any apparatus, appliance, mechanism, device, or thing, in which, in the course of such cooling process, is not mixed or co-mingled with any other substance or used as a means of carrying off any other substance, in suspension or in solution, thereby exiting such cooling process in substantially the same condition, save for temperature as when it entered.

Customer Line – That piping connecting the cleanout to the building sewer system. (See Building Supply)

Cut Sheets – Sheets of tabulated data indicating stationings, structures, fittings, angle points, beginning of curve, points on curve, end of curves, sewer slope, staking offset, various elevations, offset cuts, and sewer depths.

Definition of Words – Wherever, in these Standards, the words directed, required, permitted, ordered, designated, or words of like importance are used, they shall be understood to mean the direction, requirement, permission, or order of designation of the City Engineer. Similarly, the words approved, acceptable, satisfactory, shall mean approved by, acceptable to, or satisfactory to the City Engineer.

Director – The Director of Public Works of the City of Oregon City or his/her authorized representative.

Distribution System – Distribution main sewer and ancillary equipment used to transmit sewage from the supply source to the treatment plant.

Domestic Sewage – The liquid and water-borne waste derived from the ordinary living processes, free from industrial wastes, and of such character to permit satisfactory disposal, without special treatment into the public sewer or by means of private sewage disposal system.

Dwelling Unit – A habitable living unit that provides basic living requirements including permanent cooking and toilet facilities.

Easement – Easements are areas along the line of all public sewers which are outside of dedicated rights-of-way, and shall be prepared on approved forms granting rights along the line of the sewer to the City.

Fixture Unit Equivalents – The unit equivalent of plumbing fixtures as tabulated in the Oregon Plumbing Specialty Code.

Flow – The wastewater flow from an industry or institution (daily average), or house connection.

Industrial Waste – A water-borne waste and wastewater from an industrial user.

Lateral Sewer – Any sewer line to which a private building sewer connects or may connect. The lateral sewers are located within public right-of-way or easements, and generally connect to the main sewer and extend to the right-of-way or easement. They may also be known as a service lateral or a building service lateral.

Main Sewer – (Public Sewer) – A public sewer which has been or is being constructed to accommodate more than one (1) lateral sewer or to which a building sewer connects or may connect. (Normally eight inches (8") in diameter.)

Multiple Family Dwelling – A building or portion designed thereof for occupancy by two (2) or more families, living independently of each other.

Manufacturer's Name – Any manufacturer's name, specification, catalog number, or type used herein is specified by make and order to establish the standard requirements of the City. Other equivalent makes will be considered for approval, providing they are comparable with this established standard.

Owner – Any individual, partnership, firm, or corporation by whom the Consulting Engineer has been retained or who, as a property owner, is making arrangements with the City.

Person – Individual, firm, corporation, association, agency, or other entity.

Plans – Construction plans, including system site plans, sewer plans and profiles, cross sections, detailed drawings, etc., or reproductions thereof, approved or to be approved by the City Engineer, which show the location, character, dimensions, and details for the work to be done, in which constitute a supplement to these Standards.

Plumbing System – All plumbing fixtures and traps, or soil, waste, special waste, and vent pipes within a building and to a point five feet (5') outside the building foundation thereof.

Premise – Any lot, parcel, or tract of land owned by a single entity.

Private Collection System – A privately owned and maintained sewer system installed to serve multiunit structures on single ownership properties, which cannot legally be further divided, such as apartments, mobile home parks, and schools or installed in commercial or industrial subdivisions. A single-family residence with an unattached garage or shop with sanitary facilities is exempt from this definition.

Public Sewer – Any sewer in public right-of-way or public easement operated and maintained by the City.

Residential User – The owner, lessee, or occupant of a single dwelling unit in one (1) structure.

Right-of-Way – All land or interest therein which by deed, conveyance, agreement, easement, dedication, usage, or process of land is reserved for or dedicated to the use of the general public. Within this right-of-way, the City shall have the right to install or maintain sewers and other public utilities.

Roadway – All of the right-of-way dedicated, granted, used or to be used, for transportation purposes.

Sewage – The wastewater derived from human habitation and use of buildings for residential, institutional, or commercial purposes, excluding stormwater and industrial waste.

Sewer – An underground conduit for conveying sewage.

Single-Family Dwelling – Any residential building designed to house one (1) family.

Standard Plans or Drawings – The drawings of structures or devices commonly used for City public works infrastructure and referred to on the design plans. These standard drawings are included in Section III, Standard Drawings.

Stormwater – Ground water, surface drainage, subsurface drainage, spring water, well overflow, roof drainage, or other like drainage other than sewage or industrial waste.

Streets or Roads – Any public highway, road, street, avenue, alley, way, easement, or right-of-way used or to be used for a motor vehicle, bicycle, or other legal mode of transportation.

Structures – Those structures designated on the standard plans or drawings as manholes, etc. Detailed drawings of structures or devices commonly used in City work and mentioned in these Standards are included in Section IV, Standard Drawings.

Trunk Sewer – A public sewer ten inches (10") or larger which has been or is being constructed to accommodate more than one (1) main sewer or lateral sewer.

Traveled Way – That portion of the roadway for the movement of motor vehicles, bicycles, or other legal modes of transportation, exclusive of shoulder and auxiliary lanes.

Uniform Plumbing Code – The Uniform Plumbing Code adopted by the International Association of Plumbing and Mechanical Officials, current edition as revised by the State of Oregon, called the “Oregon Plumbing Specialty Code.”

1.08 ENGINEERING POLICY

The engineering policy of the City of Oregon City requires strict compliance with Oregon Revised Statute 672 for professional engineers.

All engineering plans, reports, or documents shall be prepared by a registered professional Civil Engineer licensed in the state of Oregon.

These documents may also be prepared by a subordinate employee under his/her direction, and shall be signed by him/her and stamped with his/her seal to indicate his/her responsibility for them. It shall be the Consulting Engineer’s responsibility to review any proposed system, extension, and/or existing system change with the City, before engineering or proposed design work, to determine any special requirements or whether the proposal is permissible. A City approval granted on the plans or other documents, for any job, does not in any way relieve the Consulting Engineer of his/her responsibility to meet all requirements of the City. A City approval also does not relieve the Consulting Engineer of his/her obligation to protect the life, health, and property of the public. The plan for any job shall be revised or supplemented at any time it is determined that the full requirements of the City have not been met.

The City will warn a Consulting Engineer in writing of their conduct for submitting false or inaccurate information of a material nature. The City will also advise the Oregon State Board of Engineering Examiners.

1.09 APPROVAL OF ALTERNATE MATERIALS OR METHODS

Any alternate material or method not explicitly approved herein will be considered for approval on the basis of the objectives set forth in 1.00 PURPOSE. Persons seeking such approvals shall make the request in writing. Approval of any major deviation from these Standards will be in written form. Approval of minor matters will be made in writing if requested.

Any alternate must meet or exceed the minimum requirements set in these Standards.

The written request is to include, but is not limited to, the manufacturer's specifications and testing results, design drawings, calculations, and other pertinent information.

Any deviations or special problems shall be reviewed on a case-by-case basis and approved by the City Engineer. When requested by the City, full design calculations shall be submitted for review with the request for approval.

1.10 ISSUANCE OF BUILDING PERMITS

Sewer improvements as well as all other public infrastructure improvements are required to be completed and be accepted by the City before any building permits for connection to new single-family residential dwellings can be issued.

Building permits may be issued for commercial, industrial, and multi-family projects once city engineering approval has been provided for the plans.

Occupancy may not be granted to a building until all improvements are complete to the satisfaction of the City Engineer and Building Official.

1.11 TRANSFER OF ENGINEERING RESPONSIBILITY

Project sewer plans shall always have an engineer of record performing the function of Consulting Engineer. If the Consulting Engineer is changed during the course of the work, the City shall be notified in writing and the work shall be stopped until the replacement engineer has agreed to accept the responsibilities of the Consulting Engineer.

The new Consulting Engineer shall provide written notice of accepting project responsibility to the City within seventy-two hours of accepting the position as Consulting Engineer.

SECTION II – DESIGN

2.00 GENERAL DESIGN CONSIDERATIONS

Design shall comply with Oregon Department of Environmental Quality (DEQ) Sewer design guidelines.

Sanitary sewers shall be designed to remove the domestic sewage and industrial wastes from basements of houses, commercial or industrial buildings, and all public and private establishments where possible.

No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or ground water to a public sanitary sewer.

Stormwater, including street, roof, or footing drainage, shall not be discharged into the sanitary sewer system, but shall be removed by a system of storm drains or by some other method separate from the sanitary sewer system.

Unpolluted cooling waters shall be kept out of sanitary sewers.

The overflow drains and filter backwash lines of swimming pools and "hot tubs" shall drain into a sanitary sewer.

In general, sewer systems shall be designed to care for future loads and for ultimate development as predicted in the City's Sanitary Sewer Master Plan.

As a condition of sewer service, all developments will be required to provide public sewers to adjacent upstream parcels in order to provide for an orderly development of the drainage area. This shall include the extension of sewer mains in easements across the property to adjoining properties and across the street frontage of the property to adjoining properties when the main is located in the street right-of-way. This shall include trunk sewers that are oversized to provide capacity for upstream development.

All materials shall be new and undamaged. No rebuilt, reconditioned, or used material will be allowed unless approved by the City Engineer. The same manufacturer of each item shall be used throughout the project.

All work and materials shall conform to the most recent edition of the ODOT/APWA Oregon Standard Specifications for Public Works Construction as adopted and modified by the City of Oregon City.

2.01 SANITARY SEWER SYSTEM CAPACITY (SANITARY SEWER MASTER PLAN)

The City Sanitary Sewer Master Plan encompasses the City's sewer needs within the City's Urban Growth Boundary. The Master Plan analyzes the City's trunk sewers making recommendations for upgrades and extensions to handle future growth and ultimate development within the existing Urban Growth Boundary. In the process, flow design criteria were established and a flow generation computer model was developed.

When required by the City, the Consulting Engineer shall prove to the City that all necessary methods of determining present and future capacity of the sanitary sewer have been considered.

The Consulting Engineer may also need to verify that capacity exists within the Tri-City Service District.

When required, the following shall be included in the design calculations:

- A. DRAINAGE BASIN – A map showing the drainage basin in which the project is located may be required. This map should show the major basins that are consistent with the City's Sanitary Sewer Master Plan, and any applicable amendments and updates thereto.
- B. POPULATION DENSITY – The population density figures shall be obtained from the most recent information obtained for use by the zoning or planning department. If these figures vary from those of the applicable Master Plan estimates, this difference must be noted in the design calculation.
- C. PER CAPITA AVERAGE FLOWS – The per capita average flows used in the Master Plan shall be used.
- D. FLOW VARIATIONS AND PEAKING FACTOR – Accepted flow design practice must be employed. A factor must be used, and the method utilized to obtain such factor must coincide with the method used in the Master Plan described above.
- E. INFILTRATION AND INFLOW – Infiltration and inflow (I&I) must be represented in flow calculations in the design of the sanitary system. I&I rates utilized in the Sanitary Sewer Master Plan shall be used.
- F. SEWAGE FLOWS – Sewage flows must reflect any reasonably anticipated increase due to the development of the drainage basin upstream from the project being considered.
- G. DESIGN CAPACITY – Design capacity of main and trunk sewers shall be designated on the following basis:

1. Main Sewers – Design capacity shall be based on sewers flowing two-thirds (2/3) full.
2. Trunk Sewers – Design shall be based on sewers flowing full, without head.

2.02 SANITARY SEWER CONSTRUCTION PLANS

- A. GENERAL – Complete plans and specifications for all proposed sanitary sewer improvements including any necessary dedications and easements shall be submitted to the Public Works Department, for approval, and must receive the required approval prior to construction permit issuance and beginning of construction. See Section 2.06 for required submittal information.

Plans shall also be submitted for review and approval to Department of Environmental Quality when appropriate.

Improvements shall be constructed as shown on the plans and in accordance with these Standards and Standard Drawings. Equipment and materials shall be installed in compliance with the manufacturer's recommendations, except where a higher quality of workmanship is required by the Plan Specifications and these Standards.

All materials and work shall be in strict accordance with any applicable regulations and requirements of Federal, State, and local authorities. The contractor may be required to arrange for inspection by these agencies and submit evidence of their approval, when required or requested by the Public Works Department.

Take care to prevent damage to pipe, appurtenances, and other materials and equipment during transportation, unloading, and final placement for installation. Under no circumstances shall materials be dropped or dumped into the trench.

All damaged materials and equipment during construction shall be replaced or repaired to the satisfaction of the Public Works Department.

The contractor shall maintain safe working conditions for employees, City staff, and the general public in and around trench excavations. Precautions shall be taken to avoid damage to franchise utilities, adjacent properties, existing sewer infrastructure, and public or private landscapes/hardscapes. If any underground utilities are damaged, report damage to Public Works Operations Department immediately.

- B. PLAN PREPARATION – Construction plans and specifications shall be prepared by a professional civil engineer licensed in the State of Oregon. Plans and specifications shall be prepared in accordance with the following requirements:
1. Dimensions – Construction plans shall be clearly and legibly drawn on 24 x 36 inches with a 1-½ inch clear margin on the left side and one inch (1") margins on all other sides unless another format is approved by the City Engineer.
 2. Scale – Horizontal scale shall be not smaller than 1" = 50'; vertical scale shall be not smaller than 1" = 5' or as approved by the City Engineer. 1" = 20' shall be required when more detail is needed.
 3. Form – Title Sheet, Overall Utility Plan, Erosion/Sedimentation Control Plan, Grading Plan (if applicable), Plan and Profiles, and Details.

The sewer can be combined with the water plan if the sewer plans are part of a subdivision, commercial development, or City project where other public facilities are involved (water, storm, streets). However, the Consulting Engineer must ensure that the notes for the sanitary sewer and water are drafted to distinguish a definite difference between the water and sanitary. For example: surround all water notes with a cloud symbol and all sewer notes with a box symbol.

2.03 TITLE SHEET

- A. Plan view (site plan) of the entire project, showing street right-of-way and/or subdivision layout to a scale of 1" = 100'. A smaller scale may be used on large projects upon approval of the City Engineer. A project is too large when a minimum dimension of two inches (2") cannot be maintained between the title, system site plan, and vicinity map. A scale of 1" = 200' may be used in this case.

The site plan shall be a composite plan showing all complete properties to be served by the sanitary sewer improvements and properties adjacent to and within 250 feet of those served. The site plan shall also show existing and proposed water lines, tract names and numbers, and lot numbers or property owner's names and street names.

- B. Index of Sheets, including a graphical index if more than one (1) plan sheet.
- C. Complete legend of symbols used.
- D. Vicinity map to a scale of not less than 1" = 800' showing the project location unless another scale is approved by the City Engineer.

- E. Engineer Title Block – Located in lower right-hand corner or right edge of paper with scale, north arrow, date, drawing number, the engineer's name, address and official stamp, and where applicable, the owner/developer's name and address as determined by current standards maintained by the City Engineer.
- F. Space for City approval stamp, 3"x3", preferably in the lower right-hand corner (to be provided on each sheet of the plan set) as determined by current standards maintained by the City Engineer.
- G. Temporary and permanent benchmarks including their descriptions. See comments under profiles.
- H. Current City Standard Construction Notes and other special notes relating to construction methods, or include the City Standard Construction Notes in the Contract Documents with a note on the drawings so indicating.
- I. City Planning File No. or City Capital Improvement Project No.
- J. City G.P.S. Control (see Sec. 2.18 As-Built Drawings/Digital Mapping Requirements).

NOTE: If all of the above items cannot be located on the title sheet, a different location within the plans may be used upon approval by the City Engineer.

2.04 PLAN AND PROFILES

- A. PLAN – Plan view of sanitary sewer lines shall be to a scale of 1" = 50' unless a different scale is approved by the City Engineer and shall contain the following information in addition to the above:
 - 1. Adjacent street curbs/pavement edge and property lines, right-of-way and utility easements referenced to property corners, street intersections, or section lines. Adequate two-foot (2') contour lines or property corner and curb elevations to help determine if existing basements or proposed daylight basements in new subdivisions can or should be served.
 - 2. Location of each manhole and sewer appurtenance shall be numbered and stationed to facilitate checking the plans with the profiles. The stationing shall be tied to existing property corners or street monuments with the relationship of each manhole and cleanout shown to the property corners or street centerline.

Each line with a separate designation (A 0+00. B 0+00. etc.) shall be stationed continuously upgrade from 0+00 at its point of connection to

another line (0+00 represents the centerline of the existing manhole or existing plug or cleanout if a main extension).

3. Location of each service wye or tee stationed with the size, length, and depth at property line indicated.
4. Location of existing water courses, geologic hazards, stream and railroad crossings, gas mains, culverts, water main, storm drains, underground and overhead power and other utilities (including but not limited to gas, electric, telephone, cable, fiber) that cross the alignment within 500 feet of the proposed extension in order to prevent future grade conflicts. All water course crossings must show the 100-year flood plain. This information may be shown on the site plan.
5. Location of wells, water main valves, pump stations, fire hydrants and blow-offs within a 100-foot radius of the proposed extension.
6. All manholes, water mains, services, gas mains, underground power, and other utilities that either cross the alignment within 250 feet of the terminus of the proposed extension or are adjacent to the proposed extension within the right-of-way or within ten feet (10') of the easement line. The intent is to prevent grade conflicts of all future extensions.
7. Location of other proposed public improvements (including but not limited to sanitary sewer, storm sewer, curbs, traffic signals, street lighting, street signage).
8. Location of existing private facilities (including but not limited to driveways, retaining walls, mailboxes, trees).
9. Location and description of all known existing surveying monuments, including, but not limited to, section corners, quarter corners, donation land claim corners, and City Control Survey monuments. Any monuments removed or destroyed by construction shall be replaced per ORS 209.150. If a boundary control survey or plat is prepared in conjunction with the construction plans, a copy shall be submitted with the construction plans for review. See Section 2.18 As-Built/Digital Mapping Requirements.
10. Match lines with sheet number references.

- B. PROFILES – Profiles for the individual sanitary sewer lines shall be to the same horizontal scale and preferably on the same sheet, drawn immediately below the corresponding plan view to a vertical scale that will provide a 10 to 1 distortion (Example: Horizontal 1" = 50', Vertical 1" = 5' (or as approved) reading from 0+00 left to right. However, if spatial and clarity needs are met better by having plan and profiles on separate sheets, they may be on separate sheets. Other scales are

acceptable if approved by the City Engineer. Profiles shall contain at least the following information in addition to the above:

1. Location of manholes and other appurtenances with each manhole numbered and stationed as in item A-2 above.
2. Profile of the existing and proposed ground and/or pavement surface and sewer invert.
3. Size, slope, length, backfill classification, and type of material of the line between consecutive manholes. Type of pipe may be designated by abbreviations listed under Section 2.07.
4. Elevation of original ground, finished grade, proposed rim elevation, and sewer inverts at each manhole (Mean Sea Level Datum, U.S.G.S.).

The benchmark used as a basis for vertical control in the design and temporary benchmarks set for construction shall be shown on the plans.

Profiles shall be based on one of the following benchmark systems:

- a. City of Oregon City,
 - b. ODOT, or
 - c. U.S. Geodetic Survey.
5. Railroad and culvert crossings, geologic hazard areas, ditch, or stream crossings with elevations of the ditch or stream bed and the 100-year flood elevation profile and casing details. See Section 2.13 (b) and 2.13 (c) for additional plan requirements.
 6. Utility crossings that conflict with the proposed sewer installation.
 7. All existing facilities upon which work is to be performed, i.e., installation, repair, or removal.

SPECIAL NOTE: If practicable, the Consulting Engineer shall field locate and verify the alignment, depth, and inverts of all existing facilities shown on the plans that will be crossed by proposed facilities. City as-built records are only to be used as an aid to the Consulting Engineer when field verifying the existing facilities.

2.05 SANITARY SEWER APPURTENANCES/CONSTRUCTION NOTES

- A. APPURTENANCES – Detailed drawings shall be included for all sanitary sewer appurtenances including manholes, pump stations, siphons, outfall bulkheads, stormwater diversion, etc. Appropriate references to City of Oregon City Standard Drawings may be used in lieu of details actually shown on the plans.
- B. CONSTRUCTION NOTES – Standard City General Construction Notes and Sanitary Sewer Notes shall be included on the plans, or a statement referencing the City's Standard Construction Notes. These notes may be added to or revised, upon City Engineer approval, to accommodate specific projects.

2.06 PLAN SUBMITTAL, APPROVALS, INSPECTION REQUIREMENTS

Construction plans shall be submitted to the Public Works Department for checking to ensure compliance with these Standards, City of Oregon City Ordinances, and good engineering practice. Submitted plans shall include the following:

- A. Engineer's Preliminary Cost Estimate (or Opinion of Probable Cost);
- B. Engineering Review Checklist checked by Consulting Engineer; and
- C. A tie to the City horizontal control system. Survey ties to include monuments tied and closure results.

Submitted plans shall also include (if applicable) the following:

- A. Supplemental specifications;
- B. Soils report and design recommendations;
- C. Geotechnical report and design recommendations;
- D. Natural Resource report and design recommendations;
- E. Easement and right-of-way descriptions and sketches;
- F. A tie to the City benchmark systems, including closure results;
- G. Boundary control survey;
- H. Final plat; and
- I. Other material as requested by the City Engineer.

A 2½ percent plan check fee (or currently established fee – fee is a percentage of an approved engineer's cost estimate), will be levied at the time plans are submitted to the Engineering Division of the Development Services Department. Plans will not be checked until fee is paid.

Once the plans are approved and construction permit issued, the Consulting Engineer for private development projects shall be responsible for providing inspection and surveying services necessary to stake and construct the project. The Consulting Engineer shall prepare the as-built drawings when the project is complete.

The Consulting Engineer preparing the plans for a privately funded public improvement project shall execute a "City of Oregon City, Developer/Engineer Agreement for Public Works Improvements." This agreement provides for the following services from the Consulting Engineer:

- A. Perform surveying sufficient to prepare construction plans.
- B. Prepare construction plans and specifications, and obtain approvals.
- C. Attend a preconstruction meeting.
- D. Perform construction staking and inspection.

If the Consulting Engineer is not furnishing all of the above services, the specific arrangements (i.e., subcontracting) must be supplied to the City. The name, address, and telephone number of Consulting Engineer, surveyor, and contact person shall be included.

Should the services of the Consulting Engineer be terminated or curtailed below the specified tasks, he/she shall correspond with the City so indicating.

The Consulting Engineer doing inspection for a privately funded public improvement project shall follow the City's "Minimum Guidelines for Inspection/Observation of Public Works Construction" or similar policy.

It shall be the policy of the City of Oregon City to provide spot check only inspection services for non-public funded public improvements. A 2½ percent inspection fee, (or currently established fee – fee is a percentage of an approved engineer's cost estimate) will be collected at the time the plans are approved. This inspection fee is in addition to the plan check fee. A permit is issued for construction when the following items are provided:

- A. Approved Engineering Plan;
- B. Engineer's Final Cost Estimate (or Opinion of Probable Cost);
- C. Accepted Geotechnical Report (if required);
- D. Accepted Natural Resource Plan (if required);
- E. Performance Bond;
- F. Developer/Engineer Agreement;
- G. Erosion Control Permit (if required);
- H. Permits from other jurisdiction if working in their right-of-way;
- I. Approval from State of Oregon Health Division (if City does not continue its program to approve plans on behalf of the State); and
- J. Any other permits required from any other agencies having jurisdiction on the project.

A project becomes accepted by the City when construction is complete and the following have been completed or obtained:

- A. Two-Year Maintenance Bond;
- B. Consulting Engineer's Certificate of Completion;

- C. Completed Punchlist; and
- D. Recorded Subdivision or Easement Document (when required).

A sewer main becomes owned, operated, and maintained by the City once the maintenance period is over and any deficiencies have been corrected.

2.07 SANITARY SEWER MASTER PLAN REQUIREMENTS

The City uses the current adopted Sanitary Sewer Master Plan to recommend improvements to the existing and future distribution system. These recommendations shall be included in the design; however, they may be modified based on updating of the Master Plan or updated computer model runs for specific design requirements.

2.08 PIPE MATERIAL

Pipe materials shall conform to the current edition of "Standard Specifications for Public Works Construction" by APWA as adopted and modified by the City.

All public sanitary sewers shall be constructed with PVC 3034 DR 35 pipe. Where required for added strength, Class 50 Ductile Iron pipe shall be used. C900 pipe may be used in place of ductile iron pipe.

Concrete pipe may not be used on mainline and lateral sewers due to high infiltration problems caused by Oregon City's high groundwater. Concrete pipe which is not centrifugally cast has numerous pinholes which add to the infiltration problem. Tests have shown that infiltration is also directly related to the number of joints in the line installed.

High Density Polyethylene (HDPE) Pipe may be used for pipe bursting only. Pipe bursting requires the approval of the City Engineer or Assistant Public Works Director.

Cured in Place Pipe (CIPP) may be used on a case by case basis with approval of the City Engineer or Assistant Public Works Director. The exact material specification shall be provided by the manufacturer and approved by the City Engineer prior to its use.

All other material pipes shown in the table below are provided due to those material types potentially existing within the field. Other materials shall only be used for point repairs and not new sewers.

Design engineers are encouraged to specify pipe materials that have a long length between joints and which are not porous in nature.

The type of acceptable sewer pipe shall be called out in the Construction Notes or on the plans.

Acceptable abbreviations for existing and proposed types of pipe are as follows:

Abbreviations	Pipe Type
ABS	Acrylonitrile Butadiene Styrene
AC	Asbestos Cement
<u>CIPP</u>	<u>Cured in Place Pipe</u>
CI	Cast Iron
DI	Ductile Iron
<u>HDPE</u>	<u>High Density Polyethylene</u>
PVC	Poly-Vinyl Chloride
VC	Vitrified Clay
NRCP	Non-reinforced Concrete Pipe
RCP	Reinforced Concrete Pipe

A. US Made Products

All materials shall be made in the United States of America unless approved by the City Engineer. Exceptions to US Made may only be approved by the City Engineer if the product is not available in the USA or if the City Engineer determines that the lead time required will negatively affect the general public.

B. Minimum Pipe Cover

MINIMUM PIPE COVER

Type of Pipe	Paved Areas (inches)	Unpaved Areas (inches)
Other Approved Pipe	48	36
RCP Class III	30	18
RCP Class IV	24	12
RCP Class V	18	6
AWWA C900	24	12
AWWA C905	24	12
Ductile Iron*	18	6

*18" is preferred. 6" of cover may be used if approved by the City Engineer.

2.09 PIPE SIZE

Sewer mains (public sewers) shall not be less than eight inches (8") inside diameter, except that for short non-extendable sections up to 250 feet in length, the minimum diameter may be reduced to six inches (6") per the Oregon Administrative Rule, Chapter 340, Div. 52, APPENDIX "A." Sewers shall be sized to handle the ultimate flows as determined in the Sewer Master Plan.

Sewer mains (public sewers) shall begin at a manhole and shall terminate at a manhole except that a cleanout may be used at the upper end of a sewer that will be extended on the same grade and alignment during the next construction phase.

2.10 MINIMUM/MAXIMUM SLOPES

- A. MINIMUM SLOPE – All sanitary sewers shall be laid on a slope which will produce a mean velocity, when flowing full, of at least two feet (2') per second, which is based upon Manning's pipe friction formula using a roughness coefficient valued at not less than 0.013, or the pipe manufacturer's recommendations, whichever is greater. The minimum acceptable slope for various pipe sizes with an "n" value of 0.013 are listed below:

MINIMUM SLOPE

Inside Pipe Diameter (inches)	Slope (feet per 100 feet)
6	0.60 (preferably 1.00)
8	0.40 (preferably 0.75)
10	0.30
12	0.22
15	0.15
18	0.12
21	0.10
24	0.09
27 (and larger)	0.08

The preferable slope shall be used in all cases unless an exception is approved by the City Engineer.

In general, slopes greater than those shown above are desirable and are particularly recommended on the upper ends of sewers. The preferable slope shown shall be used in all cases without exception for the last 400 feet of non-extendable sewers.

In theory, new PVC sewers have a manufacturer's "n" value of 0.009. However, sand and grit, as well as slime, build up on the pipe walls which renders a true "n" value with time of 0.013. Hence, an "n" value of less than 0.013 will not be considered for approval.

Engineers shall not specify sewers of sizes which are obviously larger than is necessary for satisfactory carrying capacity, but which are specified in order to meet grade requirements, i.e., a ten inch (10") pipe for an eight inch (8") pipe to acquire a decrease in slope.

- B. MAXIMUM SLOPES – Grades (slopes) shall be determined to the center of the manhole. The average between any inlet slope S_i and outlet Slope S_o across the manhole shall not exceed 0.25 foot per foot, or 25%.

$$\frac{S_i + S_o}{2} = \text{less than } 0.25$$

The intent is to prevent the difference in pipe inverts at the manhole wall on steep sewers from exceeding one foot (1'), which with the offset permitted in 2.10 d, renders it impossible to insert a TV camera into the outfall line if the average slope exceeds 0.25 or 25%. Application is to sewers with a slope in excess of 19 percent.

2.11 ELEVATION OFFSET AT MANHOLES

Standards for elevation differences at manholes have been established to compensate for normal energy losses and to prevent surcharging of a sewer by a larger sewer. For purposes of slope calculation and for establishing elevation differences, the elevations are given at the intersection of the sewer centerlines (usually the center of the manhole). The rules for elevation differences at manholes are as follows:

- A. The crowns of incoming sewers shall be at least as high as the crown of the outgoing sewer. This is assuming all incoming lines are equal to or smaller than outgoing lines. At a minimum, a 0.2 foot drop across the manhole is required.
- B. If the deflection angle of the sewer alignment at a manhole is less than 45°, the invert elevation difference shall be at least 0.20 foot.
- C. If the deflection angle of the sewer alignment at a manhole is 45° or greater, the invert elevation difference shall be 0.20.
- D. If there is a grade conflict with an existing utility, the maximum offset may be one foot (1') if approved.
- E. The slope of a sewer within a manhole shall be no less than the slope of the same sewer outside of the manhole.
- F. See Section 2.16-D, Drop Manholes.
- G. All connections must enter the manhole through a channel in the base. This includes drop connections, lateral sewer where allowed, and connections to existing manholes.

Where conditions make compliance with these standards impractical, exceptions will be permitted. It will be necessary; however, for the designer to provide a complete analysis of the need for such designs.

2.12 ANCHOR WALLS AND HIGH VELOCITY REQUIREMENTS

Sewers on slopes of twenty percent (20%) or more shall be secured by anchor walls in accordance with the City's Anchor Wall Standard Details. Spacing for anchors shall be per the City's Standard Detail.

Where velocities greater than fifteen feet (15') per second are attained, the pipe material shall be ductile iron and special provision shall be made to protect manholes against erosion and displacement by shock. This may be accomplished by installing additional manholes to decrease the slope or to split a large horizontal direction change into smaller incremental changes.

2.13 MINIMUM DEPTH

All sanitary sewer mains shall be laid at a depth sufficient to drain building sewers, to protect against damage by frost or traffic, and to drain basement sewers where practical. Sufficient depth shall mean the minimum cover from the top of the pipe to finish grade at the sewer alignment.

Under normal conditions, sanitary sewer mains in residential areas shall be placed in the street with the following minimum cover:

- A. Lateral Sewer – Four feet (4')
- B. Main and Trunk Sewer
 - 1. In the roadway - Eight feet (8')
 - 2. In easements - Six feet (6')

The City Engineer may approve a shallower depth if unique situations exist and where there is sufficient evidence that the sewer pipe material proposed will be structurally acceptable. Where the topography is relatively flat and existing sewers are shallow (five feet (5') or less), the minimum cover may be three feet (3'). Less than fourthree feet (43') of cover will require the installation of ductile iron pipe or approved equal. See Table 2.1 below for class of pipe required.

In new residential hillside subdivisions, mainline and lateral sewers shall be placed in the street at a depth sufficient to drain building sewers on the low side of the street (three feet (3') plus 2 percent grade to building site).

Deviation from the above standards will be considered on a case-by-case basis when one (1) of the following circumstances exist:

- A. Underlying rock strata – required: A request in writing to the City Engineer together with submission of a soils report with a plan and profile certifying that bed rock exists three feet (3') below the undisturbed ground surface at all investigated alignments is required.
- B. A ditch or stream must be crossed – required: A plan and profile; horizontal scale 1" = 20', vertical scale 1" = 2' is required.

TABLE NO. 2.1
PIPE CLASS REQUIREMENT
 (Sewer less than 3' of Cover)

PIPE SIZE (inches)	DEPTH OF COVER (feet)	IN FILLS – USE D. I. class*	TRENCH – Use D. I. class*
4	0.5	51	51
	1.0	51	51
	1.5	51	51
	2.0	51	51
6	0.5	53	50
	1.0	51	50
	1.5	50	50
	2.0	50	50
8	0.5	54	50
	1.0	52	50
	1.5	50	50
	2.0	50	50

*C900 may be used as an alternative in place of Ductile Iron Pipe (D.I.)

2.14 LOCATION

- A. RELATION TO WATER LINES AND OTHER UTILITIES – No sanitary sewer shall be less than fifty feet (50') from any well, spring, or other source of domestic water supply unless approved by the City Engineer. All sanitary sewers or parts thereof which are located within fifty feet (50') from any such source of domestic water supply shall be constructed of ductile iron water pipe with watertight joints, or by other DEQ approved pipe.

Sanitary sewers and domestic water lines shall not be laid in the same trench. Parallel water and sewer lines shall be located at least ten feet (10') apart horizontally where there is less than 18 inches of vertical clearance between the water and sewer lines. In all instances, in this section and the following sections, distances are measured edge to edge. When physical conditions render this spacing impossible or impractical, then ductile iron water pipe with watertight joints will be required for the sewer line, Construction Standards, as outlined per the Oregon Administrative Rule Chapter 333-61-050, shall be followed.

Wherever it is necessary for sewer and water lines to cross, the crossing should be at an angle of approximately 90 degrees and the sewer shall either be located 18 inches or more below the water line or be constructed of ductile iron water pipe with watertight joints for a distance of nine feet (9') from both sides of the water line.

When a sanitary sewer line is crossing less than 12 inches below a storm drain line which is 12 inches or greater in diameter, the sewer line must be constructed with ductile iron pipe for the structural integrity of the sanitary sewer line. The intent is to prevent broken or deformed sanitary sewer lines installed with storm drains in close proximity.

Where sanitary main or trunk sewers are being designed for installation parallel to other utility pipe or conduit lines, the vertical location shall be in such a manner that will permit future side connections of main or lateral sewers and avoid conflicts with parallel utilities without abrupt changes in vertical slope of the main, lateral side, or building sewers.

- B. SEWERS IN STREETS OR EASEMENTS – Under normal conditions, sewers shall be located in the street right-of-way five feet (5') from the street centerline on the North and West side of the street, unless there is an advantage to locating it on the low side of the street.

If streets have curved alignments, the center of the manhole shall be not less than six feet (6') from the curb face on the West side of the curve nor the sewer centerline less than ten feet (10') from the curb face on the East of the curve. The intent is to prevent a conflict with new storm drain and water lines while still providing for the least number of manholes required to traverse a curve, and prevent a conflict with survey monuments required by Oregon City Code.

Sewers in easements will be allowed only after all reasonable attempts to place the mains in the right-of-way have been exhausted. Provisions shall be made for vehicular access to manholes and services for preventive maintenance and emergency service.

When it is necessary to locate sewers in easements, the sewer shall be centered in the easement and the conditions of the easement shall be such that the easement shall not be used for any purpose which would interfere with the unrestricted use for

sewer main purposes. Under no circumstances shall a building or structure, tree or fence, be placed over a sanitary sewer main or within a sewer easement.

Sewers laid in easements along property lines, with easement's center on the property line, shall have the sewer and the easement centerline offset thirty inches (30") from the property line.

Easements for sewers less than 15 inches in diameter shall have a minimum width of fifteen feet (15'). Sewers greater than 15 inches in diameter shall have a minimum easement width of twenty feet (20'). Deviations from these minimum widths shall be subject to approval of the City Engineer,

Easement locations for public sewer mains serving a Planned Development, apartment complex, or commercial/industrial development shall be located in parking lots, private drives, or similar open areas which will permit an unobstructed vehicle access for maintenance by City forces.

Sewers with more than six feet (6') of cover and/or inside diameters 24 inches or greater will require wider easements. A slope of one (1) horizontal to one (1) vertical from the sewer invert to ground surface will be used in determining easement width. Easement widths shall vary from the fifteen-foot (15') minimum by five foot (5') increments (i.e., 15, 20, feet), etc.

Common placement in the easement of sewer and storm drain line may be allowed under certain conditions subject to approval by the City Engineer. Common easements will be reviewed on a case-by-case basis. Separation of utilities must also meet Oregon State Department of Environmental Quality (DEQ) requirements.

All easements must be furnished to the City for review and approval prior to acceptance by the City Commission and recording. Standard City utility easement document forms and guidelines for preparation of descriptions and sketches shall be used.

- C. RELATION TO STREAMS AND DRAINAGE CHANNELS – Generally, the top of all sanitary sewers entering, crossing, or adjacent to streams shall be at a sufficient depth below the natural bottom of the stream bed to protect the sewer line. One foot (1') of cover is required where the sewer is in rock, three feet (3') of cover is required in other materials. In paved channels, the top of the sewer line shall be placed at least six inches (6") below finish grade of the bottom of the channel. Sewers located along streams shall be located outside of the stream bed and sufficiently removed therefrom to provide for future possible stream channel widening. All manhole covers shall be leakproof per City Standard Details at or below the 100-year flood elevation.

Sewers crossing streams or drainage channels shall be designed to cross the stream as nearly perpendicular to the stream channel as possible.

Pipe material shall be ductile iron Class 50 or C900 with an 18-foot length of pipe centered on the stream or drainage channel centerline. The ductile iron pipe shall extend to a point where a one-to-one slope, that begins at the top of the bank and slopes down from the bank away from the channel centerline, intersects the top of the pipe.

All crossings of streams and drainage channels shall include a geotechnical report addressing design, scour, velocity, erosion, protective measures, etc.

2.15 ALIGNMENT

Sewer lines shall be laid on a straight alignment and uniform slope between consecutive manholes. The line and grade may not vary by more than 1/32 inch per inch of pipe diameter. Variance shall not exceed ½ inch unless approved by the City Engineer.

Horizontal and vertical curves in sanitary sewers are not permitted.

See related comments under Location, Section 2.14.

2.16 MANHOLES AND CLEANOUTS

- A. CLEANOUTS – Cleanouts will not be approved as substitutes for manholes, except at the upper end of main sewers that will be extended on the same grade and alignment during the next construction phase. All cleanouts will be considered in a case-by-case basis and approved by the City Engineer.
- B. MANHOLE TAPS – When an existing manhole is tapped to install a new sewer main or lateral, the new sewer shall enter the manhole with the invert a minimum 0.25 feet below the floor elevation (or shelf) of the manhole and a channel shall be formed in the floor of the manhole to the invert of the existing sewer.
- C. MANHOLES – Manholes shall be placed at the following locations:
 - 1. Every change in grade (grade break) or alignment of a sewer.
 - 2. Every point of change in size or abrupt invert elevation (drop) change of a sewer.
 - 3. Each intersection or junction of a sewer.
 - 4. Upper end of all main sewers, except as provided in (a) above.
 - a. Adjacent to the radius point of a cul-de-sac.

- b. In front of the last property or lot being served, ten feet (10') past the common lot line of the adjoining parcel served.
- 5. At intervals of 400 feet or less. Deviation from this requirement will be reviewed on the basis of whether or not flushing and cleaning equipment can adequately service the sewer line.
- 6. At any point where a service lateral or private sewer of eight inches (8") or larger intersects a sewer main.

Manholes shall not be located in the curb or in the gutter. Placement of manholes behind the curb shall be reviewed on a case-by-case basis for approval. Consideration shall be given to those sewers which already exist behind the curb. Also see Section 2.14-B, Location, Sewer in Streets or Easements.

Two (2) manholes shall be installed when the horizontal deflection angle between tangents on a sewer main exceeds 105° for a new line connecting into an existing main. Spacing of such manholes shall be a minimum of ten feet (10') outside to outside. The intent is to prevent a new sewer connection from discharging into an existing sewer opposing the existing flow.

Where practical, manholes shall be located at street intersections. All manholes from which future sewer line extensions are anticipated shall have a pipe stub planned and installed at the grade and direction of the anticipated sewer main extension. Pipe stubs shall be a minimum of eight inches (8") in size and shall protrude at least two feet (2') outside of the manhole base and plugged with a permanent watertight gasketed cap or plug securely fastened or blocked to withstand test pressures.

Risers shall be used to bring casting to grade. Combined riser sections shall not exceed twelve inches (12") in height between cone and casting.

D. DROP MANHOLES – Drop manholes shall only be used in extreme cases of slope difference between existing and proposed sewer lines or when very special conditions exist such as a conflict with existing facilities which cannot be relocated. Public Works Department review of the plans and written approval of the City Engineer is required.

Outside drop assemblies ~~may~~ shall be provided for pipelines 12 inches in diameter and ~~larger~~ smaller when entering a manhole at a distance of more than 24 inches above the invert of the outlet line. The vertical displacement shall be measured at the inside manhole walls and not the manhole centerline. ~~Larger pipelines shall be introduced into the manhole at the manhole invert.~~ See Section 2.11, Elevation Offset at Manholes.

Inside drop assemblies may be provided for pipelines 10 inches in diameter and smaller when entering a manhole at a distance of more than 24 inches above the invert of the outlet line. The vertical displacement shall be measured at the inside manhole walls and not the manhole centerline.

In the event a drop assembly is proposed that is different from the standards, the City Engineer may approve it, on a case by case basis, if the manhole and piping configuration is provided and is sufficient for operation and maintenance and if the City Engineer believes no other method can be used.

All drop assemblies, when used, shall use materials which are not subject to corrosion. Stainless steel shall be the preferred material unless an alternative is proposed that is approved by the City Engineer or Assistant Public Works Director.

Only one drop is allowed per manhole.

~~Drop manholes shall only be used in extreme cases of slope difference between existing and proposed sewer lines or when very special conditions exist such as a conflict with existing facilities which cannot be relocated. It shall take the written approval of the City Engineer after review of the plans by the Public Works Department.~~

- E. DROP ACROSS THE STRUCTURE – See Section 2.11, Elevation Offset at Manholes.
- F. MONITORING MANHOLE – A monitoring manhole shall be required at the property line upstream from the manhole connection of the City sewer main for non-residential applications (see Water Environment Services Non-residential questionnaire) as may be required by Tri-City Service District (Water Environment Services), Clackamas County.
- G. CONNECTION TO EXISTING MANHOLES – When a project is connecting to existing manholes or sewer extensions, the existing manhole shall be rehabilitated in its entirety as specified by the City.
- H. MISCELLANEOUS – Where manhole rims are two feet (2') or greater above grade of finished ground, the manhole lid shall be made of aluminum.

2.17 LATERAL SEWER SERVICE & PRIVATE COLLECTOR SYSTEMS

- A. LATERAL SEWER – See definition for lateral sewer under Section 1.07.

Each individual building site shall be connected by a separate private building sewer service line connected to the public sewer. Combined building sewer lines will be permitted only when the property cannot legally be further divided. An

example of this is a residential lot with a house and an unattached garage or shop with plumbing facilities.

The minimum inside diameter of a sewer service lateral shall be four inches (4") and shall be equal to or greater than the building sewer diameter. Service laterals to be built to the same construction standards and of the same materials as the sewer mainline.

Service laterals in general shall be placed at 90 degrees to the main sewer line to avoid excessive exposure to other utilities during excavation for construction or maintenance of the service lines. Angles other than 90 degrees may be approved for special conditions such as cul-de-sac lots. Service line connections shall not be made at manholes, except at cul-de-sacs where the sewer main will not be extended. All connections at manholes shall be considered on a case-by-case basis and approved by the City Engineer.

The minimum slope of lateral sewers shall be 2.00 percent (~~2 feet of drop per 100 feet of run~~^{1/4 inch per foot}) except for unusual conditions where a slope of 1.00 percent (~~1 foot of drop per 100 feet of run~~^{1/8 inch per foot}) may be acceptable if approved by the City Engineer~~approved~~. It will be necessary; however, for the designer to provide a complete analysis of the need for any sewer service lateral slope less than 2.00 percent. The maximum slope shall be 100.00 percent (45 degrees or one foot per foot). Deep connection risers (see the Standard Detail for service laterals to deep sewers) or drop connections to manholes must be used where service line slopes would exceed 100 percent.

~~Tees for s~~Service laterals installed at greater than 10% slope (deep laterals), tees shall be installed at 100% slope (1 foot of drop per 1 foot of run) and with 1/16 or 1/8 bends installed to provide proper grade (2% or greater) for service lateral. Service laterals shall be installed to the street right-of-way line or easement line. A watertight plug shall be installed in end of lateral and a 2" x 4" pressure treated wood marker shall be placed at lateral end, from pipe invert to two feet (2') above the ground. 2" x 4" top to be painted white and marked with an "SS" and the depth of the lateral measured from ground to invert of pipe. ~~Curb Sanitary Design Standards 30 June 1993 line to have an "S" stenciled in black paint on face of curb at lateral crossing. The "SS" shall also be stamped on the adjacent curb if one exists.~~ A tracer wire (green 18 gauge, insulated copper wire) shall be installed from the mainline to the surface at the 2x4 marker. Omni Ball markers shall be placed above the intersection of the service line and the main line.

Tees shall be located no closer than five feet (5') to manholes ~~or other tees~~. Tees shall be located near the low side of lots. Tees may be located a minimum of 18" apart measured from edge of pipe to edge of pipe. This requirement may be amended for unique situations if approved by the City Engineer.

Lateral connections shall be a minimum of 18" apart on the mainline.

All sanitary sewer service laterals shall have a 2-way cleanout at the right-of-way line per Oregon City Standard Drawings.

- B. BUILDING SEWER – The building sewers are those private sewer lines which connect the building drain to the public service lateral, or the private collection system. Building sewers are installed and maintained by property owners.

Building sewers shall conform to the Oregon Plumbing Specialty Code. No roof, surface, foundation, or stormwater drain lines shall be connected to the public sewers.

Building sewer clean-outs shall be installed at the right-of-way and at 100-foot intervals thereafter per the Oregon Plumbing Specialty Code. Building sewers shall have at least four feet (4') of cover at the property line. Generally, the topography of the property will dictate how deep the building line must be.

Each individual building site shall be connected by a separate building sewer line connected to the public or private collector sewer. Combined building sewers will be permitted only when the property cannot legally be further divided, subject to approval of City Engineer.

The inside diameter of a building sewer shall be a minimum of four inches (4") and shall be equal to or greater than the building plumbing stub diameter. The minimum inside diameter of building sewers to serve multi-family dwellings or commercial buildings shall be six inches (6"). Fixture unit equivalents in accordance with the Oregon Plumbing Specialty Code shall be used to determine the size of the side sewer.

A building sewer serving a single residence may cross one private property provided a private easement is obtained and the route is approved by the City Engineer.

A backwater check valve, as specified in Oregon Plumbing Specialty Code, shall be installed when the lowest floor level of a house to be connected to the public main sewer is below a point which is 12 inches above the top of the nearest upstream manhole or cleanout structure. A gate valve in addition to the required backwater check valve is optional but should be considered for installation for additional protection should the backwater valve fail or become clogged with debris.

- C. PRIVATE COLLECTION SYSTEM – A private collection system is a privately-owned and maintained sewer system installed to serve multi-unit structures on single ownership properties, which cannot legally be further divided, such as apartments, mobile home parks, and schools, or installed in commercial or industrial subdivisions. A single-family residence with an unattached garage or shop with sanitary facilities is exempt.

Private collection system sewers shall conform to the Oregon Plumbing Specialty Code with the following exceptions:

1. Manholes are recommended on lines six inches (6") or larger if there are branches downgradient of six inches (6") or larger that serve more than one (1) structure. The spacing shall be per the Oregon Plumbing Specialty Code (300 feet).
2. Manholes are required if a line has the potential of becoming a public line when phasing of a project is involved.
3. A manhole is required at the connection to the City Sewer Main.
4. The minimum depth for line sizes 6 inches or greater shall be six feet (6') to prevent utility conflicts unless a variance is requested and approved.
5. A monitoring manhole is required at the property line upstream from the manhole connection at the City Sewer Main for non-residential applications (see Water Environment Services Non-residential questionnaire) as may be required by Tri-City Service District (Water Environment Services), Clackamas County.
6. If the grade requirements of the Oregon Plumbing Specialty Code cannot be met, grade standards for public sewers can be used if manholes are provided, and Clackamas County Plumbing Department approves.

The monitoring manhole shall consist of a standard 48" manhole with the inlet pipeline invert placed 0.4 foot above the outlet invert. The inlet pipe shall extend one foot (1') past the manhole wall and shall be cut in half six inches (6") from the outfall end and the top half of the pipe removed. The channel shall be formed from the outfall end to the outlet line in the usual manner.

The intent is to provide a half round section of pipe inside the manhole into which City personnel will place a flow monitoring equipment.

- D. LOCATING BUILDING SEWERS AND PRIVATE COLLECTION SYSTEMS – All building sewers and private collection systems shall have an electrical conductive tracer wire, 18 gauge minimum size, insulated copper, and green sheeting, installed in the trench for the purpose of locating pipe in the future. The tracer wire shall run the length of the installed pipe, with one end located around the mainline or lateral. The other end of the tracer wire shall be of sufficient length for an electrical conductive splice.

2.18 ABANDONING FACILITIES

The Contactor shall seal the open ends of all pipes, etc. that are to be abandoned with an end cap, coupling, or a concrete plug with a thickness equal to the diameter of the pipe which is permanent watertight. The Public Works Department requires that all abandoned piping be severed as close to active piping as practical.

All service lines are required to be abandoned at or near the sewer main. All other parts of the service lines and other appurtenances are to be cut off and removed at 24 inches minimum below finish grade.

Structures (manholes, cleanouts, etc.) shall be removed completely to eliminate conflict with any future utility improvements. Abandonment of structures shall be completed only after piped systems have been properly abandoned.

Abandoned cleanouts in pavement areas shall be cut off 24 inches below grade, removed, gravel filled, and plugged with compacted asphalt. Cleanouts outside of pavement areas shall be cut off 24 inches below grade, removed, and filled with native backfill.

The Public Works Department has first claim to any removed or abandoned sanitary materials. The Contractor shall dispose of all unwanted materials in an approved manner.

2.19 PIPE BEDDING AND TRENCH BACKFILL

All trench excavation shall be in conformance with Oregon City Standard Drawing for Pipe Bedding and Backfill and shall be classified as either rock or common excavation. All excess material from the trench excavation shall be disposed of to an approved site.

Pipe bedding and trench backfill may be Class A on all sewer lines outside public streets or outside of paved areas. Trench backfill shall be Class B in all public streets or paved areas in the project as outlined in Oregon City Standard Drawing for Pipe Bedding and Backfill. The Class B backfill shall extend a minimum of three feet (3') beyond the edge of street or hard surfaced areas. CDF Backfill may be required instead of Class B as applicable per Oregon City Pavement Cut Standard.

Trench backfill compaction shall be 95% of AASHTO T-180 Modified Proctor from top of pipe zone up to road base. Contractor to determine type of equipment and method to use to achieve the required compaction. 95% compaction, AASHTO T-180, is required in public streets and paved areas, 85% compaction of AASHTO T-99 in non-paved or unimproved areas.

2.20 TESTING

All sewer lines shall be tested and video inspected by the contractor per latest edition of APWA/ODOT Oregon Standard Specifications for Construction with the exception that all lines shall be video inspected downstream with the flow.

All manholes shall be vacuum tested per APWA/ODOT Oregon Standard Specifications for Construction.

2.21 AS-BUILT DRAWINGS/DIGITAL MAPPING REQUIREMENTS

For the purposes of this section, as-built drawings will also mean drawings of record, record drawings, or terms indicative of an attempt to record the as-constructed state of the improvement.

Following completion of construction, the Consulting Engineer shall submit as-built drawings in the form requested by the City Engineer. As-built drawings shall be the same size and format as the construction plans. As-built drawings shall describe all revisions to the previously approved construction plans. The Consulting Engineer shall also certify that the public improvements have been completed in accordance with the City of Oregon City Public Works Standards and Specifications to the best of his/her knowledge. (This is completed with a Certificate of Completion.) The words “As-Built Drawing” or “Record Drawing” shall appear as the last entry in the revision block along with the month, day, and year the as-built drawing was prepared. Submission of as-built drawings shall be made within 90 days of acceptance by the City. The cost to produce these as-built drawings shall be included in the Consulting Engineer’s cost estimate for establishing the surety amount for the performance surety. Failure to submit these as-built drawings shall be grounds for withholding final release of the surety amount.

The Consulting Engineer shall provide design calculations and complete test results to the City Engineer.

All as-builts shall follow the most recent version of the City of Oregon City’s “As-Built Drawing and Post Construction Survey Requirements.”

The following minimum information shall be noted on sanitary sewer as-built drawings:

- A. Generally, the location of manholes (with rim, bottom, and invert elevations), cleanouts, laterals shall be shown including locations of Omni Ball markers.
- B. Station and/or property line/corner to manholes and service laterals.
- C. Slope of all sewer mains and laterals.
- D. Show material type of all sewer mains and laterals.
- E. Any other change altering the approved plans.
- F. Actual location and depth from finish grade of street of any other utilities encountered during construction.

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City of Oregon City
Public Works Standard Drawings

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OC 513. Typical Utility Placement Detail

SECTION IV – STANDARD CONSTRUCTION NOTES

SECTION V – MINIMUM GUIDELINES FOR INSPECTION



OREGON CITY PUBLIC WORKS POLICIES & PROCEDURES

City Code and Public Works Standards References: Public Works Street Standards Drawings 500 Series (OC 508, OC509), OCMC 15.28 – Signs, OCMC 12.08 Public and Street Trees, OCMC 12.04.120 Obstructions, OCMC 12.04.130 Obstructions – Sidewalk Sales, OCMC xx.xx Sight Distance, Department of Justice 2010 ADA Standards for Accessible Design (Chapter 4)

Subject: *Sidewalk Obstructions* - Standard Operating Policy (SOP)

Effective Date: xx/xx/2020

Prepared By: Josh Wheeler,
P.E.

Approved: xxx

Purpose

Establishes a policy that provides design guidelines and a process for issuing renewable right-of-way permits for temporary and semi-permanent obstructions on the sidewalk portion of the right-of-way.

General Information

OCMC 12.04.120 provides the requirements for permitting obstructions within the right-of-way. Obstructions are categorized as either “permanent” or “temporary.”

Permanent obstructions are those that are permanently anchored to the ground including, but not limited to, retaining walls, fences, signage, decks, porches, buildings, etc.

Temporary obstructions are those that are not permanently anchored and can be easily moved including, but not limited to, moving pods, debris dumpsters, planters, seating, A-frame (sandwich board) type signs, displays, etc.

Permanent obstructions require approval from the City Commission. Permanent obstructions are revocable by the City at any time and also require the property owner/applicant to record an agreement indemnifying the City for any issues caused by the obstruction.

Temporary obstructions are administered by staff and do not require approval from the City Commission. Temporary obstructions are allowed for up to 60 consecutive days. A property owner/applicant must sign an indemnification agreement; however, the agreement is not recorded against the property and expires upon expiration of the permit.

In the case of temporary (moveable) obstructions including business amenities, such as outdoor seating and planters, an annual temporary permit, which is renewable each year similar to a business license, for the right to use the public sidewalk is required. The property owner/applicant must sign an indemnification agreement which expires upon expiration of the permit. A new indemnification agreement is executed annually as part of the temporary permit renewal.

All obstructions are revocable at any time by the City for any reason.

Americans with Disabilities Act Guidelines (ADA)

The design of accessible routes shall follow the 2010 Federal Americans with Disabilities Standards, or latest version, including the standard for accessible routes in the public way as found in Chapter 4 of the 2010 Standards.

The clear width required by ADA is 36 inches minimum (ADAAG 403.5.1)

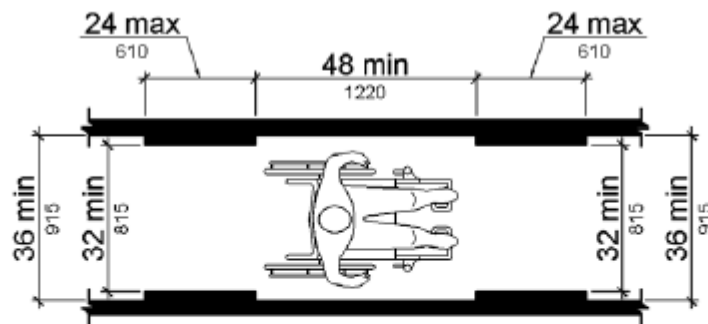


Figure 403.5.1 Clear Width of an Accessible Route

The City of Oregon City, as part of this policy, uses a design standard of 48 inches for a clear width when sidewalk obstructions, whether permanent or temporary, exist or are allowed by permit. The clear width must be available at all times for all potential users.

Policy

Permanent Obstructions

A permit is required for any permanent obstruction in the right-of-way; therefore, a permit is required for any permanent obstruction in any portion of a sidewalk within the public right-of-way.

Permanent obstructions are only allowed with approval from the City Commission.

- I. Process for obtaining a permanent obstruction and constructing an obstruction in the right of way.
 - A. Make a request to Public Works – Engineering Division
 1. Staff will make a recommendation about whether the obstruction benefits the public good.
 - a. Examples:
 - 1) Obstruction does not provide a physical barrier to the movement of vehicles, bicycles, and pedestrians
 - 2) Obstruction minimizes the probability of a future landslide
 - 3) Obstruction protects Natural Resources
 - B. Applicant makes an application and pays the following fees:
 1. Application Fee
 2. Plan Review Fee
 3. City Resolution and Document Process Fee
 - C. City Commission process
 1. Staff prepares a staff report and schedules a City Commission meeting
 2. Presentation by Staff and Applicant at a City Commission meeting
 3. City Commission either approves or denies request
 - D. Permitting
 1. Revocable Right-of-Way Permit is provided (after fee is paid) for the right to have the obstruction in the right-of-way
 - a. Applicant provides an Indemnity Agreement
 - 1) Document Processing and Recording Fee is paid prior to recording by City staff at the County Recorder's Office
 2. Applicant applies for Construction Permit to install obstruction
 - a. If this is part of a land use decision, the plans act as the permit
 - b. If this is not part of a land use decision or the land use decision is only for an overlay district:
 - 1) Right-of-Way Permit General – Moderate is applied for with the following fees:
 - a) Application and Plan Review
 - b) Inspection
 3. Review is completed and permitted
 4. Construction occurs
- II. List of Fees for the entire process:
 - A. Application Fee
 - B. Plan Review Fee
 - C. City Resolution and Document Process Fee
 - D. Revocable Right-of-Way Permit Fee

- E. Document Processing and Recording Fee
- F. Right-of-Way Permit General – Moderate – Application and Plan Review
- G. Right-of-Way Permit General – Moderate – Inspection

Temporary Obstructions (60 days or less)

An over-the-counter permit can be obtained for a temporary obstruction in the right-of-way. Temporary obstructions are defined as those obstructions that will last for no more than 60 calendar days.

Temporary obstructions are approved by staff.

- I. Process for obtaining a temporary obstruction permit
 - A. Make a request to Public Works – Engineering Division
 - 1. Staff will determine if the obstruction prevents other users (vehicles, bicycles, pedestrians) from using the right-of-way or if the applicant has provided an alternate route for those users.
 - B. Applicant makes an application and pays the following fees:
 - 1. Application and Plan Review Fee
 - 2. Inspection Fee
 - C. Permitting
 - 1. City staff reviews the request
 - 2. Applicant provides an Indemnity Agreement
 - a. This agreement expires with the termination of the permit AND the obstruction being removed.
 - 3. City staff provides permit with a specific end date based on the applicant's needs.
 - 4. City staff closes permit with a final inspection showing the right-of-way has been cleared from all obstructions caused by the permit.

Typically and historically, these permits are used for storage pods and dumpsters.

*Sidewalk sales have historically not been allowed within the City. However, the new policy is to allow sidewalk sales. Sidewalk sales should only be allowed with a Special Event Permit.

Sidewalk sales will be permitted as Special Events. Special Events require two fees:

- 1. Application and Review Fee
- 2. Right of Way Inspection Fee

Staff will apply the standards for temporary obstructions to the Special Event. Sidewalk sales will be limited to a maximum of seven days and will only be allowed during business hours. The right-of-way is to be cleared daily during the overnight hours.

Temporary Obstructions (Annual Renewable Permits) – also called semi-permanent obstructions or temporary long-term obstructions

In the Mixed Use Downtown and 7th Avenue corridors, businesses quite often want to use the sidewalk portion of the right-of-way to serve customers or beautify their space.

They desire to have seating for customers and planters which are considered temporary obstructions in the right-of-way. As these are typically long-term temporary obstructions, an annual renewable right-of-way permit is required.

Temporary long-term obstructions are for the time frame of 61 days to 365 days and are determined at time of application by request of the applicant and approval by City staff.

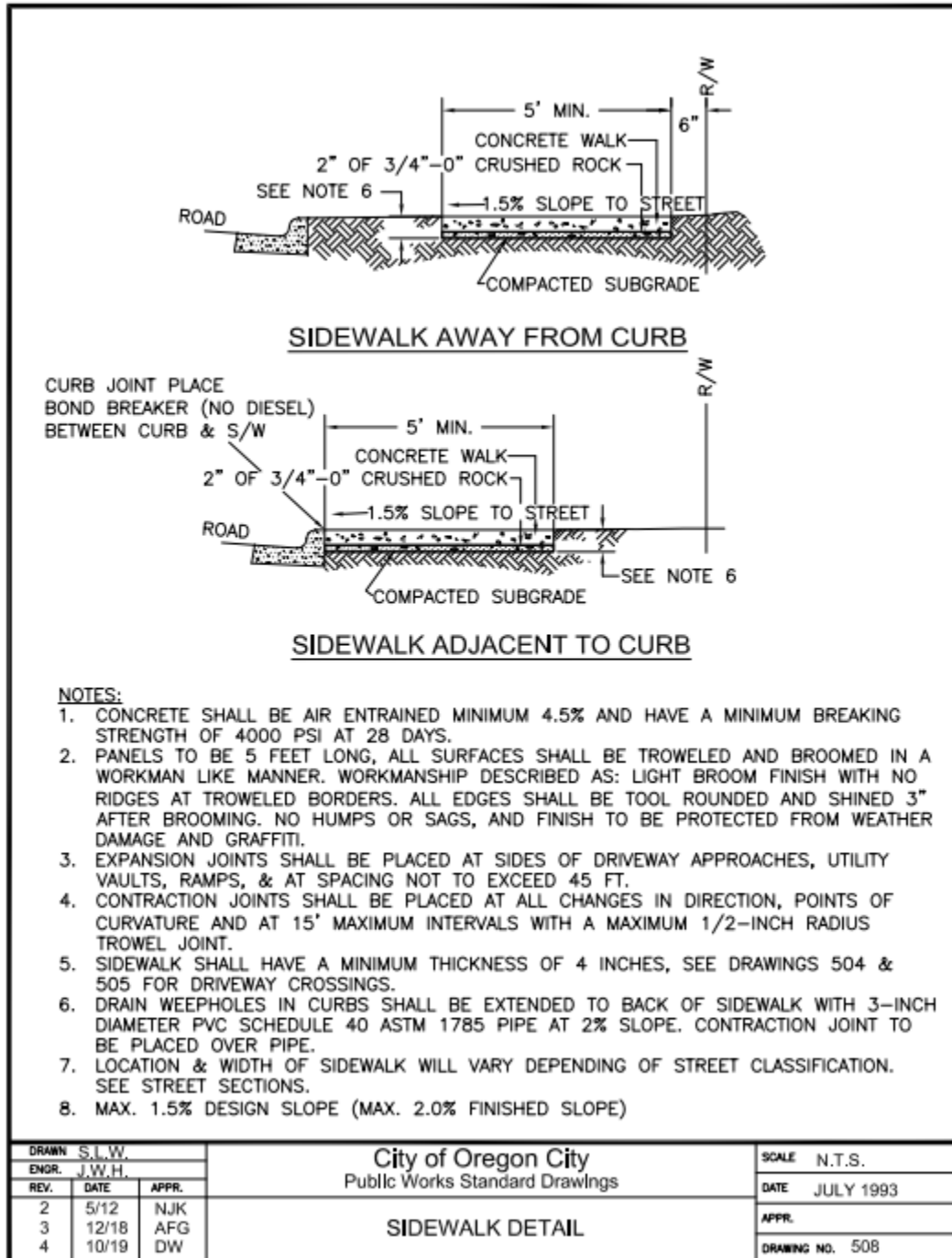
Temporary long-term obstructions are approved by staff.

- I. Process for obtaining a renewable right-of-way permit.
 - A. Make a request to Public Works – Engineering Division
 1. Staff will determine if the obstruction prevents other users (vehicles, bicycles, pedestrians) from using the right-of-way or if the applicant has provided an alternate route for those users.
 - B. Applicant makes an application and pays the following fees:
 1. Application, Plan Review, and Inspection Fee
 - C. Permitting
 1. City staff reviews the request
 2. Applicant provides an Indemnity Agreement
 - a. This agreement expires with the termination of the permit AND the obstruction being removed.
 3. City staff provides permit with a specific end date based on the applicant's needs.
 4. City staff closes permit with a final inspection showing the right-of-way has been cleared from all obstructions caused by the permit.
 - D. Renewal
 1. Annually, the City sends requests to all properties in the following areas:
 - a. Main Street (99E to 15th Street)
 - b. 7th Street (Center Street to Harrison Street)
 2. The City provides drive-by inspections of these two corridors by July 15 of each year. If a property includes any temporary obstructions without a permit, a letter will be sent to the property owner giving them 10 days to bring their property into compliance.
 3. If a permit is not obtained after two notices are given, the property shall be sent to code enforcement.

Miscellaneous

In no way shall any obstruction prevent the use of any proper user of the right-of-way from using the crosswalks, accessible ramps, or other features needed for the joint use of this space.

Appendix



***Sidewalk Detail is subject to change/modification**

NOTES:

1. FOR SIDEWALK RAMP DETAILS USE OREGON DEPARTMENT OF TRANSPORTATION'S (ODOT) STANDARD DRAWING NUMBER RD755.
2. FOR SIDEWALK RAMP PLACEMENT OPTIONS FOR CURB RADII LESS THAN OR EQUAL TO 15 FEET, USE OREGON DEPARTMENT OF TRANSPORTATION'S (ODOT) STANDARD DRAWING NUMBER RD756.
3. FOR SIDEWALK RAMP PLACEMENT OPTIONS FOR CURB RADII GREATER THAN 15 FEET, USE OREGON DEPARTMENT OF TRANSPORTATION'S (ODOT) STANDARD DRAWING NUMBER RD757.
4. FOR TRUNCATED DOME DETECTABLE WARNING SURFACE DETAILS AND LOCATIONS USE OREGON DEPARTMENT OF TRANSPORTATION'S (ODOT) STANDARD DRAWING NUMBER RD759.
5. THESE DRAWINGS CAN BE BE FOUND ON ODOT'S WEBSITE:
<https://www.oregon.gov/ODOT/Engineering/Pages/Drawings-Roadway.aspx>
6. CONCRETE FOR SIDEWALK RAMPS SHALL BE AIR ENTRAINED (4.5% MINIMUM) AND HAVE A MINIMUM BREAKING STRENGTH OF 4000 PSI AT 28 DAYS.
7. TRUNCATED DOME DETECTABLE WARNING SURFACE PANELS SHALL BE:
CITY APPROVED CONCRETE or CAST IRON PANEL IN NON-FADING BLACK OR CHARCOAL COLOR. PLASTIC OR FIBERGLASS PANELS OR SURFACE APPLIED SYSTEMS WILL NOT BE ACCEPTED.

QUALIFYING PRODUCT LIST:

ADA SOLUTIONS— CAST IRON TACTILE SYSTEM OR CITY APPROVED EQUAL

<https://adatile.com/cast-iron-tactile-systems/>

TRANSPO INDUSTRIES— POLYMER CONCRETE DETECTABLE WARNING TILE

<https://www.transpo.com/roads-highways/precast-products/ada-detectable-warning-tiles-and-mats/step-safe-cast-in-place-ada-tile>

8. MAX. 1.5% DESIGN LANDING SLOPE (MAX. 2.0% FINISHED SLOPE).
9. MAX. 7.5% DESIGN RAMP SLOPE (MAX. 8.33% FINISHED SLOPE).

DRAWN	JRF	City of Oregon City Public Works Standard Drawings		SCALE	N.T.S.
ENGR.	NJK			DATE	JAN. 2005
REV.	DATE	APPR.	SIDEWALK RAMP DETAILS AND PLACEMENT OPTIONS	APPR.	
2	5/12	NJK		DRAWING NO.	509
3	12/18	AFG			
4	8/19	DW			

***Sidewalk Ramp Details and Placement Options Detail is subject to change/modification**



OREGON CITY PUBLIC WORKS POLICIES & PROCEDURES

City Code and Public Works Standards References: OCMC 13.24, OCMC 13.34, OCMC 17.04, OCMC 17.44, OCMC 16.12, Beavercreek Cooperative Agreement Ordinance 99-1024, Comcast (TCI) Agreement Ordinance 97-1013, Electric Lightwave Agreement Ordinance 11-1007, Level 3 Communications Agreement Ordinance 11-1005, Lightspeed Networks Resolution 13-08, NW Natural Agreement Ordinance 98-1021, PGE Agreements Ordinance 05-1001, 11-1001, 93-1001 and Resolution 13--04

Subject: *Undergrounding Private Utilities* - Standard Operating Policy

Effective Date: xx/xx/2019

Prepared By: Josh Wheeler, P.E.

Approved:

I. PURPOSE

Explains the adopted applicable criteria and standards in place for the City of Oregon City Public Works Department staff regarding the requirement to place new or existing private utilities underground for private development.

The goal of this document is to outline the process and provide uniform standards for underground line location, private utility easements, and undergrounding requirements for new and existing utilities.

II. GENERAL INFORMATION

It is the intent of the City to place utilities underground whenever possible, but where reasonable. This provides the City with potentially fewer outages due to storms and natural disasters, improved safety due to the lack of overhead lines that could fall to the ground, improved sight lines and barriers for the traveling public which increases safety, and general aesthetic improvements to these areas which could improve property values.

With a City at the age of 175 years old, several factors need to be considered whether or not the policies for siting utilities should be flexible or set forth with clear and predictable standards. Some neighborhoods were created decades ago when certain technology did not exist and the City maintained few, if any, standards of utility separations or depth. Other neighborhoods are newer and improved using current modern-day standards. Other development is new but is infill within those older neighborhoods. The City must consider the policy and equity implications of changing the City's approach. Lastly, all obligations to dedicate land or make certain improvements must be proportional to the impacts resulting from the development that is proposed.

Public utilities including storm sewer, sanitary sewer, and water mains have always been placed underground within the City's right-of-way or within a public utility easement when placed on private property.

Gas lines have always been placed underground as well.

Private utilities such as franchise utility electric, telephone, cable, and fiberoptic are the utilities covered under this policy, as well as City and County provided fiberoptic services.

Electric, telephone, cable, and fiberoptic have been placed both above ground as well as underground over the years.

In recent years, the extension of most new private utility lines has been located within a private utility easement (PUE).

Historically, PUE's were required within the first 10 feet of all property lines. In recent years, however, the requirement has been to require PUEs within the first 10 feet of all property lines that border right-of-way that fronts a public or private roadway. The PUE is always placed on private property. In certain situations, the City Engineer can waive or adjust the PUE requirement as provided in OCMC 16.12._____.

Conversion or relocation of existing overhead utilities to be moved underground has been a general requirement of land development in recent years but imposing this requirement has varied depending on the extent of development proposed.

III. CURRENT LIST OF PRIVATE UTILITY PROVIDERS*

**This list is a summary of the most common providers, but it is not an extensive list of every single provider within the City.*

ATT Local Services (TCG Oregon) – Telecommunications provider

Beaver Creek Telephone – Telecommunications and Cable provider

Canby Telephone – Telephone provider

Century Link (Level 3 Communications, CTLQL) – Telecommunications provider

Clackamas County – Fiberoptic provider

Clackamas River Water – Drinking water supplier

Comcast – Telecommunications and Cable provider

Electric Lightwave (Integra) – Telecommunications provider

Lightspeed Networks – Telecommunications provider

Northwest Natural (NW Natural) – Natural Gas provider

Portland General Electric – Electricity provider

Qwest Communications (US West) – Telecommunications provider

TW Telecom – Telecommunications provider

Verizon (MCI Metro) – Mobile Phone provider

Wavedivision VII, LLC – Cable provider

IV. POLICY AND PROCEDURES

A. Pre-Application Meetings

The Engineering Division shall explain to applicants in the pre-application meeting and within the pre-application notes whether existing overhead utilities shall be placed underground, where they should be placed (PUE and/or ROW), and what limits are appropriate for the relocation including which power poles should remain or be removed.

Staff should rely on maps of the Electric system to determine if any high transmission lines exist adjacent to the development.

B. Land Use Decisions and Conditions of Approval

The Engineering Division shall condition appropriate developments with the relocation(undergrounding) requirement in the Conditions of Approval providing specific direction within OCMC Section 16.12.85 and 16.12.95.

C. Civil Engineering Permit Plans

The conduits and/or vaults as well as above ground amenities (transformers, pedestals, etc) for undergrounding of overhead existing utilities shall be shown on the civil engineering plans. This will confirm to the contractor where these utilities can be installed. It is the applicant's responsibility to provide designs. It is also the applicant's responsibility to request these improvements from the various utilities.

D. Construction

Undergrounding of overhead existing utilities is required prior to the Engineering Division recommending the recording of a plat or recommending occupancy of a building.

E. Policy

1. New utilities

All new utilities (mains and services) shall be placed underground within a Public Utility Easement (PUE) or the right-of-way (when approved by the City Engineer). The utilities shall always be placed in the PUE unless requested to and approved by the City Engineer as defined in OCMC 16.12.85 and 16.12.095

2. Existing underground utilities

All existing underground utilities shall remain underground. Existing underground utilities may never be relocated above ground unless approved by the City Engineer.

3. Existing overhead utilities

Whenever a land use or land division permit is required for development, the developer shall relocate all existing overhead utilities which are located adjacent to the development to a location underground as approved by the City Engineer and as stated in City Code 16.12.85 and 16.12.095.

No new poles should be added to the right of way; however, a relocation of an existing pole to the edge of the property is acceptable.

Exceptions:

- a. This requirement is not applicable when the requirements conflict with Chapter 17.44 or 17.49 of the City Code; OR
- b. This requirement is not applicable for development occupying less than 1.0 acre lot or parcel except when the development is within the same block of existing developments whereby the undergrounding of existing overhead utilities was required previously; OR
- c. This requirement is not applicable for developments with less than 200 feet of a property line accommodating or abutting an existing overhead utility except when the development is within the same block of existing developments whereby the undergrounding of existing overhead utilities was required previously; OR
- d. For Land divisions: This requirement is not applicable for developments with five single family lots or less which are not further divisible except when the development is within the same block of existing developments whereby the undergrounding of existing overhead utilities was required previously; OR
- e. This requirement is not applicable for high transmission lines abutting the property (see Exhibit A); however, in that situation, the other utilities including low voltage electric lines shall be placed underground unless one of the other exemptions apply. High transmission lines are defined in OCMC 13.34.090 as greater than 35,000 volts.
- f. In no case shall construction of one single family structure be required to relocate overhead existing utilities underground; however, if an existing house is to

remain as part of a larger development exceeding five single family lots, the service line to the house shall be relocated underground.

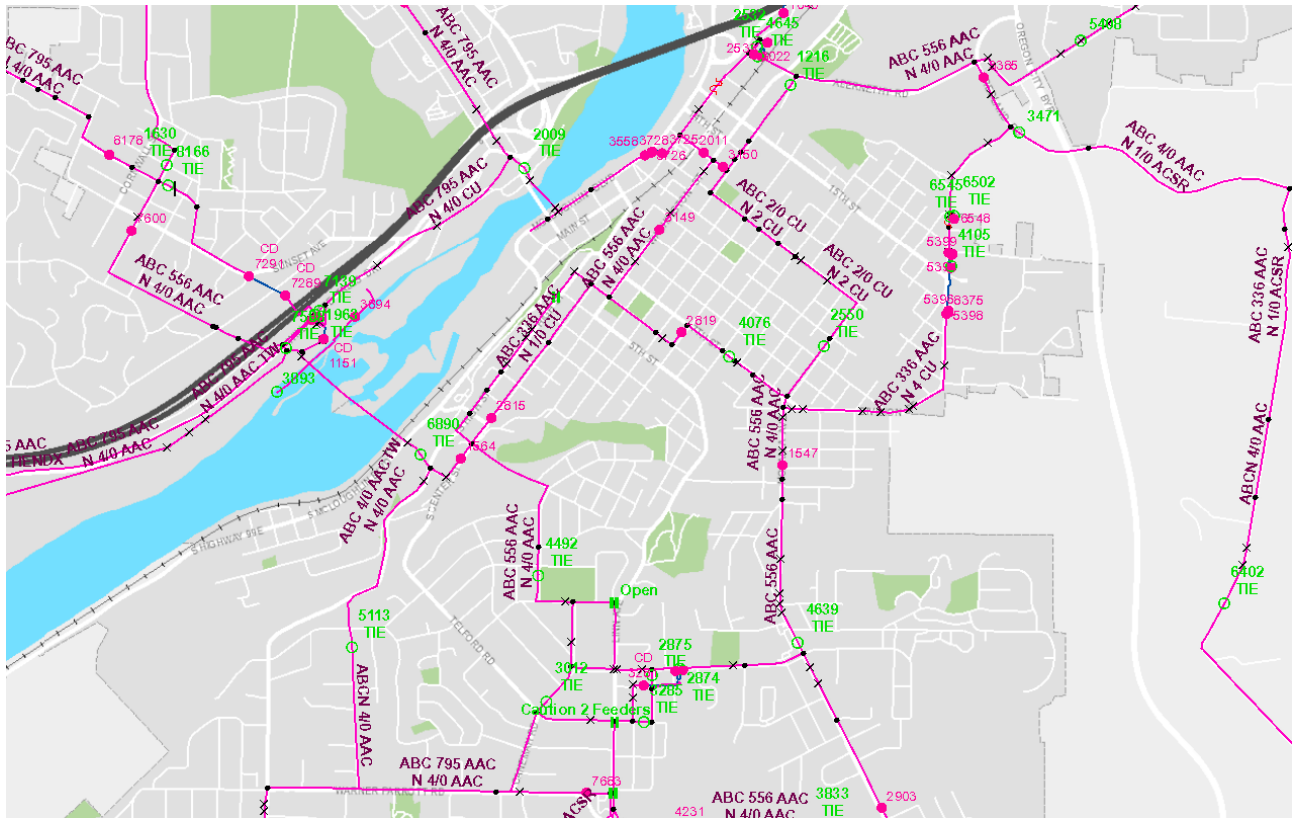
g. This requirement does not apply to publicly funded capital improvement projects.

VI.EXHIBITS

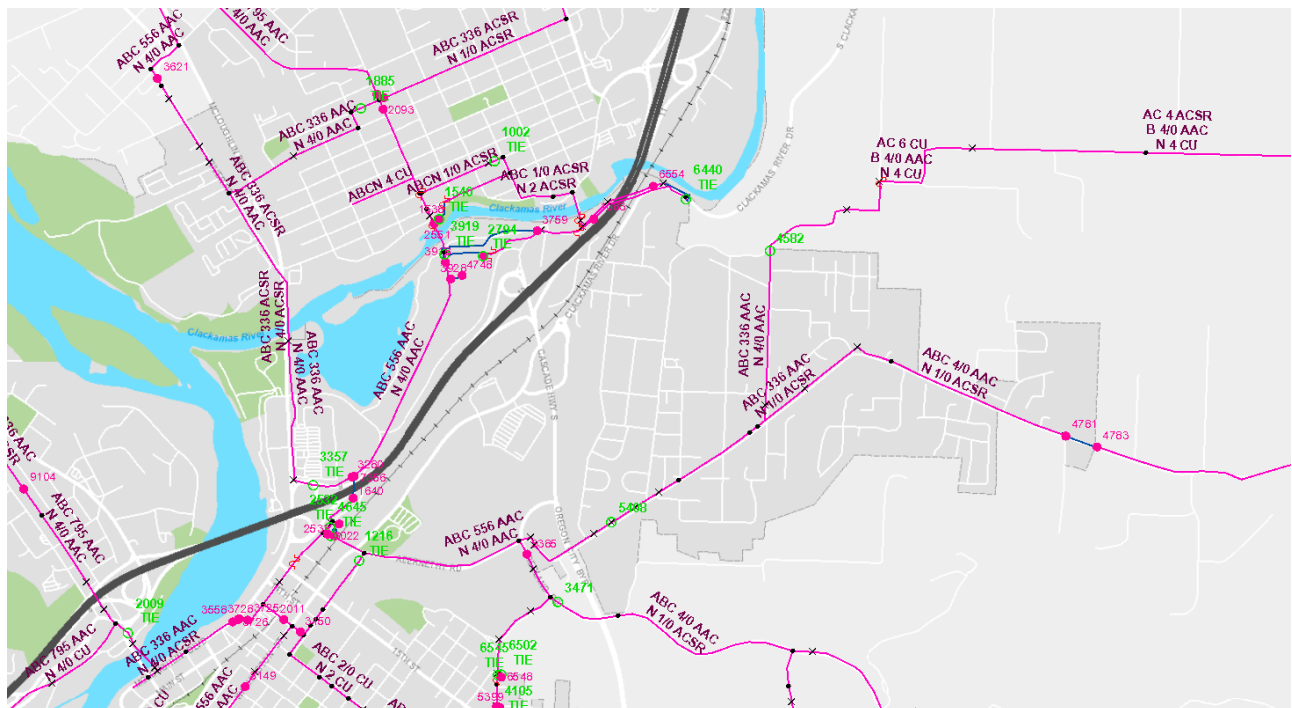
Exhibit A Portland General Electric (PGE) Feeder Line Map

EXHIBIT A

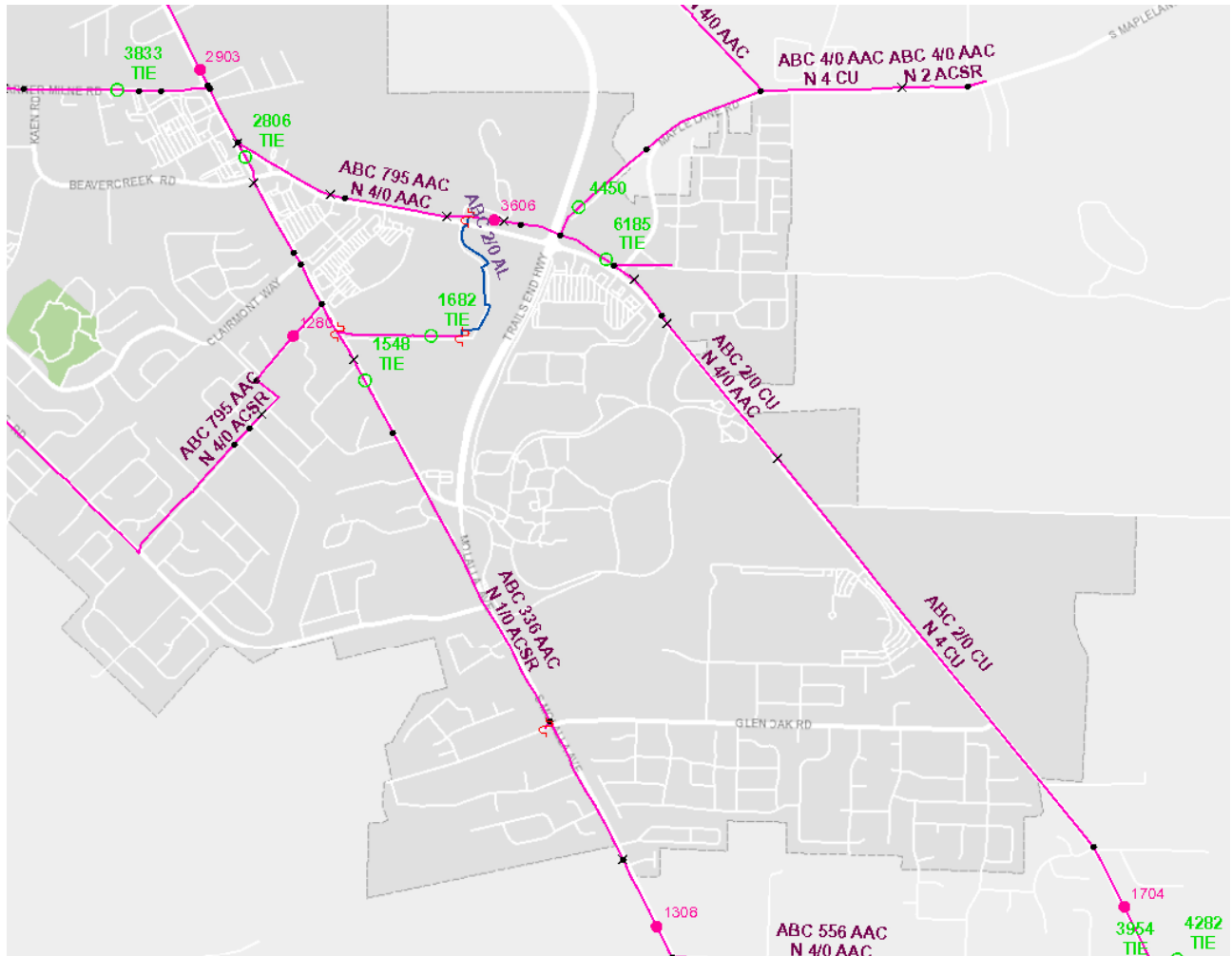
Oregon City: Central PGE Map



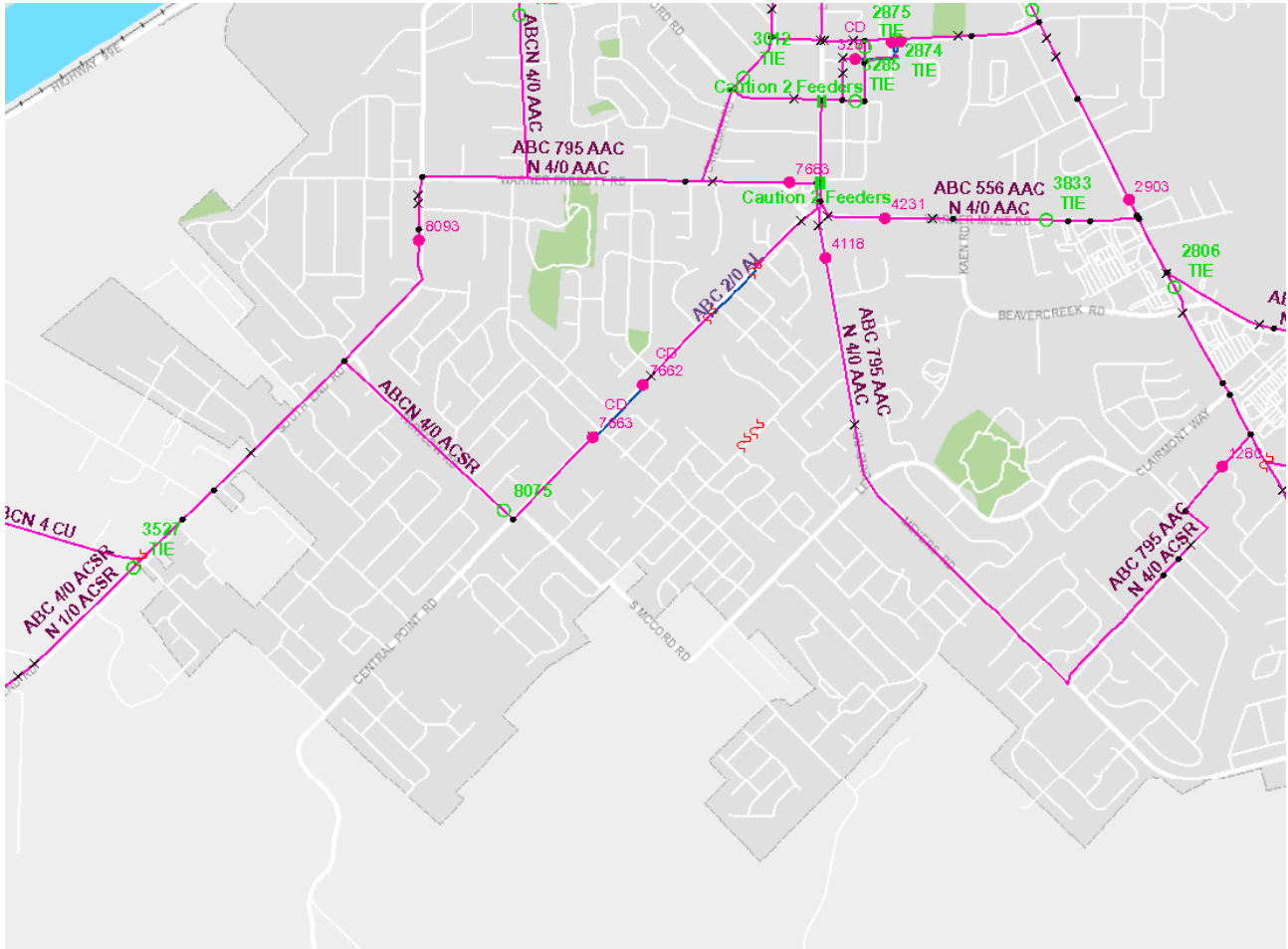
Oregon City: North PGE Map



Oregon City: Southeast PGE Map



Oregon City: Southwest PGE Map





Applicant's Submittal

A preliminary analysis of the applicable approval criteria for a legislative proposal is enclosed within the following report. The applicant understands that all applicable criteria shall be met, or met with conditions, in order to be approved. The Planning Commission may choose to adopt the findings as recommended by staff or alter any finding as determined appropriate.

July 21, 2020

FILE NUMBER: LUA 20-00033 LEG-20-00001 Public Works Code Amendments

APPLICATION TYPE: Legislative (OCMC 17.50.170)

APPLICANT: Oregon City Public Works
C/O Josh Wheeler PE, Assistant City Engineer
PO Box 3040
Oregon City, OR 97045

REQUEST: Proposed code revisions to the Geologic Hazards Overlay District, and other ancillary Public Works related development code, including refinements to Public Utility Easements (PUE) and undergrounding utility requirements.

LOCATION(S): City Wide

I. BACKGROUND:

1. Existing Conditions

The City of Oregon City Public Works Department proposes changes to the following sections of the Municipal Code :

- 12.04 Streets, Sidewalks, and Public Places (Ordinance 18-1009, adopted July 3, 2019)
- 13.04 Water Service System (Ordinance 10-1003, adopted July 7, 2010)
- 13.08 Sewer Regulations (Ordinance 10-1003, adopted July 7, 2010)
- 13.24 Telecommunications Facilities (Ordinance 13-1014, adopted November 6, 2013)
- 13.34 Utility Facilities in Public Rights-of-Way (Ordinance 13-1014, adopted November 6, 2013)
- 16.12 Minimum Public Improvements and Design Standards for Development (Ordinance 18-1009, adopted July 3, 2019)
- 17.04 Definitions (Ordinance 18-1009, adopted July 3, 2019)
- 17.08 Low Density Residential Districts (Ordinance 18-1009; adopted July 3, 2019)
- 17.10 Medium Density Residential Districts (Ordinance 18-1009; adopted July 3, 2019)

- 17.12 High Density Residential Districts (Ordinance 18-1009; adopted July 3, 2019)
- 17.24 NC Neighborhood Commercial District (Ordinance 18-1009; adopted July 3, 2019)
- 17.26 HC Historic Commercial District (Ordinance 18-1009; adopted July 3, 2019)
- 17.29 MUC Mixed Use Corridor District (Ordinance 18-1009; adopted July 3, 2019)
- 17.31 MUE-Mixed Use Employment District (Ordinance 18-1009; adopted July 3, 2019)
- 17.32 C General Commercial District (Ordinance 18-1009; adopted July 3, 2019)
- 17.34 MUD Mixed Use Downtown District (Ordinance 18-1009; adopted July 3, 2019)
- 17.35 Willamette Falls Downtown Design District (Ordinance 18-1009; adopted July 3, 2019)
- 17.36 GI General Industrial District (Ordinance 18-1009; adopted July 3, 2019)
- 17.37 CI Campus Industrial District (Ordinance 18-1009; adopted July 3, 2019)
- 17.39 I Institutional District (Ordinance 18-1009; adopted July 3, 2019)
- 17.44 US Geologic Hazards (Ordinance 10-1003 ; adopted July 7 2010)
- 17.52 Off Street Parking and Loading (Ordinance 18-1009; adopted July 3, 2019)
- 17.62 Site Plan and Design Review (Ordinance 18-1009; adopted July 3, 2019)
- 17.80 Communication Facilities (Ordinance 18-1005 ; adopted May 2, 2018)

These codes have been established and revised over the years. The most recent adopted revision is stated in parentheses.

The City of Oregon City Public Works Department proposes changes to the Sanitary Sewer Design Standards and Engineering Fee Schedule. These standards have been established and revised over the years. The most recent adopted revision was July 17, 2019, Resolution 19-25 and January 1, 2020 respectively.

2. Project Description

The City of Oregon City Public Works Department is implementing a number of projects which all require various changes to City Code. Those projects are an Inflow/Infiltration Reduction Pilot Project, a new policy on Undergrounding Existing Overhead Utilities, enhanced Geologic Hazard Code, and a policy on Sidewalk Seating and Obstructions of a Sidewalk.

Inflow/Infiltration Reduction Pilot Project

This Pilot Project implements new construction recommended from the Sanitary Sewer Master Plan. Construction recommendations include capital improvement projects. Those projects are new storm sewers to disconnect existing storm sewers from the sanitary sewer system. The Plan also recommends disconnection of private storm sewers from the sanitary sewer system as well as repair private sanitary sewer laterals. These two construction projects will reduce inflow and infiltration respectively minimizing the amount of stormwater treated at the Tri-City Wastewater Treatment Plant. The Pilot Project is a 5 year project within the McLoughlin and Rivercrest neighborhoods. By using flow monitoring pre and post construction, the City will determine the success of the Pilot Project. If successful and if budget allows, the City will continue beyond these neighborhoods into other areas of the City.

To implement this project, City Code and Sanitary Sewer Design Standards and Chapter 13.08 of the Oregon City Municipal Code need to be amended to address cross connections, right of entry, condition of service lines, sewer rates, service lateral improvement program, and reduced rates. Other sections : failure to comply with rules and unlawful substances have also been revised. Language has been proposed referencing State Administrative Rule outlining that a property on septic must connect to City sewer if the septic is

failing and if that property is physically (of proper elevation and within 300 feet) and legally available (in city limits or able to be annexed) to existing public sewer. The code also now proposes to explicitly disallow any cross connections, those connections of storm sewer connected to the sanitary sewer. New party line sewers are proposed to be prohibited. Property owners are now proposed to explicitly be required to keep their pipes in good condition to prevent infiltration. The proposed code change also gives the right of public works staff to enter the property so that a service can be televised and inspected. The proposed code changes clarify the sewer rate establishment and reduced rate program to be in line with the water rate program. The service lateral improvement program is also proposed to be codified. Lastly, these code revisions propose to add the following unlawful substances to the code : Stormwater, Surface water, groundwater, roof runoff and subsurface drainage. A section of prohibition of stormwater and groundwater has also been proposed.

In addition to these changes, staff have taken the opportunity to review the entire Code section of 13.08 to ensure it meets today's standards. Code for Sewer Connection – Exemptions, Connections to Existing Work, and Applications Outside City Limits have been revised.

Section 13.04 of the Oregon City Municipal Code has also proposed revisions to be in conformance with the Sewer Code of 13.08. Section 13.04 concerns Water Services. Various clarifications have been added to be in conformance with current practices and to be consistent with changes in 13.04.

The Sanitary Sewer Design Standards has proposed revisions to add that no stormwater should be conveyed to the sanitary sewer system. In addition, staff took advantage of the Standards being open to allow for new material types and processes to be used as well as changes to Drop Manholes to be in conformance with the current industry.

Undergrounding Existing Overhead Utilities Policy

The City of Oregon City Municipal Code currently requires all development to place the utility lines underground. This code has been interpreted to apply to all new utilities as well as existing utilities. With the rising cost of moving existing utilities underground, the City is proposing changes to existing code to reduce the requirement to only those properties which have a greater impact and where it is proportional to do so.

The proposed changes create limits of when an existing overhead line must be placed underground...if the property is at least 200 feet long, at least 1.0 acre in size, and if the subdivision is 6 lots or more, the undergrounding requirement is waived for existing overhead lines. The code changes propose to more specifically define the public utility easement, being 10 feet in most zones, and 5 feet in certain other urban zones. This addresses a conflict that has existed within practice, policy, and the code for quite some time. Definitions of Easement have been updated to be consistent throughout code.

Enhanced Geologic Hazard Code

In October 2019, the Department of Land Conservation and Development (DLCD) and the Department of Geology and Mineral Industries (DOGAMI) published a new State landslide hazards document titled "Preparing for Landslide Hazards : A Land Use Guide for Oregon Communities". Staff reviewed the guide and has made recommended revisions to Oregon City Municipal Code 17.44.

The revisions proposed in this code update provide clarification to existing standards, references the new landslide guide, and adds the waiver program the City currently follows. Specifics of construction, calendar exceptions, and retaining walls have also been added. Density, review standards, and stormwater standards have been strengthened.

Sidewalk Obstructions Policy

In December 2019, the City Commission requested a review of the current policies. In response to the Commission's direction, a written policy has been prepared outlining current practices of the department with respect to the permitting of sidewalk seating and sidewalk obstructions in the downtown area and 7th Street.

City Code 12.04 has revisions to propose flexibility for sidewalk sales and more clearly define the types of obstructions that require a permit.

The City of Oregon City Public Works Department proposes changes to the following sections of the Municipal Code :

- 12.04 Streets, Sidewalks, and Public Places
- 13.04 Water Service System
- 13.08 Sewer Regulations
- 13.24 Telecommunications Facilities
- 13.34 Utility Facilities in Public Rights-of-Way
- 16.12 Minimum Public Improvements and Design Standards for Development
- 17.04 Definitions
- 17.08 Low Density Residential Districts
- 17.10 Medium Density Residential Districts
- 17.12 High Density Residential Districts
- 17.24 NC Neighborhood Commercial District
- 17.26 HC Historic Commercial District
- 17.29 MUC Mixed Use Corridor District
- 17.31 MUE-Mixed Use Employment District
- 17.32 C General Commercial District
- 17.34 MUD Mixed Use Downtown District
- 17.35 Willamette Falls Downtown Design District
- 17.36 GI General Industrial District
- 17.37 CI Campus Industrial District
- 17.39 I Institutional District
- 17.44 US Geologic Hazards
- 17.52 Off Street Parking and Loading
- 17.62 Site Plan and Design Review
- 17.80 Communication Facilities

The City of Oregon City Public Works Department anticipates adopting these changes by Ordinance.

The City of Oregon City Public Works Department also proposes changes to the following :

- Sanitary Sewer Design Standards
- Engineering Fee Schedule

The City of Oregon City Public Works Department anticipates adopting these changes by Resolution.

The City of Oregon City Public Works Department finally proposes the following new policies :

- Inflow and Infiltration Reduction in Private Laterals and Downspouts Policy
- Sidewalk Obstructions Policy
- Undergrounding Private Utilities Policy

The City of Oregon City Public Works Department anticipates adopting new policies by Resolution.

3. Public Notice and Comments

Public Works staff presented the proposal to the public at the following public meetings:

- Citizen Involvement Committee – December 2, 2019
 - o Discussed Inflow/Infiltration Policy
 - o Discussed Undergrounding Overhead Utility Policy
- Development Stakeholders Group – November 14, 2019 and February 13, 2020
(No published meeting minutes available for the 2-12-20 meeting)
 - o Discussed Inflow/Infiltration Policy
 - o Discussed Undergrounding Overhead Utility Policy
 - o Discussed revisions to Geologic Hazards Code
- City Commission Work Session Meeting – December 10, 2019
 - o Discussed Existing unwritten sidewalk policy
- City Commission Work Session Meeting – October 8, 2019
 - o Presentation by DLCD and DOGAMI of new Landslide Guide (No published meeting minutes available)
- Planning Commission – September 23, 2019 (No published meeting minutes available)
 - o Overview of existing Geologic Hazard Code and preview during LEG 19-00003
- City Commission Work Session – June 9, 2020
 - o Presentation of Geologic Hazards Code
- Natural Resource Committee – June 10, 2020
 - o Presentation of Geologic Hazards Code
- City Commission Work Session – June 7, 2020
 - o Presentation of Sidewalk Obstructions and Chapter 16 and 17 revisions
- City Commission Work Session – May 20, 2020
 - o Presentation of Chapter 13 revisions on utilities

No written comments were received by the public at any of these meetings except for one email from AKS Engineering. The comments from AKS were addressed within the revised Sanitary Sewer Design Standards. No written comments were received by the public for any code amendments.

Public Works staff plans to complete the following public meetings:

- McLoughlin and Rivercrest Neighborhood Associations
 - o Inflow/Infiltration Policy and Pilot Program and revision to Sanitary Sewer Design Standards
 - Anticipated Summer/Fall 2020
- Geologic Hazards Community Forum
 - o Geologic Hazard Code Revisions and Geologic Hazards in general
 - September 9, 2020

II. DECISION-MAKING CRITERIA

Chapter 17.68 - Zoning Changes and Comprehensive Plan Amendments

17.68.010 - Initiation of the amendment.

A text amendment to the comprehensive plan, or an amendment to the zoning code or map or the Comprehensive Plan map, may be initiated by:

- A. A resolution request by the City Commission;*
- B. An official proposal by the Planning Commission;*
- C. An application to the Planning Division; or.*
- D. A Legislative request by the Planning Division.*

All requests for amendment or change in this title shall be referred to the Planning Commission.

Applicant Response: The proposal qualifies as initiated as a legislative request by the Public Works Director.

17.68.015 –Procedures.

Applications shall be reviewed pursuant to the procedures set forth in Chapter 17.50.

17.50.170 - Legislative hearing process.

A. Purpose. Legislative actions involve the adoption or amendment of the city's land use regulations, comprehensive plan, maps, inventories and other policy documents that affect the entire city or large portions of it. Legislative actions which affect land use shall begin with a public hearing before the planning commission.

B. Planning Commission Review.

1. Hearing Required. The planning commission shall hold at least one public hearing before recommending action on a legislative proposal. Any interested person may appear and provide written or oral testimony on the proposal at or prior to the hearing. The community development director shall notify the Oregon Department of Land Conservation and Development (DLCD) as required by the post-acknowledgment procedures of ORS 197.610 to 197.625, as applicable.

Applicant Response: This legislative action will follow the procedures found in OCMC 17.50.170 including meetings with the Natural Resource Committee, Planning Commission, and City Commission where applicable.

17.68.020 - Criteria.

The criteria for comprehensive plan amendment or text or map amendment in the zoning code are set forth as follows:

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

Applicant Response: This legislative action will be consistent with the applicable goals and policies of the comprehensive plan. Therefore, the proposed amendments are consistent with Criterion (A).

The proposed code changes implement several ancillary plans to the Oregon City Comprehensive Plan. Regular Updates to Ancillary Documents like the Sewer Master Plan assure consistency with the Oregon City Comprehensive Plan. The applicable sections of the Comprehensive Plan are addressed below as well as State Land Use Goals. No revisions to the Master Plans or Comprehensive Plan are proposed.

The 2004 Oregon City Comprehensive Plan contains criteria for approving changes to the comprehensive plan and ancillary documents. Review of the comprehensive plan should consider:

1. Plan implementation process.
2. Adequacy of the Plan to guide land use actions, including an examination of trends.
3. Whether the Plan still reflects community needs, desires, attitudes and conditions. This shall include changing demographic patterns and economics.
4. Addition of updated factual information including that made available to the City of regional, state and federal governmental agencies.

“Statements of Principle - Page 3.

Provide efficient and cost-effective services. Water, sewer, fire protection, police services, streets, storm drainage, and other public services are directly affected by land-use decisions. This plan ensures that land-development decisions are linked to master plans for specific services such as water or sewer and to capital improvement plans that affect budgets and require taxes to build. The City Commission believes that citizens are economically well-served through compact urban form, redevelopment of existing areas, and public investments (for example, street improvements) that are carefully tied to private investments when development occurs.”

“Implementing the Plan – Page 4

The Oregon City Comprehensive Plan is implemented through City Codes, ancillary plans, concept plans, and master plans.

Ancillary plans are adopted by the City Commission for such things as parks and recreation, transportation systems, water facilities, and sewer facilities. Usually prepared by City departments through a public process, ancillary plans are approved by the City Planning Commission and adopted by the City Commission to provide operational guidance to city departments in planning for and carrying out city services. These plans are updated more frequently than the comprehensive plan.”

“Ancillary Plans. – Page 15

Since 1982, several documents have been adopted as ancillary to the 1982 Comprehensive Plan: the *Public Facilities Plan* (1990), *Oregon City Transportation System Plan* (2001), *Oregon City Downtown Community Plan* (1999), *Oregon City Waterfront Master Plan* (2002), *City of Oregon City Water Master Plan* (2003), *City of **Oregon City Sanitary Sewer Master Plan (2003)***, *Drainage Master Plan* (1988, updated in 1999 as the *City of Oregon City Public Works Stormwater and Grading Design Standards*), *Caufield Basin Master Plan* (1997), *South End Basin Master Plan* (1997), *Molalla Avenue Boulevard and Bikeway Improvements Plan* (2001), the *Oregon City Park and Recreation Master Plan* (1999), and the *Oregon City Trails Master Plan* (2004).”

Applicable Comprehensive Plan and Statewide Planning Goals and Policies

Goal 7.1 Natural Hazards

Protect life and reduce property loss from the destruction associated with natural hazards.

Policy 7.1.1

Limit loss of life and damage to property from natural hazards by regulating or prohibiting development in areas of known or potential hazards.

Policy 7.1.8

Provide standards in City Codes for planning, reviewing, and approving development in areas of potential landslides that will prevent or minimize potential landslides while allowing appropriate development.

Applicant Response: This legislative update includes revisions to the Geologic Hazard Code Chapter 17.44. The goal of the code amendments is to address concerns we have heard from the public and the elected officials as well as ensure the code conforms to the document titled “Preparing for Landslide Hazards : A Land Use Guide for Oregon Communities” which was published in October 2019 by the Department of Land Conservation and Development (DLCD) and the Department of Geology and Mineral Industries (DOGAMI).

Although the revisions do not map any new or expand existing mapped landslide areas or steep slopes, the revisions provide clarity and consistency between when the geologic hazard code applies and when a development is exempt. The revisions include a reference to the new State landslide document. This reference is made in addition to other State Documents that are to be referenced when reviewing a site for geologic hazards. It is merely another reference to ensure a fully thought out review of the mapped geologic hazard. The revisions also include additional requirements to address stormwater impacts to a mapped geologic hazard and clarifies that an existing mapped geologic hazard can include steep slopes or historic landslide areas.

Other miscellaneous improvements have been made. The waiver process that the City has been using via in-house policy is now proposed to be codified. Additional criteria have been added to determine when a site work may occur outside of the codified months of the year. Retaining wall design requirements have been added. Language has been added ensuring indemnification documents are recorded and run with the property.

These revisions improve or enhance the protection of life and property by ensuring current science concerning landslide susceptibility will be addressed by the applications. By referencing the DOGAMI landslide guide and adding clarifications and these additions, the requirements have become more stringent to ensure all items about a potential landslide are addressed. The probability of the loss of life and property should be reduced by including more stringent standards. If adopted, these standards will be implemented for the review and approval of properties with mapped geologic hazards.

Goal 9.1 Improve Oregon City’s Economic Health

Provide a vital, diversified, innovative economy including an adequate supply of goods and services and employment opportunities to work toward an economically reasonable, ecologically sound and socially equitable economy

Applicant Response: This legislative code update will continue to provide a vibrant economy by ensuring downtown businesses can use sidewalks in a way that is beneficial by reducing stormwater from entering the sanitary system reducing unneeded treatment at the sewer treatment plant which in turn keeps rates low, and by exempting smaller developments from the requirement of relocating overhead utilities underground in turn reducing the cost to develop.

The Sidewalk Code in Chapter 12.04 is proposed to be amended to include standards for sidewalk seating in the right of way as a long term permanent obstruction. This will allow seating to be used for downtown businesses in a way that supplements the business while also allow for pedestrian movements. This will help in the economic vitality of those businesses. The code amendment also allows for businesses to provide sidewalk sales on a seasonal basis whereas now the code restricts those sales. This amendment should also assist in the economic vitality of those businesses.

The sewer code amendments set forth in OCMC 13.08 will be amended to require all stormwater to be redirected from the sanitary system back to the stormwater system. Currently, due to the city originally consisting of a combined sewer system, many older areas of the City remain connected improperly to the sanitary system which contributes unnecessary flows to the Tri City Wastewater Treatment Plant. As that Plant near capacity, rates and system development charges have had to be raised to add new infrastructure. This code amendment will reduce the flows and ensure that no future expansion will be needed beyond what new housing will require with stable rates and system development charges rather than a continue substantial increase to those fees.

Amendments to OCMC Chapter 16.12 will exempt the current requirement that all existing overhead utilities shall be relocated underground. This provides an undue burden on smaller developments with very little benefit to the neighborhood. While undergrounding is a requirement that reduces visual air pollution which can stagnate property values, it only makes an impact when completed in a larger manner. This code amendment has the potential to retain or improve property values while also reducing the burden on developments.

Goal 9.2 Cooperative Partnerships

Create and maintain cooperative partnerships with other public agencies and business groups interested in promoting economic development.

Policy 9.2.1

Seek input from local businesses when making decisions that will have a significant economic impact on them.

Policy 9.2.2

Carefully consider the economic impacts of proposed programs and regulations in the process of implementing the City's Comprehensive Plan.

Policy 9.2.3

Simplify, streamline, and continuously improve the permitting and development review process.

Applicant Response: This legislative code amendment has been proposed as a response to what other public agencies, local business, and citizens have conveyed to the City.

Tri-City Sewer Treatment Plant, operated by Water Environment Services(WES), is nearing capacity and WES has requested reduction of stormwater flows into the sanitary sewer system. This is completed by inflow and infiltration reduction and is implemented by policy and code changes in OCMC Chapter 13.08.

The Downtown Oregon City Association and Oregon City Chamber of Commerce are partners with respect to the vitality of downtown businesses. The Chamber of Commerce requested the City review its policies with respect to sidewalk obstructions and temporary obstructions. Proposed amendments to OCMC Chapter 12.04 are in response to this request.

The Department of Land Conservation and Development (DLCD) and The Department of Geology and Mineral Industries (DOGAMI) released their document “Preparing for Landslide Hazards : A Land Use Guide for Oregon Communities” in October 2019. In response to this document, comments from the Oregon City Planning Commission, comments from the Oregon City City Commission, and citizens, proposed amendments to OCMC Chapter 17.44 have been made to address concerns and add clarifications relating to comments received and relating to conformance to the DLCD/DOGAMI document.

The Oregon City Development Stakeholders Group (DSG) requested the City look at the requirement to underground existing overhead utilities. During this investigation, the City met with Portland General Electric(PGE) to discuss the reasons this requirement has become expensive compared to previous years. In that discussion, a conversation also occurred concerning the provision for a Public Utility Easement (PUE) commonly used for electric, gas, telephone, cable, fiberoptic franchise utilities. While OCMC Chapters 13.24 and 13.34 provide regulation on franchise utilities, the development code had only minor references to the PUE. The code amendments within OCMC Chapter 16.12 reflect the discussions with not only PGE and the DSG, but also the City of Oregon City Community Development Department. These discussions led to the proposed revisions of not only reducing the undergrounding requirement, but also more clearly regulating the provision for and use of the PUE.

All revisions relate to economic impacts and are intended to streamline the development process by providing clarity and common sense solutions recommended by these proposed revisions.

Goal 11.1 Provision of Public Facilities

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

Policy 11.1.2

Provide public facilities and services consistent with the goals, policies and implementing measures of the Comprehensive Plan, if feasible.

Policy 11.1.4

Support development on underdeveloped or vacant buildable land within the city where public facilities and services are available or can be provided and where land-use compatibility can be found relative to the environment, zoning, and Comprehensive Plan goals.

Policy 11.1.5

Design the extension or improvement of any major public facility and service to an area to complement other public facilities and services at uniform levels.

Policy 11.1.7

Develop and maintain a coordinated Capital Improvements Plan that provides a framework, schedule, prioritization, and cost estimate for the provision of public facilities and services within the City of Oregon City and its Urban Growth Boundary.

Applicant Response: This legislative code amendment relates to the provision of public facilities while also implementing Capital Improvement Plans.

Concerning proposed amendments to OCMC Chapter 12.04 on sidewalks and temporary obstructions, the purpose is to ensure the public sidewalk is maintained for use by the public while also allowing it to be used for seating for adjacent businesses.

Concerning proposed amendments to OCMC Chapter 13.08, the sewer amendments implement plans and programs set forth in the Sanitary Sewer Master Plan.

Proposed amendments to OCMC Chapter 16.12 provide a clearer definitive space for the franchise utilities to be located so that their service can be provided to all developments with ease of maintenance and reduced disruption of service.

Proposed amendments to OCMC Chapter 17.44 support safe development on underdeveloped or vacant buildable land where utilities exist and ensure that these developments are designed in a safer, effective, and more sustainable manner based on the current science available for geologic hazards.

Goal 11.2 Wastewater

Seek the most efficient and economic means available for constructing, operating, and maintaining the City's wastewater collection system while protecting the environment and meeting state and federal standards for sanitary sewer systems.

Policy 11.2.2

Plan, operate and maintain the wastewater collection system for all current and anticipated city residents within the existing Urban Growth Boundary. Plan strategically for future expansion areas.

Policy 11.2.4

Seek economical means to reduce inflow and infiltration of surface- and groundwater into the wastewater collection system. As appropriate, plant riparian vegetation to slow stormwater, and to reduce erosion and stream sedimentation.

Policy 11.2.5

Implement the City's wastewater policies through the *City of Oregon City Sanitary Sewer Master Plan*.

Applicant Response: This legislative code amendment proposes changes to OCMC Chapter 13.08 concerning sewer flows. These amendments are necessary to implement the inflow and infiltration (I&I) reduction plan. These amendments implement the City of Oregon City Sanitary Sewer Master Plan.

Goal 11.7 Private Utility Operations

Coordinate with utilities that provide electric, gas, telephone and television cable systems, and high-speed internet connection to Oregon City residents to ensure adequate service levels.

Policy 11.7.1

Require local service lines in new subdivisions be placed underground.

Policy 11.7.2

Coordinate with private utility providers to install infrastructure during street construction and maintenance to reduce the need to repeatedly cut into newly paved streets.

Policy 11.7.3

Adopt lighting practices in streets and other public facilities, and encourage them in private development, that reduce glare, light pollution, light trespass, and energy use, while maintaining even lighting ensuring good visibility and safety for the public.

Policy 11.7.4

Encourage development of broadband networks in street rights-of-way in a coordinated way to provide state-of-the-art technology to residents.

Applicant Response: This legislative code amendment provides for an appropriate Public Utility Easement (PUE) for the franchise utilities (electric, gas, telephone, cable, fiberoptic) and provides exemptions for the relocation of existing overhead utilities to underground. This exemption will not change the requirement to install all new utilities underground to be in line with Policy 11.7.1. The Pavement Cut Standards are not proposed to be amended as part of these amendments; therefore, Policy 11.7.2 is retained. No changes to the lighting requirements are proposed; therefore, Policy 11.7.3 is retained. The details and clarification of the PUE will improve the execution of Policy 11.7.4.

Goal 12.5 Safety

Develop and maintain a transportation system that is safe.

Policy 12.5.1

Identify improvements that are needed to increase the safety of the transportation system for all users.

Policy 12.5.2

Identify and implement ways to minimize conflict points between different modes of travel.

Policy 12.5.3

Improve the safety of vehicular, rail, bicycle, and pedestrian crossings.

Applicant Response: These legislative code amendments will enhance safety thru the proposed revisions to OCMC 12.04 and 17.44. By ensuring proper space for pedestrians on sidewalks by regulating the seating in the right of way through the changes to the temporary obstruction codes, safety will be improved for pedestrians. By providing more stringent standards to the geologic hazard code, developers of vacant property will have safer properties to build on and those properties that could be affected by a landslide are less likely impacted.

Goal 13.1 Energy Sources

Conserve energy in all forms through efficient land-use patterns, public transportation, building siting and construction standards, and city programs, facilities, and activities.

Applicant Response: This legislative code amendment will not affect the City's adopted public facilities master plans.

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

Applicant Response: This legislative action will have no negative effect on the provision of public facilities and services.

Inflow/Infiltration : The amendments to OCMC 13.04 and 13.08 will have no negative effect on the public water and sewer systems. In fact, the proposed amendments will improve the public systems by reducing the negative effects of inflow and infiltration currently being experienced by the system. These amendments implement improvements from the City's Sanitary Sewer and Stormwater Master Plans. Zoning is not impacted by this amendment. These amendments allow for proper implementation of the City's Stormwater and Grading Standards and Sanitary Sewer Standards.

Undergrounding overhead utilities : The amendments to OCMC 13.24, 13.34, 16.12, and chapter 17 will have no negative effect on the public transportation system. Reducing the requirement of moving existing utilities underground will retain more physical space for the transportation system and other utilities needed within the public right of way. No impact to the City's Transportation System Plan or Utility Master Plans is anticipated. These amendments will not affect the underlying zoning as it corrects conflicts within current zoning setbacks and Public Works Standards. This amendment will remove those conflicts and let zoning standards and public works standards apply in concert with one another.

Sidewalks : The amendments to OCMC 12.04 will have no negative effect on the public transportation system. The amendment and subsequent policy will provide guidelines and requirements for use of the public right of way which should reduce the negative impacts experienced in the traveled way. This amendment ensures proper space for sidewalks as described in the City's Transportation System Plan. Zoning is not affected by this amendment.

Geologic Hazards : The amendments to OCMC 17.44 will have no negative effects to the public transportation or utility systems. The amendments strengthen requirements to those properties seeking development within geologic hazards. This will enhance the safety of utilities and roadways and will further minimize negative impacts to those systems. No utility or transportation master plan is affected by this amendment. This amendment does not affect zoning. The current properties with mapped geologic hazards will remain as mapped.

Therefore, the proposed amendments are consistent with Criterion (B).

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

Applicant Response: Not applicable. None of the proposed amendments will have any impact on the existing or planned functions, capacity, and level of service of the transportation system. Therefore, the proposed amendments are consistent with Criterion (C).

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

Applicant Response: The following goals of the Statewide Planning Goals are applicable to the code amendments. No other Statewide Planning Goals are applicable.

Goal 1 : Citizen Involvement

See item I.3. Public Comment and Notice for more information.

Goal 2 : Land Use Planning

See the section under 17.68.020 on how this proposed amendment meets the land use planning goals of the City's Comprehensive Plan.

Goal 5 : Natural Resources, Scenic and Historic Areas, and Open Spaces

This application meets Goal 5 by addressing the protection of Natural Hazards in the revisions to Chapter 17.44. By clarifying and enhancing the geologic hazard code, natural resources will receive increased protection. The code revisions require stormwater evaluation which relates to groundwater as well as overland flow and requires the applications address any downstream impacts or regional impacts relating to stormwater flow, which in some cases relates to designated Natural Resources. No other code revisions relate to Goal 5. See responses under Comprehensive Plan Goal 7.1 for more information.

Goal 6 : Air, Water, and Land Resources Quality

This application meets Goal 6 by how it addresses removing stormwater from the sanitary sewer system in the Code revisions of 13.08. This will improve the function of the Tri City Wastewater Treatment Plant as regulated by the Department of Environmental Quality (DEQ). See response under Comprehensive Plan Goal 11.2 for more information.

Goal 7 : Areas Subject to Natural Hazards

This application meets Goal 5 by how it addresses the protection of Natural Hazards in the revisions to Chapter 17.44. No other code revisions relate to Goal 5. See responses under Comprehensive Plan Goal 7.1 for more information.

Goal 9 : Economic Development

See responses under Comprehensive Plan Goal 9.1 for more information.

Goal 10 : Housing

Revisions to 16.12 and 17.44 positively impact housing. By reducing the burden on smaller developments through exemptions for undergrounding existing overhead utilities, the amendments will make developments cost effective; therefore, enhancing the likely development of the City's buildable lands. By strengthening the geologic hazard code, the lands become more buildable with less risk due to the rigorous reviews necessary to ensure the site is safe. Without this code revisions, a site may have become unbuildable due to the lack of certainty.

Goal 11 : Public Facilities and Services

See responses under Comprehensive Plan Goal 11.1 for more information.

Goal 12 : Transportation

Revisions to 12.04 enhance the pedestrian areas in the downtown area by ensuring proper areas are available for pedestrians while also allowing for sidewalk seating. Revisions to 16.12 allow for a proper Public Utility Easement (PUE) to ensure the actual right of way is clear of any additional utilities that could cause disruptions to service when under maintenance or create additional obstructions due to settlement of sidewalk and roadways.

17.68.025 - Zoning for land annexed into the city.

Upon annexation into the City, the property shall be rezoned from County zoning to the corresponding City zoning designation as identified in Table 17.06.030, provided the criteria for a zone change can be met.

Applicant Response: Not applicable. No land is being rezoned as part of this legislative application.

17.68.040 - Approval by the Commission.

If the Planning Commission finds that the request or application for an amendment, or change, complies with the criteria of OCMC 17.68.020, it shall forward its findings and recommendation to the City Commission for action thereon by that body.

Applicant Response: Not applicable. No Planning Commission recommendation will relate to OCMC 17.68.020 as no rezoning or annexation is occurring with this legislative application.

17.68.050 - Conditions.

In granting a change in zoning classification to any property, the Commission may attach such conditions and requirements to the zone change as the Commission deems necessary in the public interest and such conditions and restrictions shall thereafter apply to the zone change or map amendment.

Applicant Response: Not applicable. No land is being rezoned as part of this legislative application.

Chapter 17.50 Administration and Procedures

17.50.050 – Pre-application conference.

- A. *Pre-application Conference. Prior to a Type II – IV or Legislative application, excluding Historic Review, being deemed complete, the applicant shall schedule and attend a pre-application conference with City staff to discuss the proposal, unless waived by the Community Development Director. The purpose of the pre-application 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.*
- 1. To schedule a pre-application conference, the applicant shall contact the Planning Division, submit the required materials, and pay the appropriate conference fee.*
 - 2. 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.*
 - 3. 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 pre-application conference.*
- B. *A pre-application 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 shall schedule and attend another conference before the City will accept a permit application. The Community Development Director may waive the pre-application requirement if, in the Director's opinion, the development has not changed significantly and the applicable municipal code or standards have not been significantly amended. In no case shall a pre-application conference be valid for more than one year.*
- C. *Notwithstanding any representations by City staff at a pre-application 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.*

Applicant Response: Public Works attended PA 19-69 on December 3, 2019

17.50.055 - Neighborhood association meeting.

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.

- A. *Applicants applying for annexations, zone change, comprehensive plan amendments, conditional use, Planning Commission variances, subdivision, or site plan and design review (excluding minor site plan and design review), general development master plans or detailed development plans applications shall schedule and attend a meeting with the City-recognized neighborhood association in whose territory the application is proposed no earlier than one year prior to the date of application. Although not required for other projects than those identified above, a meeting with the neighborhood association is highly recommended.*
- B. *The applicant shall request via email or regular mail a request to meet with the neighborhood association chair where the proposed development is located. The notice shall describe the proposed project. A copy of this notice shall also be provided to the chair of the Citizen Involvement Committee.*

- C. *A meeting shall be scheduled within thirty days of the date that the notice is sent. A meeting may be scheduled later than thirty days if by mutual agreement of the applicant and the neighborhood association. If the neighborhood association does not want to, or cannot meet within thirty days, the applicant shall host a meeting inviting the neighborhood association, Citizen Involvement Committee, and all property owners within three hundred feet to attend. This meeting shall not begin before six p.m. on a weekday or may be held on a weekend and shall occur within the neighborhood association boundaries or at a City facility.*
- D. *If the neighborhood association is not currently recognized by the City, is inactive, or does not exist, the applicant shall request a meeting with the Citizen Involvement Committee.*
- E. *To show compliance with this section, the applicant shall submit a copy of the email or mail notice to the neighborhood association and CIC chair, a sign-in sheet of meeting attendees, and a summary of issues discussed at the meeting. If the applicant held a separately noticed meeting, the applicant shall submit a copy of the meeting flyer, postcard or other correspondence used, and a summary of issues discussed at the meeting and submittal of these materials shall be required for a complete application.*

Applicant Response: Attendance at the Citizen Involvement Committee occurred on December 2, 2019 concerning the inflow/infiltration Policy and Code Amendments and the Undergrounding Overhead Utility Policy and Code amendments.

Meetings will occur with the Rivercrest and McLoughlin neighborhoods in early summer 2020 for the Inflow/Infiltration Policy and Code amendments.

See Item 3 under background for all public meetings and planned public meetings.

17.50.070 - Completeness review and one hundred twenty-day rule.

- C. *Once the Community Development Director determines the application is complete enough to process, or the applicant refuses to submit any more information, the City shall declare the application complete. Pursuant to ORS 227.178, the City will reach a final decision on an application within one hundred twenty calendar days from the date that the application is determined to be or deemed complete unless the applicant agrees to suspend the one hundred twenty calendar day time line or unless State law provides otherwise. The one hundred twenty-day period, however, does not apply in the following situations:*
 - 1. *Any hearing continuance or other process delay requested by the applicant shall be deemed an extension or waiver, as appropriate, of the one hundred twenty-day period.*
 - 2. *Any delay in the decision-making process necessitated because the applicant provided an incomplete set of mailing labels for the record property owners within three hundred feet of the subject property shall extend the one hundred twenty-day period for the amount of time required to correct the notice defect.*
 - 3. *The one hundred twenty-day period does not apply to any application for a permit that is not wholly within the City's authority and control.*
 - 4. *The one hundred twenty-day period does not apply to any application for an amendment to the City's comprehensive plan or land use regulations nor to any application for a permit, the approval of which depends upon a plan amendment.*
- D. *A one-hundred day period applies in place of the one-hundred-twenty day period for affordable housing projects where:*
 - 1. *The project includes five or more residential units, including assisted living facilities or group homes;*

2. *At least 50% of the residential units will be sold or rented to households with incomes equal to or less than 60% of the median family income for Clackamas County or for the state, whichever is greater; and*
 3. *Development is subject to a covenant restricting the owner and successive owner from selling or renting any of the affordable units as housing that is not affordable for a period of 60 years from the date of the certificate of occupancy.*
- E. The one hundred twenty-day period specified in OCMC 17.50.070.C or D may be extended for a specified period of time at the written request of the applicant. The total of all extensions may not exceed two hundred forty-five calendar days.*
- F. The approval standards that control the City's review and decision on a complete application are those which were in effect on the date the application was first submitted.*

Applicant Response:

Not applicable. Legislative actions are not subject to this standard.



PREPARING FOR LANDSLIDE HAZARDS

**A LAND USE GUIDE
FOR OREGON COMMUNITIES**

October 2019



Guide Developers

Tricia R. Sears, Marian Lahav, Oregon Department of Land Conservation and Development (DLCD)
William J. Burns, Justin McCarley, Oregon Department of Geology and Mineral Industries (DOGAMI)

Important Notice

This *Guide* provides examples of comprehensive plan language and development code provisions that can serve to help communities reduce risk to landslide hazards. These examples provide general guidance allowing communities to tailor land use policies and regulations to their individual circumstances. In developing this *Guide*, every effort has been made to provide examples that conform to Oregon land use law. However, as always when developing land use regulations or other legislation for local adoption, local governments should consult with their legal counsel to ensure that proposals comply with applicable federal, state, and local requirements. Unless otherwise marked, examples and excerpts of city and county codes quoted in this document were current at time of *Guide* preparation.

The goal of this *Guide* is to help local communities throughout Oregon become more resilient to landslide hazards through community land use options and strategies. The *Guide* is focused on land use planning approaches to reduce landslide hazard risk and is not intended to address the full range of efforts needed for overall disaster preparedness. Adequately preparing for a local or catastrophic event requires a comprehensive community effort. This *Guide* can be used to develop land use options and strategies as one part of a community's comprehensive preparedness effort.

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Cover image modified from OCWebMaps, Oregon City GIS, <https://www.orcity.org/maps/geologic-hazards-map>. Layers shown are Basemap; Streams; Landslides (SLIDO) – Scarps; Landslides (SLIDO) – Scarp Flanks; Landslides (SLIDO) – Deposits; Geologic Hazards - Landslides; Slope Categories. **Figure 4-3** shows data layers that viewers of the interactive map can select and view.

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CHAPTER 1 INTRODUCTION TO THE *GUIDE*

Community leaders need to think holistically about planning for hazards, identify opportunities and resources to achieve their goals, treat mitigation as an investment in protection of public and private investments, and seek synergies that achieve those results in the most cost-effective ways possible. Focusing on thinking linkages is perhaps the most exciting and potent way to get there.

— *Hazard Mitigation: Integrating Best Practices into Planning*¹

Oregon is landslide country!

Landslides are a chronic problem in our state, affecting both infrastructure and private property. Approximately 13,048 documented landslides have occurred in Oregon in the last 150 years (Burns, 2017²). The combination of geology, precipitation, topography, and seismic activity makes portions of Oregon especially prone to landslides. The Coast Range and the Cascades Range have the most significant landslide hazards in Oregon; these geographic areas and the valley between them contain the bulk of Oregon's population.



A landslide warning sign on Interstate 84 at the western edge of the Columbia River Gorge National Scenic Area reminds travelers to be alert for landslide hazards. (Photo credit: Tricia Sears)

We know that precipitation, earthquakes, and human activity are the main triggers of landslides. While we cannot control precipitation and earthquakes, we can change our human activity. Addressing landslide risk is everyone's responsibility and is codified in Oregon Revised Statute (ORS) 195.253³:

The Legislative Assembly declares that it is the policy of the State of Oregon that: Each property owner, each highway user and all federal, state and local governments share the responsibility for making sound decisions regarding activities that may affect landslide hazards and the associated risks of property damage or personal injury.

¹ 2010, p. 134, https://www.fema.gov/media-library-data/20130726-1739-25045-4373/pas_560_final.pdf

² <http://www.oregongeology.org/slido/>

³ https://www.oregonlegislature.gov/bills_laws/ors/ors195.html

In the past few decades, Oregon's population has increased rapidly, with just over 4 million people living here presently. Urban areas are seeing substantial increases in population and development pressure that encroach on nonurban areas. Development will continue, creating increasing complexity in addressing urban growth, environmental protection, natural hazards, housing cost and availability, social conditions, economic well-being, and equity issues. Without proper site evaluation and construction techniques, development in areas highly susceptible to landslides will significantly increase potential for loss of life and property damage, not only on the subject property but also on neighboring properties. Oregon's land use laws, which will be discussed in Chapters 3 and 4, provide rules and guidance on how communities develop.

A. PURPOSE AND SCOPE OF THE *GUIDE*

One Size Does Not Fit All

Communities should consider their own strategies to reduce landslide hazard risk.

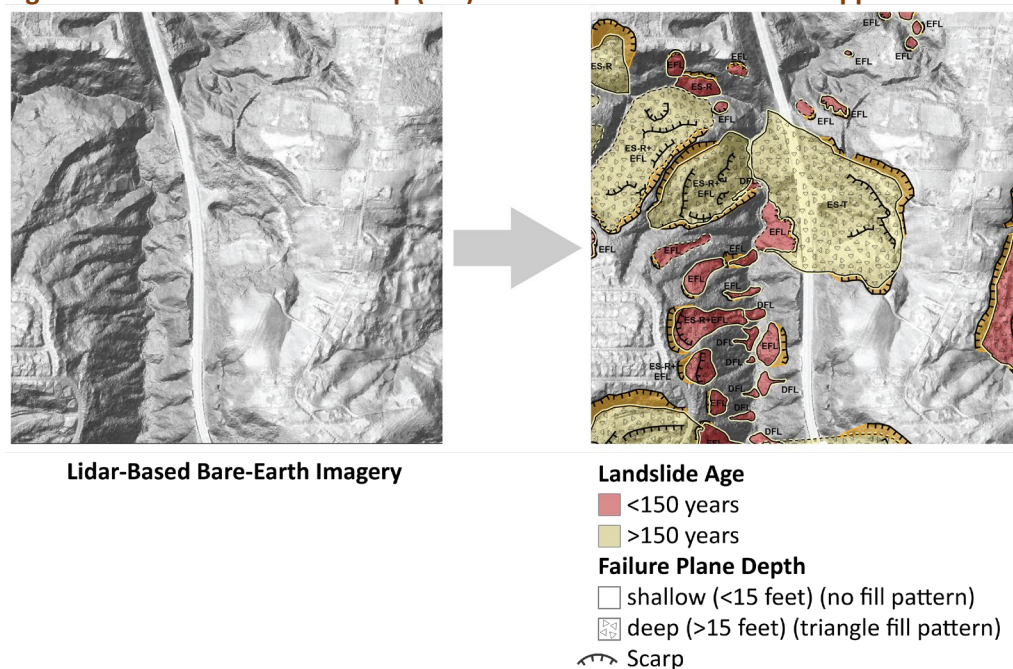
DOGAMI and DLCD collaborated on this *Guide* to help Oregon communities reduce potential losses from landslide events. To do this, we identify land use tools and strategies. The *Guide* is focused on land use planning approaches to reduce landslide hazard risk and is not intended to address the full range of efforts needed for overall landslide risk reduction and hazard preparedness.

Land use planning to reduce landslide hazard risk uses comprehensive plan and implementation provisions (e.g., zoning code, building code, and so forth) and is based on science and policy. Science is a basis for policy, implementation, and decision-making, while policies also shape the science that is pursued and obtained. Much of the expressed need for this *Guide* (Chapter 4, section **C, Key Questions from Interviewees**, and Chapter 5, section **C, Landslide Guide Interviewees' Key Points**) stemmed from communities that pursued and obtained lidar-based landslide mapping with DOGAMI.

Lidar, a form of laser technology, has significantly increased the ability to locate and map existing landslides. Lidar allows mappers to see the earth's surface with a much higher level of detail than has ever been available, and as the technology continues to improve, so too does the level of detail. Lidar imagery even allows mappers to see the ground beneath vegetation and trees, as if the earth had been stripped bare. This gives geologists the ability to identify and map landslide features that may have previously been unrecognized or overlooked (**Figure 1-1**). See Chapter 2, section **C, Types of Landslide Maps** for a fuller discussion of lidar.

High-Resolution Lidar Mapping

Lidar is a relatively new technology that allows mappers to see the earth's surface beneath vegetation and trees, as if the earth had been stripped bare. Lidar gives geologists the ability to identify and map landslide features that may have previously been unrecognized or overlooked.

Figure 1-1. Bare-Earth Lidar Map (left) and Bare-Earth Lidar with Mapped Landslides

Source: DOGAMI (Burns & Madin, 2009b⁴)

During the last decade, DOGAMI has produced lidar-based, detailed landslide inventory, shallow landslide susceptibility, and deep landslide susceptibility maps for many communities in Oregon. **Table 1-1** is a list of all the communities with DOGAMI lidar-based landslide inventory and landslide susceptibility maps. There are 46 cities and 14 counties with DOGAMI lidar-based inventory maps. There are 35 cities and 9 counties that have DOGAMI lidar-based landslide susceptibility maps.

Understanding the landslide hazard information is imperative to using it in comprehensive plans, zoning codes, and other documents that provide guidance, policy, and implementation measures for a community. The results of landslide mapping using lidar imagery commonly reveal that more of a community is within a landslide hazard area than was known previously. What then, is a community to do with this information?

Chapter 3, Mitigation Planning, describes the importance of comprehensive planning, Oregon's Statewide Planning Goals, and natural hazard mitigation planning, then discusses integrating landslide map information to reduce risk.

Chapter 4, Implementation, describes measures such as zoning code, stormwater management code, erosion control code, and so forth, which are implemented as

⁴ <https://www.oregongeology.org/pubs/sp/p-SP-42.htm>

regulations. Examples of codes from jurisdictions that incorporate landslide map information are provided.

Chapter 5, Resources, contains model code and comprehensive plan information, summary information related to the code review, a list of interviewees' key points (collected via research during this *Guide* and additional resources related to landslides. This *Guide* is not intended to address the full range of efforts needed for overall landslide risk reduction and hazard preparedness”?

Chapter 6, Glossary, and **Chapter 7, References**, are self-explanatory.

Chapter 8, Landslide Code Review Details Table, contains the list of communities (cities and counties) in a code review performed by DLCD and DOGAMI. The table contains information from 28 cities and 6 counties; it does not include every community that has either DOGAMI lidar-based landslide inventory maps and/or DOGAMI lidar-based landslide susceptibility maps.

Table 1-1. DOGAMI Lidar-Based Landslide Mapping for Oregon Communities (Cities and Counties). This list contains cities and counties that are partially or completely mapped. These communities and counties were the basis for the Code Review for this Guide, but not all of these communities are in the Code Review. Newport and Salem do not have lidar-based landslide mapping but are included in the Code Review because of their unique geologic hazard codes.

Lidar-Based Landslide Inventory Maps —

DOGAMI has produced partial or complete lidar-based landslide maps for:

Cities:

Astoria	Eugene	Lake Oswego	Silverton
Banks	Fairview	Maywood Park	Springfield
Barlow	Florence	Milwaukie	Tigard
Beaverton	Forest Grove	Mount Angel	Troutdale
Brookings	Gladstone	North Plains	Tualatin
Canby	Gold Beach	Oregon City	Vernonia
Clatskanie	Gresham	Port Orford	Warrenton
Coburg	Happy Valley	Portland	West Linn
Cornelius	Hillsboro	Rivergrove	Wilsonville
Damascus	Johnson City	Sandy	Wood Village
Durham	Junction City	Scappoose	
Estacada	King City	Sherwood	

Counties:

Curry	Columbia	Lane	Multnomah
Benton	Coos	Lincoln	Washington
Clackamas	Crook	Marion	Yamhill
Clatsop	Hood River		

Lidar-Based Landslide Susceptibility Maps —

DOGAMI has produced partial or complete lidar-based landslide maps for:

Cities:

Astoria	Fairview	Maywood Park	Springfield
Barlow	Gladstone	Milwaukie	Tigard
Beaverton	Gresham	Mount Angel	Troutdale
Canby	Happy Valley	Oregon City	Tualatin
Clatskanie	Hillsboro	Portland	Warrenton
Coburg	Johnson City	Rivergrove	West Linn
Damascus	Junction City	Sandy	Wilsonville
Estacada	King City	Sherwood	Wood Village
Eugene	Lake Oswego	Silverton	

Counties:

Clackamas	Hood River	Multnomah
Clatsop	Lane	Washington
Columbia	Marion	Yamhill

B. HOW TO USE THE *GUIDE*

This *Guide* is intended to assist, in particular, the growing list of Oregon communities with new lidar-based landslide inventory and susceptibility maps. However, the majority of the information and examples presented represent best available science and practices and may be used by communities throughout Oregon regardless of the age or quality of their landslide hazard maps and data. In fact, the older the maps and the lower the data quality, the more important it is for a community to adopt prudent and protective policies and regulations.

What Will You Find in This *Guide*?

- Explanations of the general types of landslide hazards. (Chapter 2)
- Explanation of lidar. (Chapter 2)
- Information about engineering geology reports and geotechnical engineering reports, the professionals who author them, and how to use them. (Chapter 2)
- Results of a limited review of Oregon landslide regulations primarily in Oregon communities with the new lidar-based maps. See **Table 5-1** through **Table 5-4**, **Figure 4-7**, and **Table 8-1**. (Chapters 4, 5, and 8)
- Key issues in implementing landslide hazard risk reduction identified through conversations with professionals primarily in jurisdictions with the new lidar-based maps. (Chapter 4 and 5)
- Discussions of comprehensive plan and implementation (e.g., zoning codes, building codes, and so forth) issues and approaches to reducing landslide risk through non-regulatory and regulatory steps. (Chapters 3 and 4)
- Elements of a strong comprehensive plan related to landslide hazards, examples of comprehensive plan provisions from Oregon communities, and a model framework for comprehensive plan revisions. (Chapters 3 and 5)
- Elements of a strong landslide hazard ordinance, example code provisions from Oregon communities, and a model framework for a landslide hazard ordinance. (Chapters 4 and 5)
- Key ways to reduce a community's risk from landslide hazards. (Chapter 4)
- Other resources to aid communities and individuals in reducing (mitigating) landslide hazard risks. (Chapter 5)

When using this *Guide*, be familiar with and understand a community's landslide policies and regulations and specific landslide risks. Local policies, regulations, and plans are typically available at a community's planning, building, public works, and emergency management departments; often this information is also available online

on the jurisdiction's website. Documents such as but not limited to comprehensive plans, zoning codes, grading and erosion control manuals, and natural hazards mitigation plans provide a substantial amount of information about a community's policies and regulations. Local maps may also be available at the jurisdiction's offices and their website. The maps released by DOGAMI are available on the DOGAMI website⁵.

C. KEY DEFINITIONS

Throughout this *Guide* we use the engineering geology terms *hazard*, *susceptibility*, and *risk*.

Hazard is something that has the potential to cause harm; it is a possible source of danger. Hazard is defined in this *Guide* as the frequency and magnitude at which landslides will happen.

The term **susceptibility** is defined here as capable of being affected by a specified action or process, and in this *Guide* the process is mass wasting by means of slope failure or landsliding.

The term **risk** is defined here as the probability of loss or injury. In this *Guide* risk is the intersection of the hazard with assets (such as buildings) and their vulnerability to the hazard (Burns, Hughes, Olsen, McClaughry & others, 2016⁶). Risk is an expression of the potential magnitude of a disaster's impact. **Figure 2-8** shows risk as the intersection of natural hazards and vulnerable systems.

Some other frequently used terms in this *Guide* include vulnerability, exposure, mitigation, and resilience:

Vulnerability is the potential to be harmed. Some people and places are more vulnerable to landslide hazards than are others.

Exposure is the spatial overlap of landslide hazard and assets.

Mitigation is the action of reducing the severity of the landslide hazard to reduce impacts of hazards on people, property, and the environment.

Resilience is the capacity to withstand and recover from a disaster.

⁵ <https://www.oregongeology.org>

⁶ <http://www.oregongeology.org/pubs/ofr/p-O-11-16.htm>

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CHAPTER 2 LANDSLIDE HAZARDS

Houses and other structures should not be placed in locations where the owners might as well paint a bull's-eye on the outside wall.

—Ray Wilkeson⁷

The general term *landslide* refers to a range of slope movement processes including rock falls, debris flows, earth slides, and other mass movements (Varnes, 1978⁸). The main triggers of landslides are precipitation, earthquakes, and human activity.

Landslides not caused by humans are a natural process; they shape the landscape and contribute to the overall environmental quality of our world. There are benefits to landslides: “The ecological role that landslides play is often overlooked. Landslides contribute to aquatic and terrestrial biodiversity. Debris flows and other mass movement play an important role in supplying sediment and coarse woody debris to maintain pool/riffle habitat in streams. As disturbance agents, landslides engender a mosaic of seral stages, soils, and sites (from ponds to dry ridges) to forested landscapes” (Geertsema, Highland, & Vaugeouis, 2009⁹).

However, when a landslide impacts people, property, or assets (e.g., roads, buildings, and infrastructure), and the environment in a harmful way, it is a natural hazard.

And, although landslides are generally thought of as localized events, occurring on individual hillsides or slopes, big rainstorms or earthquakes can cause large, catastrophic landslides (such as the 2014 Oso landslide in Washington State) or hundreds of smaller landslides within a relatively short time across a wide region (such as the Portland metropolitan area in the winter storms of 1996). These are but two of the ways landslides can be natural disasters.

A. TYPES OF LANDSLIDES

All landslides can be classified into six types of movement: 1) falls, 2) topples, 3) slides, 4) spreads, 5) flows, and 6) complex (**Figure 2-1**). Most slope failures are

⁷ Oregon Forest Industries Council, quoted in *Oregonian* newspaper article (Mapes, March 3, 1999)

⁸ <http://onlinepubs.trb.org/Onlinepubs/sr/sr176/176-002.pdf>

⁹ https://link.springer.com/chapter/10.1007/978-3-540-69970-5_31

complex combinations of these six distinct types, but the generalized groupings provide a useful means for framing discussion of the type of hazard and potential mitigation actions. Movement type should be combined with other landslide characteristics such as type of material, rate of movement, depth of failure, and water content to understand more fully the landslide behavior. For a more complete description of the different types of landslides, see *U.S. Transportation Research Board Special Report 247, Landslides: Investigation and Mitigation* (Turner & Schuster, 1996¹⁰), which has an extensive chapter on landslide types and processes.

One type of landslide that is commonly life threatening is channelized debris flow, sometimes referred to as a *rapidly moving landslide* or RML. They are more prevalent and impactful than most people recognize. Channelized debris flows normally initiate on a steep slope, move into a steep channel (or drainage), increase in volume by incorporating channel materials, and then deposit material, usually at the mouth of the channel on existing fans. Debris flows can be mobilized by other types of landslides that occur on slopes near a channel. Debris flows can also initiate within channels from accelerated erosion during heavy rainfall or snowmelt. These debris flows move fast enough that they are difficult to outrun.

Slopes that have failed in the past often remain in a weakened state, and many of these areas tend to fail repeatedly over time. For example, a channel with a debris flow fan at its mouth indicates a history of debris flows in that channel. The formation of talus slopes indicates that numerous rock falls have occurred above the slope. Talus is “[a]n outward sloping and accumulated heap or mass of rock fragments of any size or shape (usually coarse and angular) derived from and lying at the base of a cliff or very steep, rocky slope, and formed chiefly by gravitational falling, rolling, or sliding” (USGS¹¹).

Keys to Future Landslides

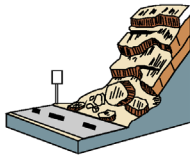
Knowing the locations and understanding the types of past landslides are the keys to understanding future landslides.

The tendency for failures to reoccur is true for all types of landslide movements and over periods much longer than human recorded history. Large landslide complexes may have moved dozens of times over thousands of years, with long periods of stability punctuated by episodes of movement. In some cases, areas that have previously failed have subtle topographic morphology now, making them difficult to identify. However, technological advances such as lidar have greatly helped in the process of identifying and mapping older landslides. Identifying and mapping both historical and ancient landslide areas – many of which will move again – is of great importance for mitigating the risk these natural hazards pose.

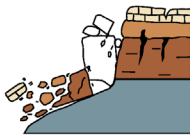
Potential slope instability is not limited to past landslide sites. Areas near previous landslides and of similar geology and topography are also at higher risk for slope failure. This makes it even more important to locate previous landslides and study them: Mapping landslide locations can identify nearby or similar areas susceptible to slope instability.

¹⁰ <http://onlinepubs.trb.org/Onlinepubs/sr/sr247/sr247-007.pdf>

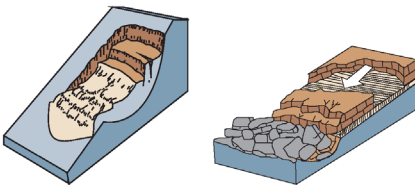
¹¹ <https://mrdata.usgs.gov/geology/state/sgmc-lith.php?code=1.5.5>

Figure 2-1. Types of Common Landslides in Oregon

Falls are near-vertical, rapid movements of masses of materials, such as rocks or boulders. The rock debris sometimes accumulates as talus at the base of a cliff.

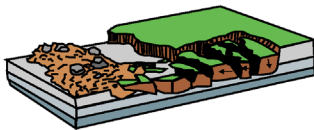


Topples are distinguished by forward rotation about some pivotal point, below or low in the mass.

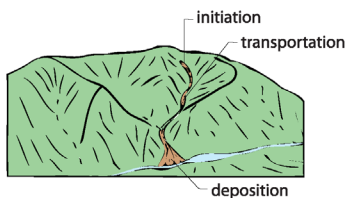


Slides are downslope movement of soil or rock on a surface of rupture (failure plane or shear-zone).

- **Rotational** slides move along a surface of rupture that is curved and concave.
- **Translational** slides displace along a planar or undulating surface of rupture, sliding out over the original ground surface.



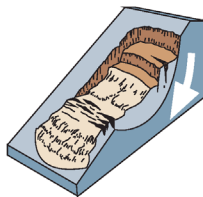
Spreads are commonly triggered by earthquakes, which can cause liquefaction of an underlying layer and extension and subsidence of commonly cohesive materials overlying liquefied layers.



Channelized Debris Flows commonly start on a steep, concave slope as a small slide or earth flow into a channel. As this mixture of landslide debris and water flows down the channel, it picks up more debris, water, and speed, and deposits in a fan at the outlet of the channel.



Earth Flows commonly have a characteristic "hourglass" shape. The slope material liquefies and runs out, forming a bowl or depression at the head.



Complex landslides are combinations of two or more types. A common complex landslide is a slump-earth flow, which usually exhibit slump features in the upper region and earth flow features near the toe.

Source: Modified after Highland (2004, <https://doi.org/10.3133/fs20043072>)

B. EFFECTS OF LANDSLIDES

B.1. EFFECTS ON PEOPLE

Landslides lead to an estimated 25–50 deaths per year in the United States (Spiker and Gori, 2003¹²). In Oregon, the average annual loss of life is estimated to be nearer to one or two lives per year (Beaulieu and Olmstead, 1999¹³). However, larger scale events have the potential to cause mass casualties. The winter storms of 1996 led to eight deaths in Oregon due to several individual landslides (Beaulieu & Olmstead, 1999¹⁴).

As the state’s population grows, easy-to-develop lands tend to be the first areas developed, leaving more difficult-to-develop areas such as landslide- or other hazard-prone areas. Landslide hazard areas are often areas with steep slopes and higher elevation. These areas can be desirable lands for development, e.g., view properties, that command high prices. They can be complicated to develop, but they become “worth it.” Developing in landslide hazard areas puts more people, structures, and infrastructure in hazard areas.

Landslides can have direct and indirect effects on people. Landslide materials blocking roads are probably the most common impacts from landslides. A landslide in January 2017 undermined a section of NW Newberry Road in Multnomah County, forcing a road closure until April 2019 (Multnomah County, 2018¹⁵). For people who use these roads to commute and transport goods, the effect can be costly in both time and money.

B.2. EFFECTS ON THE ECONOMY

In the United States, landslides cause over \$2 billion in economic losses annually (Turner & Schuster, 1996¹⁶; Spiker & Gori, 2003¹⁷). Oregon is a landslide-prone state, with economic losses potentially exceeding \$100 million in direct damage from landslides during severe winter storms (Wang, Summers & Hofmeister, 2002¹⁸). Even without these large events, landslides are a chronic hazard in Oregon, with annual average maintenance and repair costs for landslides in the state estimated at over \$10M (Wang et al., 2002¹⁸).

Landslides are a Chronic Hazard

Landslides are a chronic hazard in Oregon, with annual average maintenance and repair costs for landslides in the state estimated at over \$10M (Wang et al., 2002¹⁸).

¹² <https://pubs.usgs.gov/circ/c1244/>

¹³ <https://www.oregongeology.org/pubs/sp/SP-31.pdf>

¹⁴ <https://www.oregongeology.org/pubs/sp/SP-31.pdf>

¹⁵ <https://multco.us/roads/webform/newberry-road-slide-repair>

¹⁶ <http://onlinepubs.trb.org/Onlinepubs/sr/sr247/sr247-007.pdf>

¹⁷ <https://pubs.usgs.gov/circ/c1244/>

¹⁸ <https://www.oregongeology.org/pubs/ofr/O-02-05.pdf>

Landslide risk analysis by Burns, Calhoun, Franczyk, Lindsey & Ma (2018¹⁹) indicates the loss estimates by Wang et al. (2002¹⁸) for the state of Oregon are likely minimum estimates. A study for the Portland region found approximately 1,700 landslides have occurred within the City of Portland during the last 90 years (1928–2016). Of these landslides, approximately 830 occurred during the severe storms in 1996. From these historical data, Burns et al. (2018¹⁹) estimated an average of 20 landslides per year in the City of Portland. They also estimate annual loss from landslides in the City of Portland ranges from \$1.5M to \$3M. In years with extreme winter storms, this estimate can increase to approximately \$64M to \$81M. Burns et al. (2018¹⁹) found that approximately \$1.65B in land and buildings and almost 6,700 people are located on existing landslides in the Portland metropolitan area. They also found that in some communities, almost 50% of modeled damage and losses in a major earthquake are from landslides triggered by earthquakes.

Because the effects of individual landslides are commonly localized, landslides are rarely individually declared disasters. The bulk of the responsibility for clean-up and reconstruction remains at the local level and most commonly on the individual property owner. Additionally, there is typically no insurance or very limited landslide insurance available for homeowners (see Chapter 5, section **D, Landslide Insurance**). Without insurance coverage to pay for damages or complete loss of structure, people sometimes seek compensation from the local government or neighboring landowners. There are often concerns about economic well-being and liability in landslide hazard events. For example, who, if anyone, is liable if a house is either demolished by the landslide or damaged so severely as to be a complete loss? Will the homeowner have to move, or will the homeowner or others suffer great economic impacts? For these and other reasons, pre-disaster landslide hazard mitigation is of utmost importance to local planners and community leaders.

B.3. EFFECTS ON THE ENVIRONMENT

The natural environment is fundamental to many business sectors in Oregon. Environmental assets like drinking water, hydroelectric power, and lumber and rock for construction, to name a few, are needed for infrastructure. Eco-tourism relies on the environment. Landslides are a part of the natural process but can affect environmental assets. For example, mass erosion due to landslides may be the source of as much as 50% of the sediment found in a watershed (Nelson & Booth, 2002²⁰; Mackey & Roering, 2011²¹).

Human behavior and urbanization may lead to removal of vegetation, alteration of topography (e.g., grading, cutting, and filling), erosion, addition of impervious surface, alteration of natural waterways, changes in stormwater flow, increase in people living in an area (compacting soil, increase in trash) and other activities that

¹⁹ <https://www.oregongeology.org/pubs/ims/p-ims-057.htm>

²⁰ [https://doi.org/10.1016/S0022-1694\(02\)00059-8](https://doi.org/10.1016/S0022-1694(02)00059-8)

²¹ <https://doi.org/10.1130/B30306.1>

may result in landslides that impact people, property, and the environment. These factors of human behavior and urbanization are precursors that increase the risk of landslides. This can result in a single landslide event or a series of cascading events, which may be more than one landslide, or a landslide and another hazard. One environmentally specific result of a landslide can be a dramatic increase in the overall amount of sediment deposited into waterways. Sediment can affect surface drinking water collection systems, fish and wildlife, and the natural environment.

C. TYPES OF LANDSLIDE MAPS

The first step in developing a comprehensive strategy for reducing the danger landslides pose is identifying landslides and determining their risk. The second step is incorporating landslide maps into safer community planning policies and development standards. Reducing landslide risk starts with having accurate, detailed, and comprehensive landslide hazard maps such as DOGAMI's lidar-based landslide inventory and shallow and deep landslide susceptibility maps.

What is Lidar?

Lidar is light detection and ranging, which uses lots of accurate measurements made with a laser rangefinder to produce detailed and accurate depictions of the earth's surface.

Lidar is light detection and ranging, which uses many accurate measurements made with a laser rangefinder to produce detailed and accurate depictions of the earth's surface. A laser rangefinder is commonly used in surveying, construction, and riflescopes. Millions of measurements are made from a precisely located aircraft, producing a three-dimensional map of the earth's surfaces as a "point cloud." The aircraft altitude is precisely measured by an Inertial Motion Unit, so that the exact position and orientation of the laser rangefinder is always known. The rangefinder scans across the surface at 100,000 to 200,000 samples per second. The on-ground GPS base stations broadcast corrections to the airborne GPS unit. There are multiple angles of lasers. Lasers can get through branches to reach the ground. Computers can then identify non-ground points to do "virtual deforestation" and the multiple returns per pulse add to the detailed 3-D image (Bill Burns, DOGAMI, personal communication, October 2018).

The DOGAMI lidar-based inventory and the shallow and deep susceptibility maps were developed following standardized protocols, so meaningful comparisons can be made between results on the maps in different areas of Oregon (Burns & Madin, 2009b²²; Burns, Madin & Mickelson, 2012²³; Burns & Mickelson, 2016²⁴). The protocols were developed with the goal of producing maps suitable for land use planning. Using both state and local level maps, with the corresponding reports, provides communities with science-based information that can be used for developing policies, plans, regulations, and programs. DOGAMI plans to continue following these protocols, producing lidar maps and the corresponding reports for more communities in Oregon. The need for this *Guide* was identified through these

²² <https://www.oregongeology.org/pubs/sp/p-SP-42.htm>

²³ <https://www.oregongeology.org/pubs/sp/p-SP-45.htm>

²⁴ <https://www.oregongeology.org/pubs/sp/p-SP-48.htm>

map-making collaborations. By providing examples of how to use the maps and reports effectively, DOGAMI and DLCD anticipate the maps will be embraced and adopted by local governments to protect the public from the impacts of landslides.

Burns and Madin (2009b²²) developed a method for using airborne lidar to map landslides and published it in 2009 as DOGAMI Special Paper 42, *Protocol for Inventory Mapping of Landslide Deposits from Light Detection and Ranging (Lidar) Imagery*. This is a resource for more detailed information about how the state of Oregon currently maps landslides.

Landslide Inventory Maps

Landslides have been mapped in Oregon for decades. In the beginning, mapping was undertaken mostly as part of standard geologic mapping or as a subset commonly referred to as “geologic hazards.” Traditionally, creating landslide inventory maps required many hours of laborious fieldwork and examination of aerial photographs. Their quality could vary significantly, but they still do represent the best available data for many locations in Oregon.

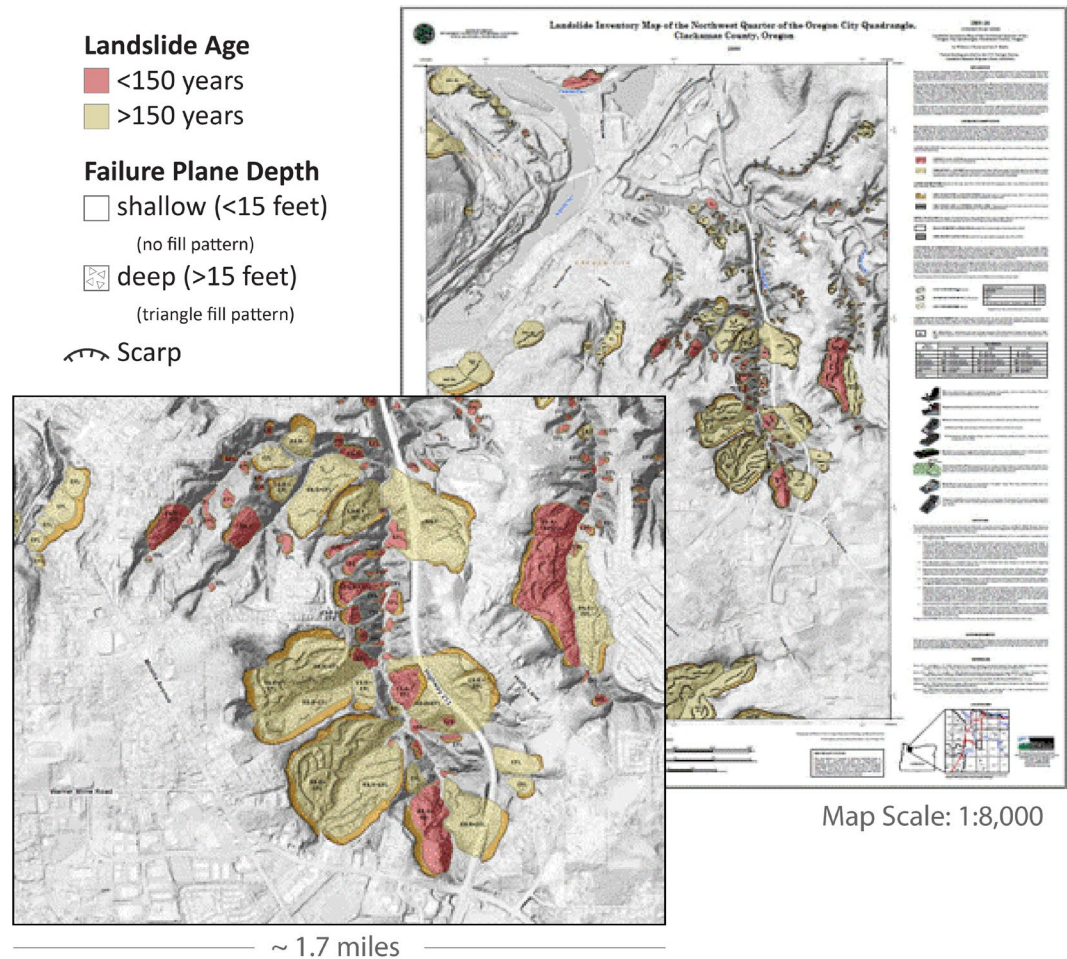
Today, landslide inventory mapping as a stand-alone product has become more common. These maps (**Figure 2-2**) show the locations of past landslide events and often include common landslide features, such as deposits, scarps, and flanks, that have been identified by geologists.

Landslide inventory maps show the location and boundary of individual existing or past landslides, along with features associated with the slide. Each landslide also has as much information recorded about it as possible, such as the date the landslide occurred, the size of the slide, the volume of material that was displaced, the direction of the slide, and the underlying geology. Landslide inventory maps are produced through site surveys on location or are derived from remote sensing data such as aerial photos, lidar, or satellite data. Previously, landslide inventory mapping was limited by technology and the time-consuming and costly task of field surveying. As a result, landslide maps were sometimes simplified so that large areas were generally denoted as landslide topography. With modern lidar-based mapping, however, it is possible to outline individual landslide features with much greater precision and accuracy (**Figure 2-2**).

A DOGAMI fact sheet, *Understanding Landslide Deposit Maps*²⁵, can assist in understanding how to read a landslide inventory map. Landslide inventory maps are produced to be used at a map scale of 1:8,000, which is a local scale. The scale was selected because it allows the user to make a decision on next steps on a lot by lot basis.

²⁵ <https://www.oregongeology.org/pubs/fs/landslide-inv-factsheet.pdf>

Figure 2-2. Landslide Inventory Map: Northwest Quarter of the Oregon City Quadrangle. Inset shows detail of landslide mapping.



Source: DOGAMI (Burns and Mickelson, 2010²⁶)

Once a landslide feature has been recognized and mapped using lidar, several attributes about the slide, such as type of movement and material, depth of failure, direction of movement, volume of material, and initial slope angle are recorded to aid in the creation of landslide susceptibility maps for the local area. The estimated depth of failure or landslide thickness is used to classify some of the landslides as shallow (less than 15 feet depth) or deep (greater than 15 feet depth) (Burns & Madin, 2009b²⁷; **Figure 2-3**). This is done for several reasons. First, different models for shallow and deep landslides are needed to estimate areas of future susceptibility. Second, deep and shallow landslides usually have different hazards associated with them. For example, shallow landslides tend to move more rapidly, and deep landslides tend to move more slowly but commonly cover a much larger

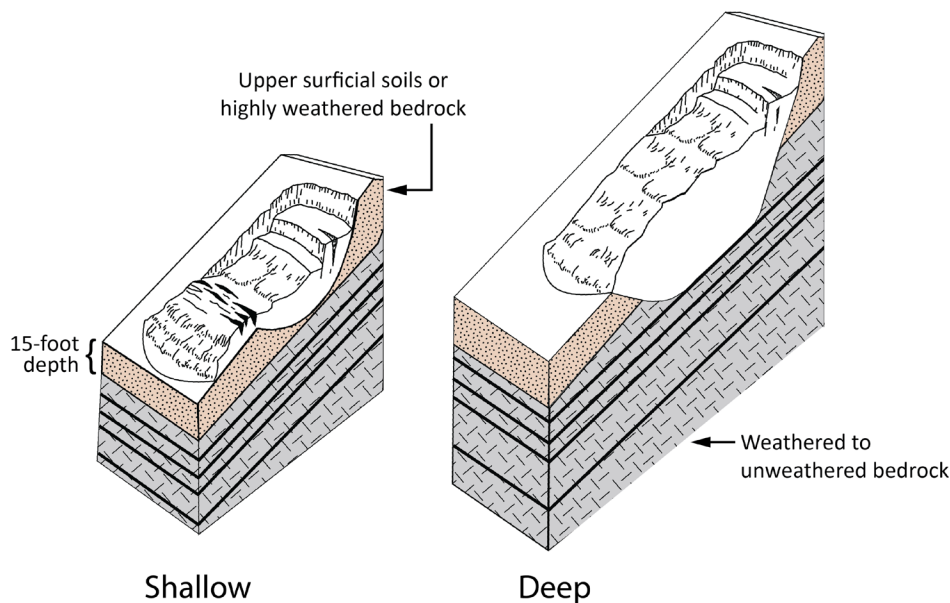
²⁶ <https://www.oregongeology.org/pubs/ims/p-ims-030.htm>

²⁷ <https://www.oregongeology.org/pubs/sp/p-SP-42.htm>

area. This is not always true; the 2014 Oso, Washington, landslide was both rapid and deep. Third, mitigation techniques are also different for shallow and deep landslides. These three reasons are further described in the following paragraphs.

To recap, the deep and shallow susceptibility maps are produced using the landslide inventory data combined with models and highlight the relative risk of a landslide occurring at any given point within the mapped area. These susceptibility maps work in conjunction with landslide inventory maps to provide jurisdictional staff, community leaders, and residents information necessary to reduce the risk of landslides impacting people, property, and the environment.

Figure 2-3. Block Diagrams Showing Examples of Shallow and Deep Landslides



Shallow and Deep Landslides

The estimated depth of failure or landslide thickness is used to classify some of the landslides as shallow (less than 15 feet depth) or deep (greater than 15 feet depth).

Source: DOGAMI (Burns, Madin & Mickelson, 2012²⁸)

Shallow Landslide Susceptibility Maps

Shallow landslides are those with failure planes at a depth of less than 15 feet (4.5 meters). They represent a specific subset of landslide types that commonly involve a relatively thin surface layer of soil and weathered rock. Shallow slides can manifest as slumps, flows, translational slides, or a combination of these types (referred to as a complex slide). Generally, shallow slides travel at a higher velocity and often cover much less area than deep landslides. However, they can travel long distances, especially if they get into a drainage and become channelized, making them

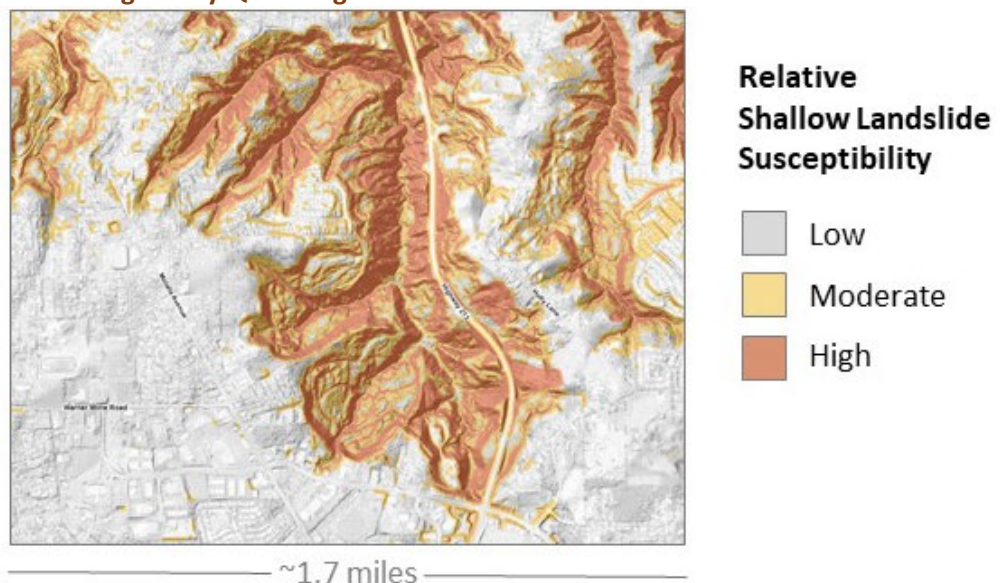
²⁸ <https://www.oregongeology.org/pubs/sp/p-SP-45.htm>

particularly dangerous to people, property (especially structures), and the environment.

DOGAMI's shallow landslide susceptibility maps can be produced only in areas where detailed lidar-based landslide inventory maps have been completed (**Figure 2-4**). Data from the inventory map is combined with slope stability analysis to produce a zone map that highlights areas of high, moderate, and low susceptibility. The method DOGAMI uses to produce shallow landslide susceptibility maps was implemented in 2012 and is described in DOGAMI *Special Paper 45, Protocol for Shallow-Landslide Susceptibility Mapping*²⁹ (SP-45; Burns et al., 2012).

Shallow landslide susceptibility maps are produced to be used at the local scale of 1:8,000 to aid in community and regional development, planning, and emergency response. This includes identifying areas at very high risk of shallow landslides, estimating potential losses from specific hazards events, prioritizing mitigation measures, developing policies and regulations, and identifying areas that may require special planning considerations.

Figure 2-4. Part of the Shallow Landslide Susceptibility Map of the Northwest Quarter of the Oregon City Quadrangle



Source: DOGAMI (Burns, Mickelson, Jones, Pickner, Hughes & Sleeter, 2013³⁰)

²⁹ <https://www.oregongeology.org/pubs/sp/p-SP-45.htm>

³⁰ <https://www.oregongeology.org/pubs/ofr/p-O-13-08.htm>

Deep Landslide Susceptibility Maps

Deep landslides and landslides with failure planes at depths of greater than 15 feet (4.5 meters). Deep landslides generally affect larger areas than do shallow landslides. Deep landslides commonly are relatively slower moving slope failures that creep at annual rates of millimeters to meters or lurch forward during extreme rain or earthquakes. However, they can also fail suddenly and catastrophically, presenting a significant hazard for the Pacific Northwest. The March 22, 2014, Oso, Washington, landslide is an example of a deep landslide that failed suddenly and catastrophically, killing 43 people (USGS, 2019³¹).

It is important to note that both deep and shallow landslides can manifest through similar types of movement, such as flows, rotational and translational slides, and spreads. For the purpose of mapping shallow and deep landslides, the only differentiating factor used is the depth to the failure plane.

The method used to denote slopes susceptible to deep landslides is different than for shallow landslides because “there are more differences, structurally and geometrically, between one deep-seated landslide and another than between shallow landslides [...] deep-seated landslides tend to be less related to a single triggering event or group of events than populations of shallow landslides” (Baum, Galloway & Harp, 2008³², p. 7). Therefore, the protocol used to denote areas of deep landslide susceptibility is different from the one used to denote shallow landslide susceptibility, and the resulting deep and shallow susceptibility maps highlight different types of hazards. Both are produced to be used at the local scale of 1:8,000.

Slopes susceptible to deep landslides are mapped by using locations of known deep-seated landslides from the landslide inventory map and combining those data with engineering geologic data and slope and aspect values. Deep landslides have the potential to fail retrogressively upslope, which means a slide can fail from the bottom to the top of the slope. The mapping protocol is designed to take this into account. The result is a map that highlights three ranges of relative susceptibility, high, moderate, and low (**Figure 2-5, Figure 2-6**). The method DOGAMI uses to create these maps was implemented in 2016 and is described in DOGAMI Special Paper 48, *Protocol for Deep Landslide Susceptibility Mapping* (Burns et al., 2016³³).

Shallow and deep susceptibility zones include buffers, as described in DOGAMI Special Papers 45³⁴ and 48³³.

Landslide Hazard Map

When information from the shallow and deep susceptibility maps is used in conjunction with the inventory map, and the IMS-22 (rapidly moving landslides) map, a comprehensive landslide hazard map is created.

Jurisdictions determine which areas from each of the respective maps are to be included (e.g., low, moderate, high, and very high hazard areas) in their jurisdiction's landslide hazard map.

³¹ https://www.usgs.gov/news/five-years-later-oso-sr-530-landslide-washington?qt-news_science_products=1#qt-news_science_products

³² <https://pubs.usgs.gov/of/2008/1164/>

³³ <https://www.oregongeology.org/pubs/sp/p-SP-48.htm>

³⁴ <https://www.oregongeology.org/pubs/sp/p-SP-45.htm>

Figure 2-5. What Are the Relationships Between Historic Landslides, Prehistoric Landslides, and Deep Landslide Susceptibility Zones?

This image represents a map of areas of known landslides that have moved in recent times.



Historic (< 150 years old) landslides

Older as well as younger landslides have been mapped here. Sometimes (left area of image) new landslides are partial reactivations of older and perhaps larger landslides. Other times (right area) entire ancient slides can reactivate, so these areas are also hazardous.



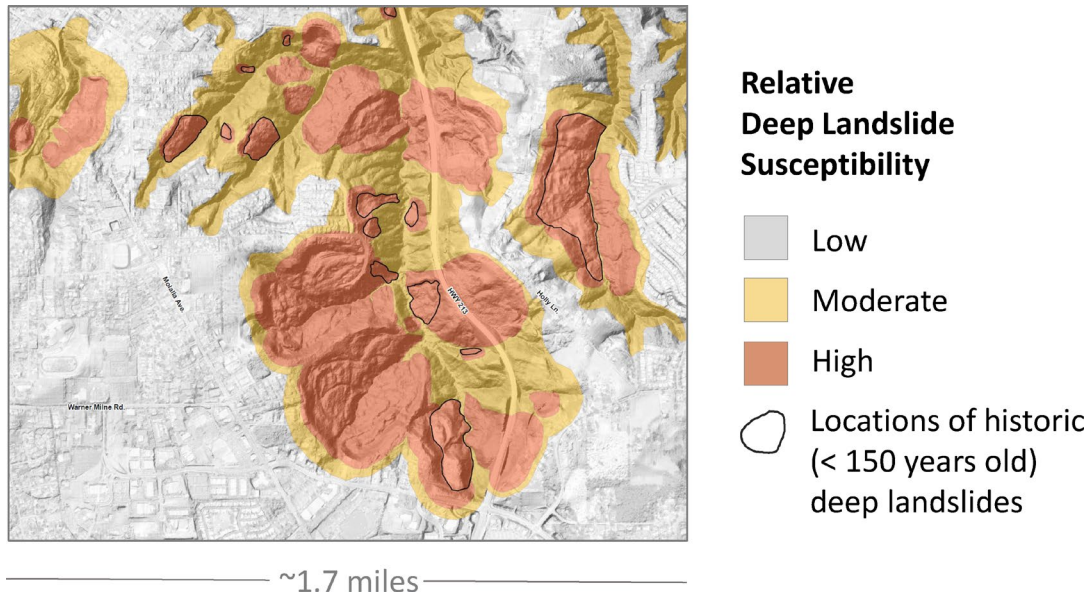
Historic (< 150 years old) landslides on top of
Prehistoric (> 150 years old) landslides

Landslide susceptibility zones are created from landslide inventory data (both historic and prehistoric slides) combined with slope stability analysis and other factors to produce a zone map that highlights areas of high, moderate, and low susceptibility. The high susceptibility zone comprises all known landslides. The moderate susceptibility zone is a buffer around each high zone. The low susceptibility is outside the buffers.



Susceptibility zone map

High (all mapped landslides of any age)
Moderate (buffer around all mapped landslides)
Low
Historic (< 150 years old) landslides



Source: DOGAMI (Burns et al., 2013³⁵)

C.1. STATEWIDE LANDSLIDE INFORMATION DATABASE (SLIDO)

In 2008, DOGAMI compiled all the state's landslide inventory maps into a single database called the Statewide Landslide Information Database for Oregon (SLIDO³⁶) (Burns, Madin & Ma, 2008³⁷). The first release of this database combined data from a variety of sources, including federal, state, and local entities and contained approximately 15,000 landslides from 257 publications (Burns & Madin, 2009b³⁸).

SLIDO is a compilation of landslides in Oregon that have been identified on published maps. The database contains only landslides that have been located on these maps. Many landslides have not yet been located or are not on these maps and therefore are not in this database. The SLIDO database does not contain information about relative hazards.

An online interactive map of SLIDO data lets people view information on location, type, and other attributes related to identified landslides in Oregon. The original studies vary widely in scale, scope, and focus, and these differences are reflected in the wide ranges in the accuracy, detail, and completeness with which the landslides are mapped.

Whenever new landslide inventory maps are completed by using the techniques described in DOGAMI Special Paper 42, the data are published by DOGAMI and are

**DOGAMI Special Paper 42 –
Landslide Inventory Protocol**
<https://www.oregongeology.org/pubs/sp/p-SP-42.htm>

³⁵ <https://www.oregongeology.org/pubs/ofr/p-O-13-08.htm>

³⁶ <https://www.oregongeology.org/slido/>

³⁷ <https://www.oregongeology.org/pubs/dds/p-slido3.htm>

³⁸ <https://www.oregongeology.org/pubs/sp/p-SP-42.htm>

**DOGAMI Special Paper 45 –
Shallow Landslide
Susceptibility Protocol**

<https://www.oregongeology.org/pubs/sp/p-SP-45.htm>

made available online by updating the SLIDO interactive map³⁹. Currently SLIDO is at release 3.4 and has been updated to contain 13,048 historic landslide points and 44,929 landslide polygons. So far, 2,986 square miles of Oregon have been mapped. Oregon is 95,988 square miles⁴⁰.

The result of this effort is a continually updated landslide inventory dataset that provides planners, emergency managers, and the public access to information about potential landslide hazards in Oregon.

C.2. STATEWIDE LANDSLIDE SUSCEPTIBILITY OVERVIEW MAP

**DOGAMI Special Paper 48 –
Deep Landslide
Susceptibility Protocol**

<https://www.oregongeology.org/pubs/sp/p-SP-48.htm>

The *Statewide Landslide Susceptibility Overview Map of Oregon* (Burns, Mickelson & Madin, 2016⁴¹) is similar to more detailed landslide susceptibility maps (DOGAMI SP-45 and SP-48 based), in the sense that they are both attempting to identify areas that may have landslides in the future. However, the susceptibility overview map is intended not for local planning but to assist in understanding the regional landslide hazard, to compare to other communities in Oregon, and to identify where future detailed mapping (DOGAMI SP-45 and SP-48 based) is needed.

The susceptibility overview map and accompanying report were published in 2016 after DOGAMI combined several different landslide datasets, including SLIDO, and analyzed geologic and topographic maps to create the map (**Figure 2-7**).

The susceptibility overview map classifies Oregon into four different susceptibility zones: low, moderate, high, and very high. The results show the following for these susceptibility zones: 37% low, 28% moderate, 30% high, and 5% very high (the very high zone by definition consists of mapped landslides). Most areas classified as moderate or higher landslide susceptibility are located in the Cascade Mountains, the Coast Range, the Klamath Mountains, and portions of central and northeastern Oregon. The zones highlight which communities – cities and counties – are at a higher or lower relative susceptibility for future landslides. This generalized, regional-scale landslide susceptibility information – the overview map and the report – is meant to provide jurisdictional staff, community leaders, and planners with a broad understanding of the relative hazard for their region in addition to highlighting areas where more detailed mapping is needed (Burns et al., 2016⁴²).

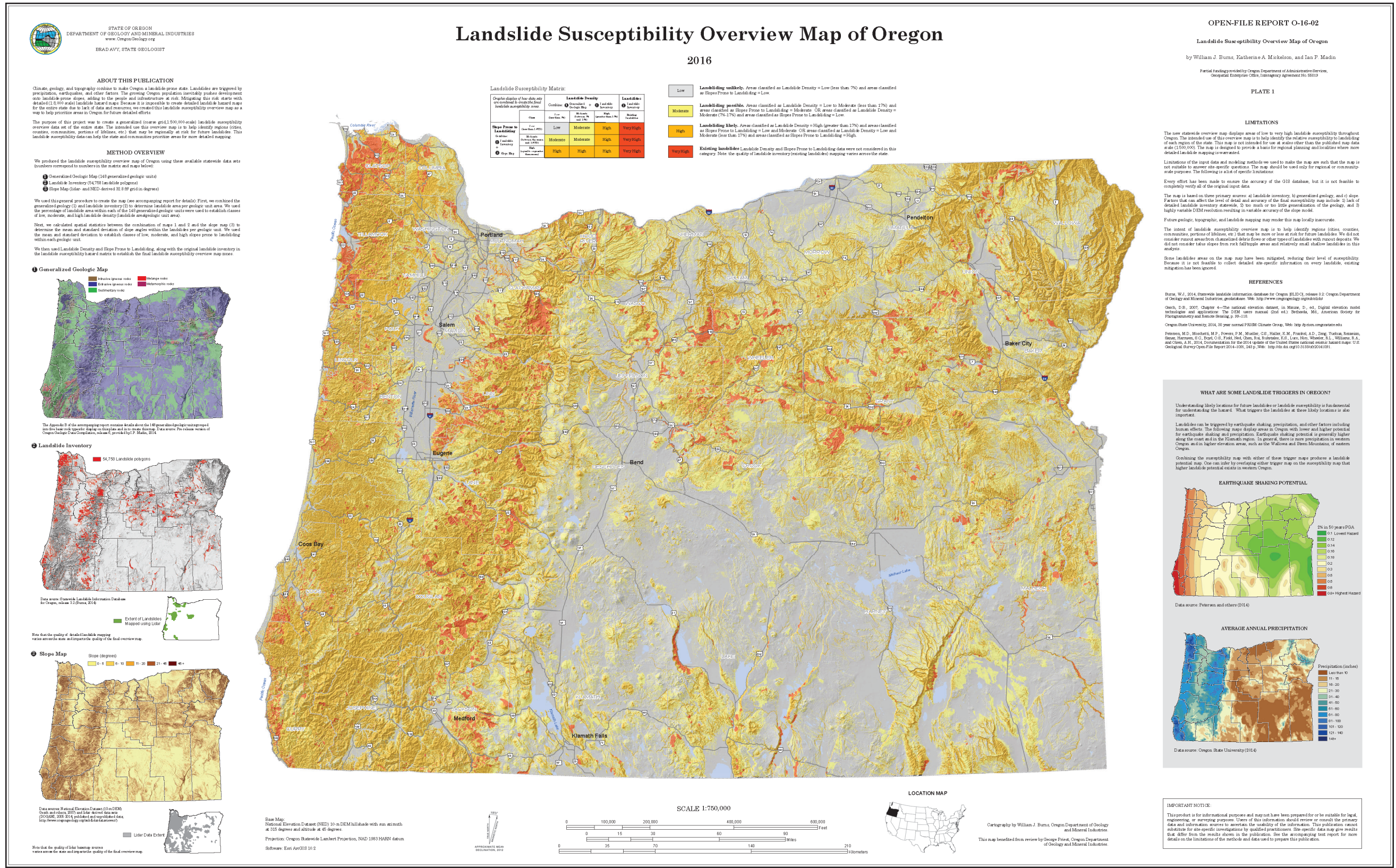
³⁹ <https://www.oregongeology.org/pubs/dds/p-slido3.htm>

⁴⁰ <https://www.indexmundi.com/facts/united-states/quick-facts/oregon/land-area#map>

⁴¹ <https://www.oregongeology.org/pubs/ofr/p-O-16-02.htm>

⁴² <https://www.oregongeology.org/pubs/ofr/p-O-16-02.htm>

Figure 2-7. Oregon’s Statewide Landslide Susceptibility Map. The full-size version of this map is available as a PDF file from DOGAMI (<https://www.oregongeology.org/pubs/ofr/p-O-16-02.htm>).



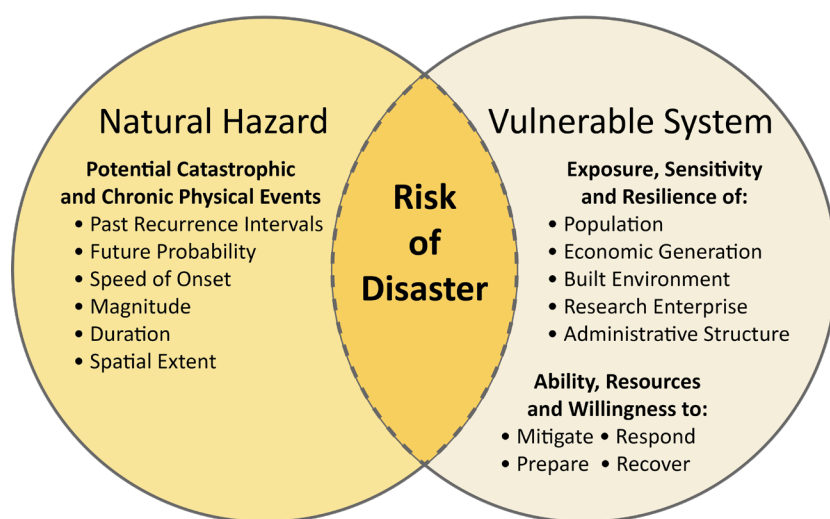
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The report accompanying the susceptibility overview map contains data from an exposure analysis for 242 Oregon cities and the state's 36 counties (Burns et al., 2016⁴³). The exposure analysis identifies landslide hazard *susceptibility*, but not the landslide hazard *risk* present in each area. *Exposure* is about identifying the spatial overlap of the assets we are concerned about (e.g., buildings, roads, people, the environment, and so forth) and the hazard zones from an inventory or susceptibility map. *Susceptibility* is the relative rating of the entire landscape for the level of potential of future landslides; it is usually categorized as low, moderate, and high. In other words, an area might have a very high landslide susceptibility, but its general lack of people, buildings, and infrastructure means it has a low exposure and a low degree of risk. This exposure analysis provides insight into the relative potential for landslide exposure in each of the analyzed portions of the state. **Figure 2-8** illustrates risk as the intersection of natural hazards and vulnerable systems.

Risk

In this *Guide*, risk is defined as the probability of loss or injury, and risk is the overlap of the hazard with assets (such as buildings) and their vulnerability to the hazard.

Figure 2-8. Understanding Risk



Source: USGS Fact Sheet, Understanding Risk and Resilience to Natural Hazards (Wood, 2011⁴⁴)

⁴³ <https://www.oregongeology.org/pubs/ofr/p-O-16-02.htm>

⁴⁴ <https://pubs.usgs.gov/fs/2011/3008/>

D. SITE-SPECIFIC GEOTECHNICAL ENGINEERING AND ENGINEERING GEOLOGIC REPORTS

D.1. HOW DO I DECIDE IF A SITE-SPECIFIC REPORT IS NEEDED?

In this *Guide*, the general term *geoprofessional* refers to a Registered Geologist (RG), Certified Engineering Geologist (CEG), Professional Engineer (PE), and Geotechnical Engineer (GE). Also in this *Guide*, the general term *geologic report* refers to the engineering geologic report⁴⁵ and the geotechnical engineering report.

Engineering geologic reports and geotechnical engineering reports refer to different but related services performed by geoprofessionals with different professional certifications. Engineering geologic reports focus on how the earth (e.g., landforms, water table, soil, and bedrock) and earth processes (e.g., landslides and earthquakes) impact structures or potential structures and describe the degree of risk, while geotechnical engineering reports focus on the design of building products (e.g., structures, retaining walls, pavements) that can withstand or mitigate for subsurface and geologic conditions. Depending on local conditions and ordinances, both kinds of reports may be required for a site.

Sections **D.4, What goes into engineering geologic reports?** and **D.5, What goes into geotechnical engineering reports?** of this chapter describe the general content of the two kinds of reports.

Each jurisdiction has its own criteria for triggering its geologic report (engineering geologic report or geotechnical engineering report) requirement on a site by site basis. For example, some communities adopt landslide hazard maps produced by DOGAMI and use these maps to determine if a site is in a hazard zone. If a site is in a hazard zone, generally a report is required. Communities may also use criteria such as percent slope or soil type to trigger a report requirement.

When a community has no adopted map or criteria, a situation falls outside the norm, a land use review is not required, or there is another reason to believe that a report is necessary, consult the building official or other appropriate staff at the jurisdiction to determine whether an engineering geologic report and/or a geotechnical engineering report can and should be required.

⁴⁵ This report may also be known as an engineering geology report.

D.2. WHICH TYPE OF GEOLOGY PROFESSIONAL CAN DO THE JOB?

Local ordinances typically identify which type of geoprofessional is allowed to perform site-specific reports for that community. Although the exact requirement varies between communities, it is common to require that the report be performed by either a *Registered Geologist (RG)*, *Certified Engineering Geologist (CEG)*, or *Geotechnical Engineer (GE)*. Because the State of Oregon has strict laws and regulations about the work that can be performed by each type of professional, it is important that local governments determine the right professional is hired for the type of study needed.

Types of Geoprofessionals

- Registered Geologist (RG)
- Certified Engineering Geologist (CEG)
- Geotechnical Engineer (GE)
- Professional Engineer (PE)

Geoprofessionals

The applicable professionals can be summarized as follows:

- Registered Geologists (RG) provide geologic maps and documents and are licensed by the Oregon State Board of Geologist Examiners (OSBGE).
- Certified Engineering Geologists (CEG) provide engineering geologic reports and are licensed by the Oregon State Board of Geologist Examiners (OSBGE).
- A Geotechnical Engineer (GE) is a Professional Engineer (PE) with the specific training, expertise, and experience to qualify as a Geotechnical Engineer (GE). GE's provide geotechnical engineering reports and are licensed by the Oregon Board of Examiners for Engineering and Land Surveying (OSBEELS).

According to Oregon state law, a *Registered Geologist (RG)* is someone registered by the State of Oregon as a geologist after having met education, examination, and experience requirements as determined by the Oregon State Board of Geologist Examiners (OSBGE). An RG is thereby legally allowed to provide, prepare, and officially stamp or seal geologic maps, plans, reports, or documents. An RG can work in any geology discipline or area of specialty where qualified by experience and training, except for in engineering geology.

A *Certified Engineering Geologist (CEG)* is someone who has fulfilled all of the requirements for, and has all the rights of, a Registered Geologist and has met additional examination and experience requirements to obtain a certification in the specialty of engineering geology. A CEG “applies geologic data, principles and interpretation to naturally occurring materials so that geologic factors affecting planning, design, construction and maintenance of civil engineering works are properly recognized and utilized” (ORS 672.505.3⁴⁶).

⁴⁶ <https://www.oregonlaws.org/ors/672.505>

The State of Oregon does not allow RGs to practice engineering geology. If geologic work is being completed to provide recommendations for the siting, design, modification, or construction of a structure (e.g., building roads, dams, retaining walls, etc.), this is engineering geology work and requires a CEG. An RG can only identify relative hazards and cannot imply or provide recommendations for the siting, design, modification, or construction of structures. For example, a CEG would be the appropriate type of geologist to map and interpret geologic hazards for land use planning purposes or to assess coastal hazards including landslides, erosion, and accretion.

Geotechnical engineers also commonly participate in site evaluations, detailed project design, and development planning. *Professional Engineers (PEs)* must be licensed by the State of Oregon, similar to geologists (ORS 672.098⁴⁷). A *Geotechnical Engineer (GE)* is a registered Professional Engineer who has specific training, expertise, and experience in this engineering specialty. The Oregon Board of Examiners for Engineering and Land Surveying (OSBEELS) sets the education, examination, and experience requirements for PEs. OSBEELS offers a GE specialty endorsement that a PE can pursue as a way to readily show to the public the expertise in geotechnical engineering. However, unlike geologists, a PE is not required to hold the GE specialty endorsement to practice geotechnical engineering.

The practice of Geotechnical Engineering is defined by OSBEELS in Oregon Administrative Rules (OAR 820-040-004⁴⁸) as:

the investigation and the evaluation of the physical and engineering properties of earth materials, such as soil and rock, including impacts of ground water and earthquakes, and their application to the design and construction of civil engineering works, such as foundations, earth dams, retaining walls, and similar, using soil and rock mechanics and earthquake engineering principles and related engineering laws, formula, and procedures. (§ 820-040-0040)

Code Reminder

It is very important that local governments make sure their codes require the appropriate geoprofessional(s) for each report.

Geotechnical engineers specialize in reviewing and creating development plans, including those for site grading, construction of foundations and support structures, ensuring structures will be stable against earthquakes, floods, and landslides, ensuring that development will not have an adverse effect on site erosion or slope stability, and developing mitigation plans for potential slope instability.

Although the work performed by RGs, CEGs, and GEs, can overlap, a local government more often than not will need to require that site-specific reports in landslide hazard areas be completed by either a CEG or a CEG working with a PE who has experience and expertise in geotechnical engineering. A CEG can generally evaluate the site and make recommendations about site development. A CEG may

⁴⁷ <https://www.oregonlaws.org/ors/672.098>

⁴⁸ <https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=201381>

also recommend that a PE with geotechnical knowledge be engaged to design the development, such as retaining walls or foundations.

Both engineering geologists and geotechnical engineers practice in “geotechnics,” which refers to applied scientific work involving soil and rock mechanics, geology, geophysics, hydrology, and related sciences as applied to the solution of civil works problems. The prediction, prevention, and monitoring of landslides are examples of geotechnics work. Generally, the appropriate professional person to have involved in landslide hazard analysis related to proposed development is a specialist such as a CEG and a PE.

Licensed professionals are generally required to stamp and sign their work products to identify for the public responsibility for the work. OSBGE and OSBEELS have requirements for stamp design and use. For geology work products, stamping requirements are as follows:

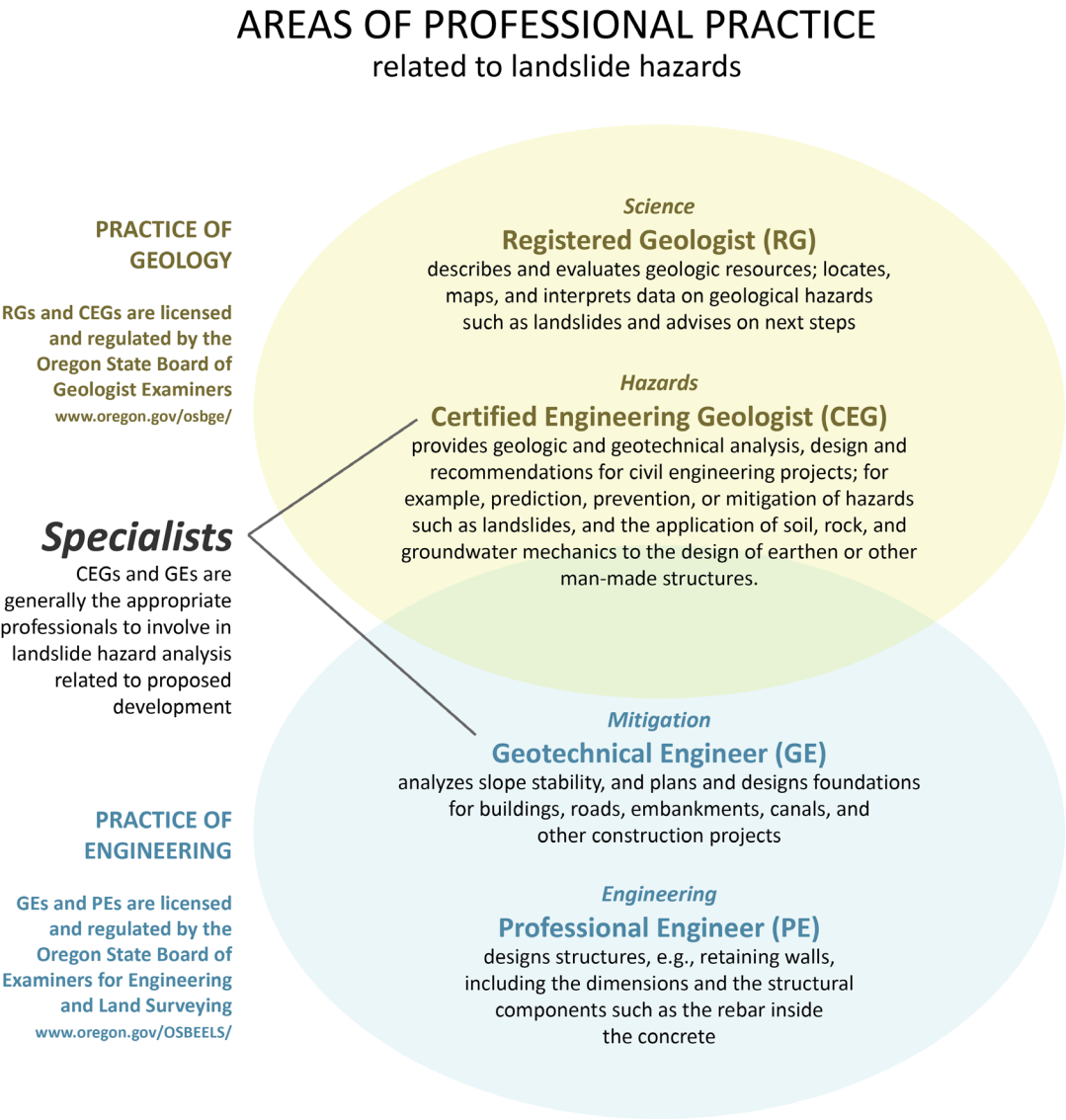
- When one geologist prepares all the geology work products in a report, that geologist must stamp and sign the final report.
- When multiple licensed professionals contribute work products to a report (for example, an RG or PE/GE contributing work products to a final report signed and stamped by a CEG), each professional must individually sign and stamp their own work products.

An example of a project and the type of geology professional needed would be the evaluation and design of a retaining wall for shallow slope stability mitigation. An RG could be involved for regional evaluation of the geology. A CEG could complete a regional evaluation as well as site specific analysis and design recommendations. The CEG and/or the PE with geotechnical expertise would evaluate the site conditions and make recommendations for drainage control, bearing capacity, and global slope stability. Finally, the GE or PE would design the retaining wall including the dimensions and the structural components such as the rebar inside the concrete or the building foundation (**Figure 2-9**).

Legal Note

In the jurisdiction’s codes be sure to identify the geoprofessional needed for the requirement and to understand the distinctions of each to practice within their area of expertise. These professionals are obligated to work within their area of expertise.

Figure 2-9. Relationships and Areas of Professional Practice: RGs, CEGs, GEs, and PEs



D.3. HOW CAN I FIND A GEOLOGIST OR ENGINEER TO HIRE?

Geologists (RG and CEG) and geotechnical engineers (PE and GE), are required to have specific education, expertise, and experience to be properly licensed.

Geologists for hire can usually be located through property development firms (that often require geological services and may keep lists of geologists they regularly use), from the OSBGE website⁴⁹, where there is an online license lookup tool to obtain a list of all geologists licensed by the OSBGE and through online searches for consulting companies that offer geologic services. Commonly, geologists work all over the state, so it may not be necessary to hire one based on the site location.

Engineers for hire can be located in property development firms, architecture firms, and consulting companies. The OSBEELS website has an online license look up tool to find the professionals they license.

When looking for a geologist or an engineer to hire in the state of Oregon, there are a few things to keep in mind to **ensure a reputable professional** who is current with developments in the science is hired.

- Most importantly, a geologist needs to be registered by OSBGE. Registration is required by law to publicly practice geology in Oregon. Look for whether the geologist uses designatory letters *RG* (Registered Geologist) or *CEG* (Certified Engineering Geologist) after his or her name. Verify the registration and license through the OSBGE website or by contacting the OSBGE office. Also, check that the registered professional has liability insurance.
- Geotechnical engineers should likewise be certified or registered. This will be done by the OSBEELS, and PE (Professional Engineer) or GE (Geotechnical Engineer) will follow a licensed geotechnical engineer's name.
- It is generally a good idea to inquire about the prospective geoprofessional's resume of experience as well as professional organizations. Inquire about their background. Check if the geoprofessional is familiar with the area and its geology and landslides. Find out if they have done similar geologic reports previously. Check for references or referrals from previous clients with similar projects. It may be useful to read the Consumer Guide⁵⁰ available on the OSBGE website and review the information on OSBEELS website⁵¹.
 - Ensure that a contract is prepared and agreed upon before any work is done. The contract should outline a clear purpose and scope of work, so that both parties are fully aware of the extent, requirements, and limitations of the

Hiring Tips

1. Registered? Certified?
2. Liability insurance?
3. Professional memberships?
4. Familiar with the local area?
5. Familiar with the local code?
6. Similar work done?
7. References? Referrals?
8. Written contract?

⁴⁹ <https://www.oregon.gov/osbge/Pages/default.aspx>

⁵⁰ <https://www.oregon.gov/osbge/Resources/Pages/ConsumerGuide.aspx>

⁵¹ <https://www.oregon.gov/osbeels/Pages/default.aspx>

report. The contract should also state that the report is intended to provide the information necessary to fulfill permitting questions and requirements.

D.4. WHAT GOES INTO ENGINEERING GEOLOGIC REPORTS?

While there are no specific laws regarding what information should be included in an engineering geologic report, the OSBGE, which is responsible for setting standards regarding the practice of geology in Oregon, has published a guideline for preparing these reports. OSBGE's *Guideline for Preparing Engineering Geologic Reports*⁵² recommends content, suggests formats, and identifies the topics that should be addressed in most reports.

The exact content of an engineering geologic report can vary based on the requirements of the local jurisdiction for the report. Generally speaking, however, reports should minimally have the following:

Introduction

- The client who commissioned the report
- The names of the geologists who did the mapping and investigating
- Statement disclosing any potential conflicts of interest of the geologist producing the report
- Dates when the work was done
- Purpose and scope of the study
- Proposed use of the site

Site Description

- Location and size of the study area
- Geologic setting of the study area
- Topography and drainage of the study area
- Nature, abundance, and distribution of earth materials within the study area

Site Investigation

- All related subsurface information and geologic maps with sources
- Disclosure of known or suspected geologic hazards within the area
- Structural performance of existing facilities in the immediate vicinity
- Locations of excavations, drilling, or sample collection sites
- All data interpreted to reach conclusions
- Identification of sources used for the report with proper citations

Assessment

- All field and laboratory methods and results
- Interpretations of data and results

⁵² https://www.oregon.gov/osbge/Documents/engineeringgeologicreports_5.2014.pdf

- Discussion of regulatory framework and any locally adopted landslide hazard map used to trigger the requirement for the Engineering Geologic Report

Conclusions

- Clearly stated assumptions, interpretations, and professional judgements
- Limitations and potential risks associated with the proposed development
- Potential onsite and offsite impacts currently and with changing future conditions

Recommendations

- Whether any additional study is necessary before drawing firm conclusions or recommendations, and if so what and why
- Whether construction plans and documents should be reviewed by the geology professional before the permit is issued
- Whether monitoring during construction is recommended and if so, continuously or at what points and for what purpose(s)
- Mitigation measures for addressing the potential risks and limitations

Signature and Seal

- Signature and seal of the certified engineering geologist conducting the study.

D.5. WHAT GOES INTO GEOTECHNICAL ENGINEERING REPORTS?

A Geotechnical Engineer is a Professional Engineer with a specific training, expertise, and experience in this engineering specialty. Unlike a geologist, a PE is not required to hold the GE specialty endorsement to practice geotechnical engineering, although that endorsement would be beneficial. These professionals are the ones providing geotechnical reports.

The geotechnical report is the tool used to communicate the site conditions and design and construction recommendations to the roadway design, bridge design, and construction personnel. Site investigations for transportation projects have the objective of providing specific information on subsurface soil, rock, and water conditions. Interpretation of the site investigation information, by a geotechnical engineer, results in design and construction recommendations that should be presented in a project geotechnical report. The importance of preparing an adequate geotechnical report cannot be overstressed. The information contained in this report is referred to often during the design period, construction period, and frequently after completion of the project (resolving claims). Therefore, the report should be as clear, concise, and accurate. Both an adequate site investigation and a comprehensive geotechnical report are necessary to

Design Life

The geotechnical engineering report and/or the engineering geologic report could have a design life timeline on the proposal, the recommendations, and the mitigation.

construct a safe, cost-effective project. Engineers need these reports to conduct an adequate review of geotechnical related features, e.g., earthwork and foundations. (U.S. Department of Transportation, 1988/2003⁵³)

For background, the following is from the 2014 *Oregon Structural Specialty Code*, Chapter 18⁵⁴:

SECTION 1803

GEOTECHNICAL INVESTIGATIONS

1803.1 General. Geotechnical investigations shall be conducted in accordance with Section 1803.2 and reported in accordance with Section 1803.6. Where required by the *building official* or where geotechnical investigations involve in-situ testing, laboratory testing or engineering calculations, such investigations shall be conducted by a *registered design professional*.

[...]

1803.6 Reporting. Where geotechnical investigations are required, a written report of the investigations shall be submitted to the *building official* by the owner or authorized agent at the time of *permit* application. This geotechnical report shall include, but need not be limited to, the following information:

1. A plot showing the location of the soil investigations.
2. A complete record of the soil boring and penetration test logs and soil samples.
3. A record of the soil profile.
4. Elevation of the water table, if encountered.
5. Recommendations for foundation type and design criteria, including but not limited to: bearing capacity of natural or compacted soil; provisions to mitigate the effects of expansive soils; mitigation of the effects of liquefaction, differential settlement and varying soil strength; and the effects of adjacent loads.
6. Expected total and differential settlement.
7. Deep foundation information in accordance with Section 1803.5.5.
8. Special design and construction provisions for foundations of structures founded on expansive soils, as necessary.

⁵³ <https://www.fhwa.dot.gov/engineering/geotech/pubs/reviewguide/checklist.pdf>

⁵⁴ http://ecodes.biz/ecodes_support/free_resources/Oregon/14_Structural/PDFs/Chapter%2018%20-%20Soils%20and%20Foundations.pdf

9. Compacted fill material properties and testing in accordance with Section 1803.5.8.
10. Controlled low-strength material properties and testing in accordance with Section 1803.5.9.

D.6. HOW DO I READ AND UNDERSTAND AN ENGINEERING GEOLOGIC REPORT AND A GEOTECHNICAL ENGINEERING REPORT?

Although OSBGE's *Guideline for Preparing Engineering Geologic Reports*⁵⁵ should not be used as a checklist for a specific report, it can be used to help understand the information that should be contained in each section of the report being reviewed. Make sure the report is complete and logical, and contains the information needed to process the application. To determine how complete the report is, compare the sections of the submitted report to OSBGE's guideline and to the list of minimally included items noted above as: Introduction, Site Description, Site Investigation, Assessment, Conclusions, Recommendations, and the Signature and Seal.

The first thing to check is that the report covers the right property and surrounding area, and then that the report's stated purpose and scope are appropriate for the project proposal. Do an initial check for the following: the permitting questions and requirements that initially triggered the report are addressed; the report contains a description of the site and its geologic characteristics; the methodology is described and results presented; results are evaluated and interpreted; conclusions are drawn and recommendations made; the report is stamped and signed by all contributors.

Now go back to the beginning and read the report carefully.

Double-check that the report covers the subject property and surrounding area and that the purpose and scope of the report reflect the proposed project and need for the report, including permitting questions and requirements.

While reading the site description or characterization, look for the features described on any maps included in the report and submitted with the permit application. Note any discrepancies.

The site investigation and assessment sections may be highly technical and hard to understand. Relate them to the need for the report and the site description as much as possible. List questions.

Focus on the results and assessment. Does the report differentiate between facts, interpretations, and professional judgments? Does it discuss the results and interpret them fully? Is there an assessment of the results in the context of the regulatory framework and any locally adopted landslide hazard map? Note any needed clarifications and any permitting questions that still need to be addressed.

⁵⁵ https://www.oregon.gov/osbge/Documents/engineeringgeologicreports_5.2014.pdf

Now review the conclusions. Do the conclusions follow logically from the results and assessment? Are facts, interpretations, and professional judgments stated clearly? What are the limitations and potential risks associated with project development? Does the report evaluate the project's immediate onsite and offsite impacts as well as potential future impacts considering changing conditions? Would development of this project create restrictions for development existing on adjacent or nearby properties or future development of those properties? Would mitigating strategies be necessary for reducing risk onsite or off? Note any clarifications or additional information needed and any remaining questions pertinent for processing the application.

Turning to the recommendation section: Do the recommendations follow logically from and address the conclusions? Are mitigation measures needed to reduce risk to life and property identified? How much mitigation would be necessary and how effectively would it reduce the risk described in the conclusion section? Is the anticipated final risk level within the jurisdiction's risk tolerance? Are recommendations made to mitigate the other impacts described in the conclusions?

And, finally, have all the geoprofessionals who contributed geology products stamped and signed their products? Has the geoprofessional with overall responsibility for the report signed and stamped it?

The last step is to review and organize a list of questions and the additional information needed to be able to fully understand the report (especially its conclusions and recommendations) and process the application. Contact the geoprofessional with overall responsibility for the report and make an appointment to discuss the questions and information requests. If the geoprofessional cannot or is unwilling to answer the questions or provide additional information that addresses the questions and satisfies the reviewer, consider obtaining a second professional opinion.

D.7. HOW DO I KNOW WHEN I NEED TO GET A SECOND PROFESSIONAL OPINION?

Ideally, all pre-development geologic and geotechnical engineering reports would be reviewed by an independent geologist or geotechnical engineer hired by the jurisdiction to ensure the information contained within the report is complete, that the report conforms to standards, and that the conclusion and recommendations are reasonable. While some communities may include such a stipulation in their codes, fiscally constrained communities can require the property owner or applicant to bear the cost of an independent professional review.

It is generally suggested that a professional review and second opinion be sought for the following reasons: 1) if there is concern that there may be a conflict of interest in the geoprofessional's work; 2) if the results of the geoprofessional report differ greatly from previous reports or known conditions at the site; 3) if the data within the report do not appear to support the conclusions; 4) if the field work or report

appears to be incomplete; or 5) if the reviewer cannot obtain satisfactory answers to the questions or additional information needed for processing the application from the geoprofessional is not provided.

- If it is suspected that a geoprofessional has violated Oregon laws or rules regarding the practice of geology in Oregon, or has committed fraud, negligence, incompetence, or some other misconduct, the concerned party should notify the Oregon State Board of Geologist Examiners (OSBGE) in writing. OSBGE is tasked with protecting the public by investigating complaints against geologists and enforcing the rules set forth in Oregon state statutes regarding geology. Information on how to file a complaint with OSBGE can be found on the OSBGE website⁵⁶.
- If it is suspected that a geoprofessional has violated Oregon laws or rules regarding the practice of engineering in Oregon, or has committed fraud, negligence, incompetence, or some other misconduct, the concerned party should contact the Oregon State Board of Examiners for Engineering and Land Surveying (OSBEELS). Information on how to file a complaint with OSBEELS can be found on the OSBEELS website⁵⁷.

⁵⁶ <https://www.oregon.gov/osbge/Resources/Pages/ConsumerGuide.aspx>

⁵⁷ <https://www.oregon.gov/osbeels/rulesstatutes/Pages/Rule-and-Statute-Enforcement.aspx#file>

D.8. HOW DO I APPLY AN ENGINEERING GEOLOGIC REPORT AND/OR THE GEOTECHNICAL ENGINEERING REPORT TO A PROJECT APPLICATION?

The engineering geologic report and/or the geotechnical engineering report will likely contain a great deal of data and research about the proposed development site, along with conclusions and recommendations based on this information. Typically, jurisdictions more commonly receive geotechnical engineering reports unless they specifically require an engineering geologic report.

The information in the report, particularly the conclusions and recommendations, will help determine whether the project is within the community's risk tolerance level. If it is, use what has been learned from reading the report and discussing it with the geologist or engineer to determine whether and how the project, by following the report recommendations, meets permitting requirements.

All local government staff with regulatory interest in the project (planning, zoning, public works, engineering, building, transportation, etc.) should be provided a copy of the report as early in the planning process as possible to ensure that the project is appropriately conditioned. This can be done easily as part of the pre-application process in communities that have one. If the jurisdiction does not have a pre-application process, ask all staff with regulatory interest to review the report and provide any necessary conditions. Department staff can be asked for assurance (such as initialing a statement) that they have read and understand the report and that any project conditions related to the landslide hazard are based upon the report's conclusions and recommendations.

Also be sure that the applicant provides the report and all other conditions to the developer as soon as possible to maximize compliance. The developer will need to address the recommendations and conditions in construction documents and during development.

Further, staff may ask the geologist or engineer to review construction documents and monitor construction to ensure the report recommendations and project conditions are being followed. The cost of the professional's review and monitoring could be borne by the property owner or applicant. Some jurisdictions require a final statement to be submitted from the professional that states the project is in compliance with requirements, once the project is done.

CHAPTER 3 MITIGATION PLANNING

Landslides... are among the most widespread, chronic, and damaging natural hazards in Oregon.

— *Lidar Data and Landslide Inventory Maps of the North Fork Siuslaw River and Big Elk Creek Watersheds, Lane, Lincoln, and Benton Counties, Oregon*⁵⁸

Postponing the confrontation with reality that hazard mitigation planning entails is simply unsound public policy. Tomorrow may be the day when an earthquake strikes, a flood inundates, or an unstable hillside tumbles and falls. ...The best time to begin reshaping the current development pattern to create a more resilient community is now.

— *Hazard Mitigation: Integrating Best Practices into Planning*⁵⁹

A. THE IMPORTANCE OF COMPREHENSIVE PLANNING IN RISK REDUCTION

A comprehensive plan establishes the long-term land use vision and aspirations, goals and policies of a city or county. In Oregon, state law requires each city and county to have a comprehensive plan and implementing ordinances. Comprehensive plans must be consistent with Oregon's 19 Statewide Planning Goals. Most of the Goals are accompanied by guidelines, which are suggestions on how the Goals might be applied. The implementing ordinances (e.g., zoning code, zoning map, and capital improvements plan) must be consistent with both the Goals and comprehensive plan, and adequate to carry out the comprehensive plan. State law also strongly encourages coordination between local jurisdictions so that the comprehensive plan is compatible with other community plans and programs (Oregon DLCD, n.d.-c)⁶⁰.

The Oregon Land Conservation and Development Commission (LCDC) reviews comprehensive plans to ensure consistency with the Statewide Planning Goals. Once a comprehensive plan of the city or county is acknowledged, it is considered the controlling land use document. Local governments must revise comprehensive

⁵⁸ 2012, <https://www.oregongeology.org/pubs/ofr/p-O-12-07.htm>

⁵⁹ 2010, p. 134, https://www.fema.gov/media-library-data/20130726-1739-25045-4373/pas_560_final.pdf

⁶⁰ <https://www.oregon.gov/lcd/OP/Pages/Goals.aspx>

plans to reflect new needs and circumstances. Under Oregon law, the post-acknowledgement plan amendment and periodic review processes keep plans current.

- With the post-acknowledgement plan amendment, cities and counties must provide the Department of Land Conservation and Development (DLCD) notice of proposed comprehensive plan and ordinance changes.
- Depending on the size of the population, periodically cities and counties must re-evaluate their plans and ordinances and submit the revisions to DLCD for approval. This process, called “periodic review,” is designed to ensure that local governments update plans to reflect new information and changing needs and circumstances.

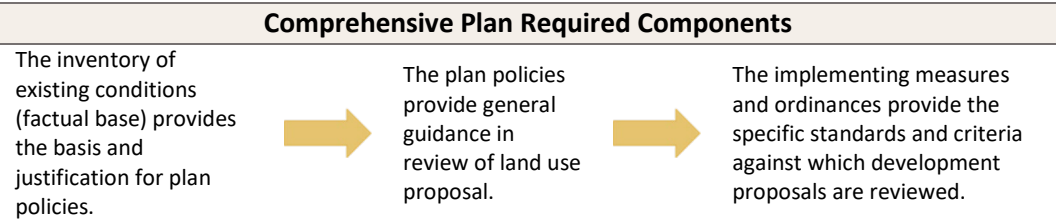
Landslides and other natural hazard events have consequences that relate to issues addressed by many of the 19 Statewide Planning Goals. Hazard mitigation policies in a comprehensive plan direct proactive actions to reduce risk to people, property, and the environment ahead of a hazard event. Establishing hazard mitigation policies that are supported by scientific inventories, maps, other factual information, and implementation measures (e.g., zoning, building, grading, and erosion control codes) is vital for accomplishing actions that reduce risk of natural disasters.

With comprehensive plans, the required components are: an inventory of existing conditions (factual base); goals and objectives; plan policies; and implementation measures and ordinances. The inventory of existing conditions (factual base) provides the basis and justification for plan policies. The plan policies provide general guidance in review of land use proposals. The implementing measures and ordinances provide the specific standards and criteria against which development proposals are reviewed.

**Comprehensive Plan
Required Components**

- an inventory of existing conditions (factual base)
- goals and objectives;
- plan policies; and
- implementing measures and ordinances.

Figure 3-1. Understanding the Sequence of Required Components in Comprehensive Plans



Source: Modified from LeDuc et al. (2001⁶¹)

For natural hazards, the key parts of the inventory of existing conditions (factual base) are the community-wide hazard identification (what and where are the natural hazards); the community wide vulnerability assessment (with each hazard, what is the risk to new and existing development); and the risk analysis (estimating

⁶¹ <https://scholarsbank.uoregon.edu/xmlui/handle/1794/1909>

the damage, injuries, and cost over a period of time). In addition to these three community-wide levels of assessment, communities need to evaluate potential risk from natural hazards when siting new development. Therefore, communities may require site specific evaluation in areas of known hazards prior to allowing new development to proceed. All of this supports the comprehensive plan policies, and the implementing measures and ordinance. Stronger inventories of existing conditions (factual bases) provide stronger support for policies and implementing measures and codes.

B. GOAL 7: AREAS SUBJECT TO NATURAL HAZARDS

B.1. INTRODUCTION TO GOAL 7

Goal 7, Areas Subject to Natural Hazards (Oregon DLCD, n.d.-a)⁶², is one of the 19 Oregon Statewide Planning Goals (n.d.-c)⁶³. It contains both requirements and guidelines.

Goal 7 has four mandatory sections:

- A. Natural Hazards Planning
- B. Response to New Hazard Information
- C. Implementation
- D. Coordination

Section A *requires* local governments to adopt comprehensive plans and implementation measures for reducing risk to people and property from – at minimum – floods (coastal and riverine), landslides, earthquakes and related hazards, tsunamis, coastal erosion, and wildfires. It *allows* local governments to identify and plan for additional natural hazards. In the Goal 7 document, a footnote pertaining to landslides states: “For ‘rapidly moving landslides’ the requirements of ORS 195.250-195.275 (1999 edition) apply.”⁶⁴ The ORS provisions are specifically related to rapidly moving landslides. Rapidly moving landslides are described in **Chapter 2, Landslide Hazards**, and a definition is provided in **Chapter 6, Glossary**.

To understand this ORS footnote, a short history about rapidly moving landslides (RMLs) is needed. After the 1996 flood and landslide events, then Governor Kitzhaber issued the Debris-Avalanche Action Plan (DAAP) in a March 4, 1997, press release. The press release or DAAP directed the Oregon Department of Forestry (ODF), the Oregon Department of Transportation (ODOT), DLCD, the Office of Emergency Management (OEM), DOGAMI, the Governor’s Office, Oregon State University, and the Oregon Building Codes Division to accomplish certain tasks “to

Goal 7 Requirements

Planning: Local government adopts comprehensive plan to reduce risk from natural hazards.

Response: DLCD notifies local government of need to respond to new hazard information.

Implementation: Within 36 months of notice, local government evaluates new information and adopts or amends policies and regulations as necessary.

Coordination: DLCD provides information and technical assistance. Local government complies with goals and rules.

⁶² <https://www.oregon.gov/lcd/OP/Pages/Goal-7.aspx>

⁶³ <https://www.oregon.gov/lcd/OP/Pages/Goals.aspx>

⁶⁴ <https://www.oregon.gov/lcd/OP/Documents/goal7.pdf>, p. 1

reduce the occurrence of these slides and reduce the risk to the public when these slides do occur.”⁶⁵

Senate Bill 1211⁶⁶, relating to public safety in high risk areas, was approved in 1997. It required the creation of a task force, the Joint Interim Task Force on Landslides and Public Safety (henceforth Task Force). It directed ODF to provide information “on the hazards of construction for sites that could be affected by landslides or debris torrents” (Oregon Legislative Administration Committee, 1997⁶⁷). It also provided the option for the State Forester to prohibit a timber harvest or road construction to “prevent risk to human life from landslides.”⁶⁷ The Task Force identified five areas to amend state statutes. The Task Force changed the disclosure provisions in ORS 105.465, the seller’s responsibility for disclosure of information to the purchaser. The Task Force also recommended that the Land Conservation and Development Commission (LCDC) make changes to Goal 7 during the 1999–2001 biennium.

In 1999, Oregon Senate Bill 12⁶⁸, relating to protection of public from landslide hazards, was approved. SB 12 directed DOGAMI to establish maps of hazard areas termed “further review areas.” The DOGAMI Governing Board adopted “Further Review Area” maps in 2002. However, the ORS provisions established under SB 12 and related to rapidly moving landslides in these further review areas were controversial. DOGAMI suspended the further review area maps by temporary rule shortly after adoption, and made the suspension permanent in 2003.

The map names were changed from “further review areas” to “overview hazard areas” in December 2002, when the Oregon legislature agreed with DOGAMI’s recommendation to remove the term “further review area” from the draft report, *Map of Rapidly Moving Landslide Hazards for Western Oregon: GIS Outputs and Summary Report*⁶⁹. With the name change, the timeframes and requirements of SB 12 were not triggered.

Just over one year later, the Oregon legislature passed HB 3375, relating to regulation of construction in landslide areas; it became effective on January 1, 2004. It eliminated the provisions of the state statute that passed as SB 12. Specifically, HB 3375 eliminated mitigation measures (ORS 195.263), transfer of development rights and recording (ORS 195.266 and 195.270), and the moratorium on development (195.275).

⁶⁵ Oregon Governor's Office. (1997). Governor's Debris Avalanche Action Plan-summary (referenced in Governor Kitzhaber’s office March 4, 1997 press release: “Governor releases recommendations to address dangerous debris avalanches”)

⁶⁶ https://www.oregonlegislature.gov/bills_laws/archivebills/1997_sb1211.en.html

⁶⁷ <http://library.state.or.us/repository/2010/201010061538333/1997.pdf>

⁶⁸ https://www.oregonlegislature.gov/bills_laws/archivebills/1999_sb0012.en.html

⁶⁹ <https://www.wou.edu/las/physci/taylor/erth350/IMS-22.pdf>

ORS 195.250⁷⁰ currently states,

Note: 195.250 (Definitions for ORS 195.250 to 195.260) to 195.260 (Duties of local governments, state agencies and landowners in landslide hazard areas) to were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 195 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

The “overview hazard areas” maps and related final report (DOGAMI Interpretive Map Series 22 [IMS-22] (Hofmeister, Miller, Mills, Hinkle, & Beier, 2002⁷¹) are used by local governments. In terms of examples of county and city codes, provided in **Chapter 4, Implementation**, the Salem zoning code specifically references IMS 22; Salem does not have lidar-based landslide inventory maps from DOGAMI. Oregon City has lidar-based inventory landslide maps from DOGAMI (IMS-26 [Burns & Madin, 2009a⁷²], IMS-29 [Burns, 2009⁷³], IMS-30 [Burns & Mickelson, 2010⁷⁴]) and references debris flows in its zoning code. Newport does not have lidar-based landslide inventory maps but does refer to a DOGAMI open-file report (O-04-09; Priest and Allan, 2004⁷⁵). Astoria has lidar maps from DOGAMI. Some of that information is shown on Astoria’s Geologic Hazards Map, but Astoria’s code provisions do not specifically reference the DOGAMI information. Multnomah County has received lidar maps from DOGAMI but has not yet updated its code; it is a forthcoming project. The City of Portland has lidar maps from DOGAMI and is in the process of determining the most effective way to use them. Portland is considering referencing IMS-22 (Hofmeister et al., 2002⁷⁶) as part of its map base.

Section B of Goal 7 requires the Department of Land Conservation and Development (DLCD) to review new hazard information provided by state and federal agencies in consultation with affected state agencies and local governments and decide whether the new information requires a local response. If it does, DLCD will notify the local government of its decision (“trigger Goal 7”) and the local government will have 36 months to respond. Typically and historically, DLCD has taken an informative, educational, and collaborative approach with local governments when new information is available and local governments have been made aware of it.

Section C of Goal 7 outlines the requirements for local government response. Briefly, those are to evaluate risk to people and property based on the new information; allow the public to comment on the new information and results of the evaluation; and adopt or amend policies and regulations as necessary.

⁷⁰ <https://www.oregonlaws.org/ors/195.250>

⁷¹ <https://www.oregongeology.org/pubs/ims/p-ims-022.htm>

⁷² <https://www.oregongeology.org/pubs/ims/p-ims-026.htm>

⁷³ <https://www.oregongeology.org/pubs/ims/p-ims-029.htm>

⁷⁴ <https://www.oregongeology.org/pubs/ims/p-ims-030.htm>

⁷⁵ <https://www.oregongeology.org/pubs/ofr/O-04-09.zip> (.zip file)

⁷⁶ <https://www.oregongeology.org/pubs/ims/p-ims-022.htm>

Newly adopted or amended policies and regulations must be consistent with these principles: 1) avoid development in hazard areas where risk cannot be mitigated; and 2) prohibit siting of essential facilities, major structures, hazardous facilities, and special occupancy structures in identified hazard areas except in very narrow circumstances.

Section D of Goal 7 requires state agencies to coordinate natural hazards plans and programs with local governments and provide technical assistance. For their part, local governments must follow Statewide Planning Goals and rules to reduce risk to people and property from natural hazards.

Goal 7's Guidelines provide advice and best practices under two headings, *Planning* and *Implementation*.

The Planning section encourages local governments, when adopting plan policies and implementing measures, to think about the interaction between natural hazards and natural resources in terms of

- the benefits of maintaining hazard areas as open space;
- the beneficial effects of natural hazards on natural resources and the environment; and
- the potential impacts of mitigation actions on natural resource management.

This section also reminds local governments to consider all phases of the emergency management cycle – preparation, mitigation, response, and recovery – and coordinate land use planning processes and decisions.

The Implementation section calls out several best practices for local governments to consider implementing for risk reduction:

- Considering emergency access in planning for development in hazard areas;
- Managing stormwater runoff to mitigate flood and landslide hazards;
- Requiring site-specific professional reports for proposed development in hazard areas to assess risk (both the risk to the site and the risk the proposed development may pose to other properties) and recommend mitigation measures;
- Considering establishing or making greater use of existing programs to retrofit, relocate, or acquire buildings in hazard areas;
- Providing financial incentives and disincentives;
- Providing public information and education materials; and
- Adopting flood mitigation requirements that provide greater protection than the minimum standards of the National Flood Insurance Program (NFIP).

C. GOAL 7 INTERACTION WITH OTHER STATEWIDE PLANNING GOALS

When Goal 7 meets other Statewide Planning Goals complexity and complications arise. Legal questions abound for local jurisdictions, for example: Should our community adopt the new landslide hazard maps? Should our community make a new hazard map using a combination of several sources of information? What level of risk tolerance is appropriate for our community? How do we use the new landslide information in our buildable lands inventory? How do we balance social equity, housing availability, protection of natural resources, and economic growth? Are there clear and objective standards for residential development in landslide hazard areas? How do we write the most effective implementing measures? What kind of liability do we have?

Both development and questions will continue; these illuminate the ways in which natural hazards intersect with other Statewide Planning Goal requirements, e.g., buildable land supply, housing inventory and residential development standards, natural resource protection, economic opportunity, and social equity. In these planning efforts, local jurisdictions must analyze the trade-offs inherent in working to reduce and minimize potential damage to life, property, and the environment which may result in locating development in or away from hazard areas.

Analyze the Trade-Offs

In all these planning efforts, local jurisdictions must analyze the trade-offs inherent in working to reduce and minimize potential damage to life, property, and the environment – which may result in locating development in or away from hazard areas.

D. NATURAL HAZARDS MITIGATION PLANNING

Natural hazards mitigation planning is accomplished at the local, regional, state, and federal levels. Cities, counties, tribes, special districts, and other entities engage in natural hazards mitigation planning to identify natural hazard events likely to affect them and act ahead of time to reduce impacts and avert disaster.

Natural hazards mitigation planning is any sustained action taken to reduce or remove the short- and long-term risk to people, property, and the environment from natural hazards.

Natural hazards mitigation planning is the responsibility of the “whole community” – individuals and families; private businesses and industries; non-profit groups; schools and academia; media outlets; faith based and community organizations; and federal, state, and local governments⁷⁷.

The planning process is a method for involving the “whole community” in identifying, characterizing, and analyzing potential hazard events and losses, then determining and prioritizing actions that can be taken to mitigate potential losses.

⁷⁷ <https://www.fema.gov/whole-community>

Natural Hazards Mitigation Planning

Natural hazards mitigation planning is any sustained action taken to reduce or remove the short- and long-term risk to people, property, and the environment from natural hazards.

Natural hazards mitigation planning involves either developing a natural hazards mitigation plan (NHMP) or updating one.

A natural hazard mitigation plan describes the hazards a community is most likely to face; identifies their potential impacts on people, property, and the environment; and establishes a strategy to reduce those impacts. The NHMP is also developed as a condition for receiving certain types of non-emergency disaster assistance through federal Hazard Mitigation Assistance (HMA) Programs. The HMA programs are the Hazard Mitigation Grant Program (HMGP), the Pre-Disaster Mitigation Grant Program (PDM), and the Flood Mitigation Assistance Program (FMA).

NHMPs are not required by state or federal law. Beyond the broad goal of protecting public health, safety, and welfare, the incentive for producing an NHMP is establishing eligibility for certain federal mitigation grant funds. Eligibility is established when a jurisdiction's NHMP has met federal process and content requirements, been adopted by the jurisdiction, and been approved by FEMA. NHMPs must be updated, re-adopted, and re-approved by the Federal Emergency Management Agency (FEMA) every five years to maintain eligibility.

Effective NHMPs

NHMPs are most effective when they have been integrated into other plans.

NHMPs are most effective when they have been integrated into other plans (e.g., comprehensive plans, capital facilities plans, stormwater plans, grading and erosion control plans, transportation plans, and emergency operations plans). Integration helps ensure that mitigation strategies are considered, prioritized, and funded. Examples of mitigation strategies are policy changes, such as updated ordinances; projects, such as seismic retrofits to critical facilities; and education and outreach to targeted audiences, such as Spanish speaking residents or the elderly. Implementing mitigation actions can also reduce the length of time that essential services are unavailable after a disaster; protect critical facilities; reduce economic hardship; speed recovery; and reduce post-disaster construction costs. As noted in *Hazard Mitigation: Integrating Best Practices into Planning* (Schwab, 2010, p. 132)⁷⁸,

“...[w]hen coordination of plans is absent...a community may not be treating hazards as a planning priority; especially in land use planning. The best way to change that signal is to establish clear references in community plans to programs and planning activities addressing hazards and to use a hazards or safety element in the comprehensive plan and the local hazard mitigation plan to reinforce each other...”

⁷⁸ https://www.fema.gov/media-library-data/20130726-1739-25045-4373/pas_560_final.pdf

E. INTEGRATING RISK REDUCTION INTO COMPREHENSIVE PLANNING

To integrate risk reduction into comprehensive planning it is best to have a multi-pronged effort that includes scientific data and information to support local policy decisions and implementation measures. Understanding the other factors involved, such as political support, is also key. Linking the risk reduction information to land use planning, building, transportation, stormwater, grading, erosion control, economic, social, and environment factors enables a multi-disciplinary and synergistic effect. A jurisdiction will get a lot of “bang for its buck” and have coordinated planning efforts that avoid conflicts in implementation. For example, comprehensive plans and the zoning codes can reference specific DOGAMI lidar-based landslide maps and reports. Other code provisions will also benefit from consideration of landslide information. See **Chapter 4, Implementation**, for more detailed discussion of the integration and implementation of risk reduction into the zoning code.

Updating a comprehensive plan typically occurs less frequently than updating a zoning code and varies from jurisdiction to jurisdiction. With that in mind, the first step may be adopting lidar maps, reports, and other supporting information with revisions to the zoning code. There is uniqueness in the comprehensive plan and in the zoning code that incorporates the community’s priorities. Specificity is needed for both comprehensive plan and zoning code provisions and their updates. Identify the information supporting the provisions that go into one or the other, or both. Sometimes language in the comprehensive plan defers to more detailed information in the zoning code.

One example of successful integration of a NHMP and a comprehensive plan comes from the City of Medford (2017⁷⁹). The *2017 Medford NHMP* includes text and maps related to the natural hazards identified as a risk to Medford. On November 1, 2018, the City of Medford adopted an ordinance approving “a legislative amendment to the Environmental Element and the Conclusions, Goals, Policies, and Implementation Strategies of the Medford Comprehensive Plan to incorporate the 2017 Natural Hazards Mitigation Plan” (Medford City Council, 2018⁸⁰).

A finding in the corresponding council staff report (File no. CP-18-063⁸¹) stated “the number of potential natural hazards analyzed in the 2017 NHMP includes hazards that were not previously contemplated or discussed in the Comprehensive Plan.” Another noted “the NHMP also establishes a coordinated process (a plan) to implement actions to reduce impacts of natural disasters on the people and resources of the community.” Furthermore, the staff report stated that three of the

⁷⁹ <http://www.ci.medford.or.us/SIB/files/3357Medford%20NHMP%20FINAL%20Approved%209-13-2017.pdf>

⁸⁰ <http://www.ci.medford.or.us/Agendas.asp?AMID=7935&Display=Minutes>

⁸¹ <http://www.ci.medford.or.us/files/DOC.pdf>

eight hazards identified in the NHMP were not previously included in the comprehensive plan (Ordinance No. 2018-125 and File No. CP-18-063⁸²). See **E.2.a, City of Medford Comprehensive Plan** of this chapter for additional information.

E.1. USING DOGAMI'S LIDAR-BASED MAPS IN COMPREHENSIVE PLAN POLICY FOR RISK REDUCTION

The main purpose of many DOGAMI lidar-based studies is to help communities in a study area become more resilient to landslide hazards by providing detailed, digital databases locating the landslide hazards as well as community assets and the risk that exists where the two overlap (**Figure 2-8**).

The studies alert people to the need to be prepared for landslides. Landslides can be triggered by human activities, earthquakes, and high precipitation. Recognizing where areas are susceptible to landslides can help reduce the impacts to people, property, and the environment.

DOGAMI's lidar-based landslide hazard maps (inventory, shallow landslide susceptibility, and deep landslide susceptibility) and associated reports provide a strong basis for comprehensive plan policies and zoning code implementation measures, as well as other provisions.

In comprehensive planning, a community establishes a long-range vision. It projects population growth, housing and economic development needs, and carries out other land use studies. A local community designates areas for general types of development (e.g., residential, commercial, industrial, recreational, institutional, public facilities) and for conservation.

Inventory and factual basis support the comprehensive plan policies that, in turn, support the implementing measures and ordinances (see **Chapter 3**, section **A**). The zoning code, zoning map, and capital improvement plans are approved ordinances that comply with the comprehensive plan and thus comply with Statewide Planning Goals. DOGAMI's lidar landslide maps and corresponding reports could be categorized as inventory and factual information. They could also be adopted as implementing measures that carry out the comprehensive plan policies.

⁸² <http://www.ci.medford.or.us/files/DOC.pdf>

If used as implementation measures, the maps could be used as is, or excerpts could be used to form a new map. For example, the new map created by the local jurisdiction may be show high risk areas from the shallow landslide susceptibility map, high risk areas from the deep landslide susceptibility map, and rapidly moving landslides (RMLs) from DOGAMI's IMS-22⁸³ map, or some other combination of available information.

With the hazard area ranges of low, moderate, and high for both shallow and deep landslide susceptibility maps, a local jurisdiction can use these categories (reference them in their codes) as thresholds for level and extent of geologic review requirements, as well as for land use purposes such as types of allowed uses in high hazard areas (e.g., not allowing hospitals or energy production plants in high susceptibility areas). DOGAMI's reports typically include the percentage of a city and study area in low, moderate, and high susceptibility zones. This is information can reveal a startling amount of land in a community subject to landslide hazards.

A local government can make more effective decisions with the awareness of the extent of the natural hazards. The newly adopted policies and regulations need to be consistent with the two principles of Goal 7 (this chapter, section **C, Goal 7 Interaction with Other Statewide Planning Goals**): avoiding development in hazards areas and prohibiting the siting of certain structures (this chapter, section **B.1, Introduction to Goal 7**).

In **Chapter 2, Landslide Hazards**, inventory, shallow landslide susceptibility maps, and deep landslide susceptibility maps are described in detail. Here a brief recap is provided.

A landslide inventory map shows the locations of all identified landslide deposits for an area along with characteristics for each landslide. One characteristic is the type of landslide such as slide, flow, fall, topple, and spread; these were discussed **Chapter 2**.

A shallow landslide susceptibility map shows the locations of landslides with failure plane depth less than 15 feet (4.5 meters), while a deep landslide susceptibility map shows the locations of landslides with failure plane depth greater than 15 feet (4.5 meters). These maps also show landslide features such as head scarp lines, head scarp zones, and slide extents.

Once a community has lidar-based imagery, DOGAMI can create a series of landslide hazard maps as shown in **Figure 3-2**. The landslide inventory is prepared and provided in a report with maps. This is followed by a shallow landslide susceptibility report and maps, and a deep landslide susceptibility report and maps. The full process can take years. A community may take steps to adopt and implement any one of these one at a time or it may choose to wait and adopt them all at once. Again, adoption is key to implementation. The process shown in **Figure**

Landslide Hazard Map

When information from the shallow and deep susceptibility maps is used in conjunction with the inventory map and the IMS-22 (rapidly moving landslides) map, a comprehensive landslide hazard map is created.

Each jurisdiction determines which areas from each of the maps are included (e.g., low, moderate, high, and very high hazard areas) in the jurisdiction's landslide hazard map.

Legal Matter

As always when developing land use regulations or other legislation for local adoption, local governments should consult with their legal counsel to ensure that proposals comply with applicable federal, state, and local requirements.

⁸³ <https://www.oregongeology.org/pubs/ims/p-ims-022.htm>

3-2 is collaborative: as maps and reports are prepared by DOGAMI, they are shared with the jurisdiction's staff and the community.

The landslide hazard maps can help determine areas where development may need to be conditioned or avoided to alleviate the potential for loss of life, property damage, and damage to the environment. As part of the map-making process between DOGAMI and the community, there is active discussion about community concerns, what information goes into the map, and potential ways to use the maps.

Figure 3-2. Landslide Risk Reduction Process Overview



Source: Modified from Burns (2015⁸⁴)

Landslide inventory maps can be used as an early step in landslide risk reduction because they provide basic information for identifying areas of higher and lower hazards. If a site is within a landslide area identified on these maps, or even if the site is in an area adjacent to or surrounded by landslide hazard areas, then additional investigation into the hazard may be necessary. These landslide hazard areas are likely to be at higher risk for landslides, but it is not a certainty that these areas will have landslides or be impacted by them.

DOGAMI does not typically create a channelized debris flow susceptibility map. However, the combination of the shallow susceptibility map and the landslide inventory map showing debris flow fans might be used to identify where these types of landslides could initiate and where they might deposit. In addition, DOGAMI Interpretive Map Series-22 (Hofmeister et al., 2002⁸⁵) could be used with these other datasets to evaluate potential channelized debris flow or rapidly moving

Recognize Hazard Areas

Recognizing where areas are susceptible to landslides can help reduce the impacts to people, property, and the environment.

⁸⁴ <https://cdn.ymaws.com/www.aegweb.org/resource/resmgr/Events2015/aeg-ls-forum-program-abstrac.pdf>

⁸⁵ <https://www.oregongeology.org/pubs/ims/p-ims-022.htm>

landslides hazards. In many cases, debris flow fan areas have the potential risk for impacting people, property, and the environment, and therefore a local government should take extra caution in these areas.

When information from the lidar-based shallow and deep susceptibility maps is used in conjunction with the lidar-based inventory map and the IMS-22 map, a comprehensive landslide map is created. Jurisdictions can then determine which areas (e.g., low, moderate, high, and very high hazard areas) from each of the respective maps are included in their landslide hazard map.

For example, a jurisdiction may choose to use information from the lidar-based inventory map, from the high and very high areas on the lidar-based shallow and deep susceptibility maps, and areas on the *GIS overview map of potential rapidly moving landslide hazards in western Oregon* (IMS-22).

E.2. EXAMPLE COMPREHENSIVE PLAN POLICIES

E.2.a. City of Medford Comprehensive Plan

The City of Medford amended the *Medford Comprehensive Plan* to integrate the plan with information from their *2017 City of Medford Natural Hazards Mitigation Plan* (2017 Medford NHMP). This integration was approved by the Medford City Council on November 1, 2018. In the report prepared for City Council, staff stated under the heading “Analysis,”

Preparation of the 2017 NHMP resulted in mitigation plans for eight natural hazards. Similar to what was done with the Leisure Services Plan, the proposed amendment would incorporate (by reference) the 2017 NHMP into the Comprehensive Plan, and would update various sections of the Environmental Element to include information on all eight natural hazards analyzed in the NHMP (e.g., the Comprehensive Plan’s section on Air Quality has not been updated for many years and therefore contains some information that is no longer accurate). Finally, the amendment updates the Comprehensive Plan’s Conclusions, Goals, Policies and Implementation Strategies for Air Quality and for Disasters and Hazards.⁸⁶

The City of Medford has posted online a portion of the updated *Medford Comprehensive Plan* called “Environmental Element”⁸⁷; it includes the “Conclusions, Goals, Policies, and Implementation Strategies.”

⁸⁶ <http://www.ci.medford.or.us/files/DOC.pdf>, p. 72

⁸⁷ http://www.ci.medford.or.us/SIB/files/3_Environmental%20Element_2019.pdf

The first part of the Environmental Element includes the Purpose section. Below, part of the Purpose section is shown. Note the statement about Statewide Planning Goals and relationship of plans:

This “Environmental Element” of the Medford Comprehensive Plan provides goals, policies, and implementation strategies for improving and maintaining environmental quality in Medford, while accommodating continued growth. The Statewide Planning Goals that oversee the protection and conservation of natural resources in Oregon are Goal 5: Open Spaces, Scenic and Historic Areas, and Natural Resources, and Goal 6: Air, Water and Land Resources Quality. Consistent with the objectives of Goals 5 and 6, the “Environmental Element” is a guiding document that strives to protect the natural environment and ensure that long-term growth does not adversely affect the natural resources that contribute to Medford’s livability. Other Statewide Planning Goals that are pertinent to the “Environmental Element” include Goal 3: Agricultural Lands; Goal 7: Areas Subject to Natural Hazards; and Goal 13: Energy Conservation. Most of these Statewide Planning Goals are also addressed in other elements of the Comprehensive Plan, such as in the “Public Facilities Element,” and in related plan documents such as the Medford Parks, Recreation, and Leisure Services Plan, and the City of Medford Natural Hazards Mitigation Plan.⁸⁸

⁸⁸ http://www.ci.medford.or.us/SIB/files/3_Environmental%20Element_2019.pdf

Excerpts from City of Medford Comprehensive Plan, Environmental Element, December 20, 2018⁸⁹:

DISASTERS AND HAZARDS CONCLUSIONS

1. The Medford Urban Growth Boundary contains streams and waterways that have a history of flooding occasionally.
2. The *National Flood Insurance Program* is available in communities that implement comprehensive floodplain regulations to reduce flood damage. As a participant in this program, Medford adopted regulatory provisions to minimize flood losses through development controls such as building codes and development regulations that place restrictions on new construction or improvements to flood-prone structures.
3. According to seismologists, the likelihood of an earthquake of serious magnitude in the Northwest is high. Medford is at risk for potential earthquake damage because many older buildings have not been built or upgraded to current earthquake standards. Medford's emergency management planning recognizes this possibility.
4. The threat of wildland-urban interface fires within the Medford Urban Growth Boundary will increase as development abuts or increases in areas prone to wildland fire dangers, such as steep slopes, dense natural vegetation, etc.
5. The threat of loss of life and/or property damage in areas that may be impacted by wildland-urban interface fires can be reduced through the use of ignition-resistant construction methods/materials, adequate fire response apparatus, availability of fire protection water, adequate fuel breaks surrounding structures, appropriate road widths to accommodate fire fighting vehicles, and response and evacuation plans that are understood by the residents of these areas.
6. The eastern boundary of Jackson County coincides with the crest of the Cascade Mountains, a volcanic range that has a number of still active volcanoes. According to the Oregon Department of Geology and Mineral Industries, Crater Lake and Mount Shasta are the two biggest volcanic hazards known for Medford, both of which are composite, active volcanoes relatively near the city.
7. While there are several potential hazards associated with volcanic eruptions, the one deemed most likely to affect Medford is that of ashfall. Likely hazards associated with ashfall include respiratory problems, impacts on transportation networks, power outages, and damage to building air filtration systems.
8. Severe weather is the most frequently occurring natural hazard in Medford. Typically, storms are short-term in nature, lasting one to two days, and can be managed with local emergency response resources.

⁸⁹ http://www.ci.medford.or.us/SIB/files/3_Environmental%20Element_2019.pdf

9. Snowstorms and windstorms can disrupt the region's utilities, telecommunications and roadway systems. Damage from wind storms is typically related to the hazard of falling trees and limbs, and the consequent downing of utility infrastructure and power outages. Late summer and early fall wind storms, occurring during the dry season, often increase wildfire risks.
10. Severe weather events, including those exacerbated by climate change, are becoming more common. All persons and critical facilities are at risk from severe weather impacts, especially those that result in power outages.
11. Emerging infectious diseases have been identified in the top five hazard vulnerabilities within our healthcare systems, and overall it is probable a person will have one or more during their lifetime. People with access and functional needs (e.g., the elderly, the very young and medically fragile persons) are more susceptible to impacts, as are critical facilities such as hospitals, airports, and fire and police forces. Furthermore, water, air, and land can be contaminated by emerging infectious diseases.
12. As a regional employment, recreational, residential, retail and health care hub, Medford draws many non-residents on a daily basis into the area, multiplying the opportunities for further disease exposure and transmission among both visitors and residents.
13. The most common noise sources in Medford are transportation-related, and include automobiles, trucks, motorcycles, railroads, and aircraft. Motor vehicle noise is a pressing concern, because it often occurs in areas sensitive to noise exposure, such as residential areas, and continues to increase with urban growth and increasing numbers of motor vehicles.
14. The City of Medford has adopted noise reduction strategies in the *Land Development Code* to mitigate the harmful effects of noise, including a noise ordinance, which regulates the level of commercial and industrial noise based on the proximity to noise-sensitive properties; buffer yards, which use setbacks, fencing/walls/berms, and vegetation to mitigate adverse impacts between adjacent land use types, and agricultural buffering, in which Medford and Jackson County jointly implement policies to minimize the impacts of urban development on abutting agricultural uses.
15. Airports can adversely impact residential and other sensitive development through noise and accident hazards. Future airport expansion plans could create land use conflicts as flights increase.

DISASTERS AND HAZARDS

GOALS, POLICIES, AND IMPLEMENTATION MEASURES

Goal 12: To protect the citizens of Medford from the potential damage caused by hazards such as flooding, earthquakes, wildland-urban interface fires, volcanic eruptions, severe weather, emerging infectious diseases, noise, and airport hazards.

Policy 12-A: The City of Medford shall assure that hazard mitigation standards are formally adopted as public policy through comprehensive planning, land development ordinances, permit review, and fire/building safety codes.

Implementation 12-A (1): Continue to conduct hazard risk analysis, including identifying the types, magnitude, and probability of hazards which the Medford Urban Growth Boundary is susceptible to over the long term, including assessing the degree of risk that the citizens find acceptable.

Policy 12-B: The City of Medford shall ensure that the potential impacts of flooding are adequately analyzed when considering development projects.

Implementation 12-B (1): Maintain and, when necessary, update the city's requirements for development in floodplains, consistent with federal and state regulations, and the *Uniform Building Code* (UBC).

Implementation 12-B (2): Adhere to the policies outlined in the *Medford Comprehensive Drainage Master Plan* to minimize flood losses through development controls.

Implementation 12-B (3): Encourage the re-mapping of flood-prone areas in Medford using data from the most recent flood(s) of record.

Implementation 12-B (4): Consider flood hazards when installing public improvements such as parks and paths in flood-prone areas. Design these amenities to withstand a certain flood level.

See also the Policies of the *Storm Water Drainage* section of the "Public Facilities Element."

Policy 12-C: The City of Medford shall continue to utilize building and development standards to mitigate the potentially damaging effects of earthquakes. New construction is required to meet the standards of seismic zone 3 of the *Uniform Building Code* (UBC).

Policy 12-D: The City of Medford shall strive to upgrade all city-owned buildings and facilities to meet earthquake standards.

Policy 12-E: The City of Medford shall continue to update and enforce noise attenuation strategies.

Implementation 12-E (1): Periodically review the city's noise ordinances for adequacy.

Policy 12-F: The City of Medford shall strive to minimize the loss of life and property resulting from wildland-urban interface fires within the Urban Growth Boundary.

Implementation 12-F (1): Undertake efforts to educate the public in wildland-urban interface fire safety.

Implementation 12-F (2): Develop and adopt fire safety performance standards for development in those areas identified as being at risk of wildland-urban interface fires.

Policy 12-G: The City of Medford shall designate future residential areas in coordination with the *Rogue Valley International-Medford Airport Master Plan* to minimize conflicts with flight patterns, hazard areas, and airport expansion areas.

The *City of Medford 2017 Natural Hazards Mitigation Plan (2017 Medford NHMP)*, approved September 2017, has mitigation actions related to tracking the amount of development in earthquake, flood, wildfire, and landslide hazard areas on a yearly basis. As part of the maintenance of the *2017 Medford NHMP*, the NHMP Steering Committee is to meet one to two times a year to check the status of all the mitigation actions. One particular mitigation action regarding landslides is: “Update the ‘Summary of Impact on Exposed Assets’ information each year (# structures, # tax lots, total improved value). The data are based on properties with slopes 25% or more.”⁹⁰

Keeping track of the amount of development in natural hazard areas will provide helpful information for the City of Medford to use for decision-making purposes that can identify ways to mitigate impacts of natural hazards to people, property, and the environment. Avoiding development in hazard areas is one way to reduce risk; minimizing development is another way to reduce risk. If development is within hazard areas, then mitigating risk through a variety of methods such as regulatory and non-regulatory means is appropriate. Each jurisdiction must ascertain its tolerance level of acceptable risk.

E.2.b. City of Astoria Comprehensive Plan

The City of Astoria has a detailed description of geologic hazard provisions in the *Astoria Comprehensive Plan*⁹¹, which was adopted in 1979 (Ord 79-10) and has not been altered since then. The text describes the City’s experience with many landslides in their history and specifically identifies two kinds of landslides common in Astoria. At the time of the *Astoria Comprehensive Plan* adoption, it was noted that houses, streets, and infrastructure have been extensively damaged by landslides over the years.

The *Astoria Comprehensive Plan* states that the City has acquired “much of the active landslide areas on the north slope” and “[t]he City and other public agencies own most of the lands on the south slope.” The language links the landslide hazard to high rainfall and resulting stormwater runoff, which is common in Astoria. There are provisions that allow the City Engineer and/or Planning Commission to require a site investigation and report by a licensed engineering geologist or soils engineer. In the Background Summary of the *Astoria Comprehensive Plan*, it states “[p]reventing construction in landslide areas is the best deterrent.” The full text of the Geologic and Flood Hazards provisions in the *Astoria Comprehensive Plan* is provided below.

In a telephone conversation with Jeff Harrington, City of Astoria, Public Works Director, and John Edwards, City of Astoria, Engineering Designer (personal communication, May 31, 2019), they described that *Astoria Comprehensive Plan*

⁹⁰ <http://www.ci.medford.or.us/SIB/files/3357Medford%20NHMP%20FINAL%20Approved%209-13-2017.pdf>, p. 3.52, Table 53

⁹¹ http://www.astoria.or.us/Comprehensive_Plan.aspx

provision 395, in #3 (see below), which refers to the “known landslide potential,” should be further clarified. Staff would like to provide more clarity in the *Astoria Comprehensive Plan* that the City will not sell city-owned land with known landslide potential. Staff said that revisions to the *Astoria Comprehensive Plan* text will include identifying specific information, such as which maps and data layers are the best ones to reference, so that reference and supporting information are easily identifiable.

Excerpts from City of Astoria Comprehensive Plan CP.390⁹²:

GEOLOGIC AND FLOOD HAZARDS

CP.390. Background Summary.

The area on which the City of Astoria is located has experienced many earth slides throughout its history. The sharp escarpment on the north side and near the top of the main ridge indicates that a major movement of land took place many years ago. These areas gradually returned to an appearance of stability, but several major slides have occurred in recent years. The most damaging slides have been the West Commercial Street and the Irving Street slides. Some 50 homes were destroyed or displaced in these slides. Most of these slide areas are in a siltstone and claystone sedimentary rock unit (TOMS), although a basaltic sill (an igneous rock outcropping) underlies Coxcomb Hill, Clatsop Community College, and an area in the western part of the City. Even in these basaltic areas, landslides have been recorded on steeper slopes.

There are two types of slides common to Astoria: 1) the shallow earth slippage, generally not more than two feet in depth, caused by sudden saturation, freezing and thawing, or erosion of cover material. 2) the deep (and much more serious) landslide caused by rotation or movement along a slippage plane caused by water pressure build up within the earth, often as a result of excavation. Installation of drainage systems, and weighting down of the "toe" of the slide by rock fill are the most common means of correcting landslides, although these are often just stopgap measures. Preventing construction in landslide areas is the best deterrent.

Earthquake hazards are not common in coastal Oregon, but a fault line does run in a northeasterly direction past Tongue Point. An earthquake of intensity IV (Mercalli Scale) was recorded on July 23, 1938; with its epicenter near Astoria. The main concern with earthquakes in this area is their potential for triggering landslides.

Flood hazards exist only in a small portion of the City, near the Alderbrook area. One hundred year flood elevations are generally about 13 feet. The City has enacted a Flood Prevention Ordinance as part of the Federal Flood insurance Program, which requires new structures to have their first floor joists at least a foot above this level.

CP.395. Conclusions and Problems.

1. Since 1950, it is estimated that sixty to seventy homes have been seriously damaged by earth movement. The resulting cost to the various owners is estimated to be between 500,000 and 1,000,000 dollars. Cost of street and utility repairs is estimated to be over \$2,000,000.

⁹² http://www.astoria.or.us/Assets/dept_1/pm/pdf/cp%20390%20to%20400.geologic%20and%20flood%20hazards.pdf

2. The City of Astoria has a variety of means of dealing with geologic hazards: the Engineering Department has detailed information on recent landslides (during the last 50 years); the City has acquired, though the years, much of the active landslide areas on the north slope; the City Engineer, land agent and Building official all have access to geologic data. It is used in public works, for land sales, and for the issuance of building permits. The City and other public agencies own most of the lands on the south slope.
3. The City has made good use of landslide areas on the north side by purchasing land, and converting the slide area into parks or open space. Areas of known landslide potential are not permitted to be sold.
4. The City has an opportunity, through the use of undeveloped public property, to control how new subdivisions are designed, thereby reducing landslide hazards. These methods including the platting of streets and utility lines along land contours, the requirement of complete storm drainage systems, and the evaluation of the land prior to development by qualified engineering geologists or other qualified persons. Many of these steps can also be taken with regard to private development through the use of the City's land division ordinance.
5. Geological information indicates that the bedding planes under Astoria generally dip toward the south, and that the landslide potential on the south slope (which is mostly undeveloped at present) could be considerable as development increases. Great care should be taken to insure this area does not experience the same problems encountered on the north slope of the City.
6. The City's major flood hazard area is a small portion of Alderbrook, with small areas around the streams on the south slope. The City has enacted a Flood Hazard Ordinance (Ord. 09-03) and participates in the Federal flood insurance program.
7. The Federal Flood Insurance Program does not presently cover landslides or mudslides, although these hazards are closely related with the high rainfall and resulting storm water runoff in the Astoria area. The City is pursuing the possibility of including landslides and mudslides in the program, with the assistance of the Congressional delegation.

CP.400. Geologic and Flood Hazard Policies.

1. The City will take reasonable precautions to protect life and property from natural hazards or disasters, through the use of the City Flood Hazards Ordinance (Ord. 09-03), the Uniform Building Code, and the policies for the management of geologic hazard areas.
2. Where it appears a landslide, or other earth movement hazard may be present, the approval of the City Engineer will be obtained before a building or development permit is issued. The City Engineer and/or Planning Commission may require a site investigation and report by a City approved licensed engineering geologist or soils engineer in such cases.
3. The City Engineer will file copies of all geologic and soils reports which are submitted, and be prepared to furnish copies of them to interested persons at the cost of reproduction.

4. Land divisions in areas of steep slopes, unstable soils, weak foundation soils, or landslide potential will be permitted only after a favorable site investigation report has been completed. The Planning Commission will submit site investigation reports to the City Engineer for evaluation. Recommendations of the City Engineer will be used in the review of land division requests. The Planning Commission may require changes in proposed subdivision plats based on the City Engineer's recommendations. Site investigation reports will be filed in the office of the City Engineer, and used in the evaluation of future building permits within the development.
5. The City Engineer and/or Planning Commission may require the submission of detailed topographic maps in steep slope areas, indicating the location of drainages, springs or other natural features. Detailed drainage plans showing the location of proposed storm water disposal will be a part of building permit or land division applications.
6. Clustering of development on stable or less steep portions of sites is encouraged in order to maintain steeper slopes in their natural condition.
7. General development policies for areas of steep slopes will be as follows:
 - a. Construction excavation will be held to the minimum necessary to build footings efficiently.
 - b. Removal of vegetation will be kept to the minimum necessary for the placement of roads, utilities, and structures. Erosion control measures as required by the City Engineer will be employed during and after construction.
 - c. Access roads and driveways will be constructed with a minimum amount of grading.
 - d. No development will be allowed to block stream drainages in any area or divert storm water across adjacent property.
8. Guidelines for site investigation reports will be provided by the City Engineer's office. The individual site reports will generally indicate where construction may take place without enhancing earth movement hazard, the location of feasible building sites, the location of evidence of potential or past earth movement, the recommended method of construction. Where necessary, the City Engineer may require certification by a professional engineer or architect accompany building plans.

E.2.c. City of Portland Comprehensive Plan

The Portland *2035 Comprehensive Plan*⁹³ is Portland's primary tool to implement the *Portland Plan*⁹⁴, which "provides a structure for aligning budgets and projects across numerous public agencies, guiding policies with an eye toward the year 2035, and a five-year action plan to get things started. The *Portland Plan* is organized around an equity framework, three integrated strategies, and a set of measurable objectives to track progress." (p. I-3)

The Portland *2035 Comprehensive Plan* has five guiding principles "to recognize that implementation of this Plan must be balanced, integrated and multi-disciplinary." These principles are economic resilience, human health, environmental health, equity, and resilience. Resilience is described as: "Reduce risk and improve the ability of individuals, communities, economic systems, and the natural and built environments to withstand, recover from, and adapt to changes from natural hazards, human-made disasters, climate change, and economic shifts" (p. I-7)⁹³. The *2035 Comprehensive Plan* was adopted by Portland City Council on June 15, 2016, and extends to the year 2035.

With the *2035 Comprehensive Plan*, policies work together to improve Portland's resilience through such things as provision of city greenways and urban habitat corridors; growth in compact centers and corridors; expansion of living wage employment; investments to fill infrastructure gaps in underrepresented and underserved communities; and responsiveness to differences among Portland's neighborhoods.

The Resilience section describes that resilience reduces vulnerability of people, places, and property to withstand challenges that may result from hazardous events. A resilient community can bounce back, recover, and move forward. In the *2035 Comprehensive Plan*, resilience includes prosperity, human health, and environmental health as essential components.

The Resilience section identifies that Portland faces many natural and human-caused risks, and that these risks can have environmental, social, and economic impacts. The five hazards listed are floods or landslides; a significant earthquake; extreme heat events; economic and energy shocks; and Oregon's changing climate. There are five ways identified that the *2035 Comprehensive Plan* helps manage risk: low-carbon economy; resilience in natural systems; neighborhood resilience; invest to reduce risks; and direct growth in lower risk areas.

"Effectively managing risks involves assessing the likelihood that an event will occur, as well as the potential consequences such as injury or fatalities, environmental degradation or economic loss. Certain populations, including low-income households, communities of color, people with disabilities, renters and older adults may be less able to prepare for and recover from impacts

⁹³ <https://www.portlandoregon.gov/bps/2035-comp-plan.pdf>

⁹⁴ <https://www.portlandonline.com/portlandplan/index.cfm?c=58776&a=398384>

from natural hazards, economic disruption and climate change impacts” (p. I-30)⁹⁵.

E.3. COMPREHENSIVE PLAN MAPS

Statewide Planning Goal 2, Land Use Planning requires four key components in comprehensive plans, as summarized in *The Planning for Natural Hazards: Oregon Technical Resource Guide* (LeDuc et al., 2001)⁹⁶:

- An inventory of existing conditions (factual base);
- General goals and objectives;
- Policies; and
- Implementing ordinances and regulations.

Map are part of these key components: maps can be part of the inventory/factual base that leads to plan policies, and maps can be part of the implementing ordinances and regulations (e.g., zoning maps, maps of natural hazards). Zoning codes and maps are discussed in more detail in **Chapter 4, Implementation**.

DOGAMI’s landslide inventory and maps could be part of both the factual basis for the policies and the implementing ordinances in the zoning code. Because of the differences of information in the inventory, shallow susceptibility map, and deep susceptibility map, a jurisdiction may consider having implementation provisions that vary with the types of landslides. In this way, the codes would relate more specifically to type of landslide, the type of proposed development, the type of jurisdictional review, and the requirements for geotechnical review.

Chapter 4, Implementation in this *Guide* provides examples of zoning and other codes from jurisdictions in Oregon and identifies the elements of strong landslide hazard codes.

Chapter 5, Resources includes the full range of city and county code provisions examined during the research for this *Guide*.

Table 5-1 through **Table 5-4** provide a summary, while **Chapter 8, Landslide Code Review Details Table** provides more details for that same code information. The research primarily focused on comprehensive plans, zoning code provisions, as well as building code, stormwater management provisions, and grading and erosion control provisions.

⁹⁵ <https://www.portlandoregon.gov/bps/2035-comp-plan.pdf>

⁹⁶ <https://scholarsbank.uoregon.edu/xmlui/handle/1794/1909>

F. KEY ISSUES

F.1. COMMUNITY RISK TOLERANCE

Depending on a community's need, DOGAMI conducts increasingly detailed lidar-based landslide hazard projects that result in tiered sets of products:

- Landslide inventory;
- Landslide inventory, shallow susceptibility map, and deep susceptibility map; and
- Landslide inventory, shallow susceptibility map, deep susceptibility map, and landslide risk analysis.

(See **Figure 3-2, Landslide Risk Reduction Process Overview.**) The community reviews the information received from DOGAMI and ascertains the most effective way to use the information. For example, in the *Landslide Hazard and Risk Study of Eugene-Springfield and Lane County, Oregon* (Calhoun, Burns, Franczyk & Monteverde, 2018)⁹⁷, the primary landslide hazard in the study area is exposure of existing structures to deep landslides. What could be done to alleviate risk?

Substantive risk reduction activities for this type of landslide hazard include 1) controlling the input of water onto slopes within the moderate and deep landslide susceptibility zones and on existing deep landslides and 2) avoiding adding material (weight) to the tops of susceptible slopes or, conversely, removing material from the bottoms of slopes (excavation or grading). By evaluating the hazard study information, the community can decide on the acceptable level of risk (its risk tolerance) and the best way to integrate and implement the information.

The community's risk tolerance is of considerable importance in decision-making and plays a key role in how the mapped information is used. Factors such as land use and development requirements, scientific information available, political situation of the jurisdiction, support of local land use and building officials, available technical assistance, the number of people and structures that already exist in the hazard area, and the potential for more development to occur in the hazard area. Other factors may also play into a jurisdiction's risk tolerance determination. Identifying where the critical infrastructure is in relationship to the hazard areas is important. In addition, these factors are considered in the kind and extent of risk reduction and mitigation efforts that will be included in the comprehensive plan and implementation measures.

As discussed in this chapter, section **E.3, Comprehensive Plan maps**, there are pros and cons to adopting ordinances, maps, and other implementation measures. Compliance with regulations is strong factor in adopting and using new information, as is reducing natural hazard impacts to people, property, and the environment.

⁹⁷ <https://www.oregongeology.org/pubs/ims/p-ims-060.htm>

F.2. PROPERTY OWNER RESPONSIBILITY

Oregon law (ORS 195.253⁹⁸) makes it clear that making sound decisions related to landslide hazards and associated risks is everyone's shared responsibility: federal, state, and local governments, property owners, and highway users. This is a solemn responsibility; Oregonians' lives and assets, both individual and community, are at stake.

How a property owner alters or develops their property in a landslide hazard area has potentially significant and detrimental impacts on other people, properties, and the environment. A property owner's shared responsibilities extend to the community; compliance with community regulations and risk tolerance decisions can avoid potentially causing damage to property and endangering lives.

F.3. WHAT CAN LOCAL JURISDICTIONS DO AFTER RECEIVING THE NEW MAPS?

Goal 7 Compliance

Newly adopted or amended policies and regulations must be consistent with these principles: 1) avoid development in hazard areas where risk cannot be mitigated; and 2) prohibit siting of essential facilities, major structures, hazardous facilities, and special occupancy structures in identified hazard areas except in very narrow circumstances.

A jurisdiction can act to implement the information on upon receipt of DOGAMI landslide hazard maps; it does not have to wait for DLCD to "trigger Goal 7." A jurisdiction can follow the steps listed in the text of Goal 7 (Oregon DLCD, n.d.-a⁹⁹) in that document's section C, Implementation, section and use the Goal 7 Planning Guidelines listed in the text of Goal 7 (and within this chapter, in section **B, Goal 7: Areas Subject to Natural Hazards**) to evaluate the risks to people, property, and the environment communicated by new landslide hazard maps and their accompanying report.

The next implementation steps are: Make the maps, report, and evaluation available for public comment. Identify alternatives for addressing the risks incorporating best practices from the Goal 7 Implementation Guidelines. Review landslide hazard related comprehensive plan policies and zoning codes from other jurisdictions; compare those to the existing provisions; consider the community risk tolerance; and evaluate other factors that play into decision-making in the community. How do the jurisdictional staff and the community want to reduce natural hazard impacts to people, property, and the environment? Discuss the maps, report, evaluation, and alternatives for addressing the landslide hazard and the risks with the Planning Commission and City Council or Board of County Commissioners and recommend a course of action.

F.4. THE PROS AND CONS OF ADOPTING LANDSLIDE HAZARD MAPS

If the preferred alternative for addressing the risks identified on DOGAMI landslide hazard maps requires new or revised comprehensive plan policies or implementing measures such as regulations, a local jurisdiction must adopt (Goal 7) the DOGAMI

⁹⁸ https://www.oregonlegislature.gov/bills_laws/ors/ors195.html

⁹⁹ <https://www.oregon.gov/lcd/OP/Documents/goal7.pdf>

maps and report. The maps and report may be used to amend the comprehensive plan designation map showing where development is and is not envisioned over the life of the comprehensive plan (generally 20 years) and policies to achieve that vision. In this case, a comprehensive plan amendment would be required to incorporate the maps and report that support the new comprehensive plan vision and policies. DLCDD must be notified when the jurisdiction proposes to change its comprehensive plan.

If the comprehensive plan map and policies are consistent with the new maps and report, only the new maps may need to be adopted into the development code and development regulations may be adjusted to employ them effectively.

Adopting DOGAMI's lidar-based landslide hazard maps and corresponding report(s) is (are) key to the broader awareness and use. Adoption provides a sound basis for using the maps and reports for establishing risk-reduction policies and regulations.

Jurisdictions often face these kinds of barriers to adoption:

- Limited staff and resources to do the work;
- Need for technical assistance (e.g., model codes, advice, and reviewing draft codes);
- Competing priorities; and
- Public perception that adoption will lead to negative outcomes for individuals.

DLCDD and DOGAMI offer this *Guide* to answer the call for technical assistance and address specific concerns expressed by city and county staff and geoprofessionals. Both agencies have staff available to answer questions and strive to meet additional technical assistance needs related to implementing Goal 7.

The benefits of adoption include:

- Safeguarding human life, critical infrastructure, and property to the best of the jurisdiction's ability;
- Having a firm legal basis for developing policies and regulations;
- Basing policies and regulations on the most up-to-date scientific data, analysis, and mapping;
- Defending the jurisdiction against claims or lawsuits based on the fact that the danger was known to the jurisdiction and yet no action was taken to protect the public health, safety, and welfare.

The disadvantages of adoption include dealing with the:

- Public's perception that property values will decline;
- Potential for takings claims or lawsuits;
- Public's concern that property owners may not be able to obtain insurance or that insurance premiums will be prohibitively expensive; and
- Concerns of property owners that the cost of construction will increase.

Why Adopt Landslide Hazard Maps?

By adopting the best available science-based maps and information and using them to formulate far-sighted land use policies and development regulations, community leaders are strengthening the community's social and physical condition, setting the stage for long-term stability and resiliency. Rather than *avoiding* the hard choices, local leaders are *making* the hard choices necessary to keep people safe, their property intact, and essential public services operating.

These disadvantages are similar to concerns raised about regulations protecting against other natural hazards, protecting natural resources, and conserving farm and forest lands.

F.5. BUILDABLE LANDS INVENTORIES

Development in Hazard Areas

Hazard areas need to be fully considered when identifying the locations best suited for development.

Consideration of what lands are included in the Buildable Lands Inventories (BLI) is important. “The failure to account adequately for hazards when vulnerable areas are developed sets the stage for disaster losses” (Schwab, 2010¹⁰⁰). The *2015 State Natural Hazards Mitigation Plan* (Oregon DLCD, 2015¹⁰¹) contains a high-priority mitigation action that expressly focuses on the intersection of hazard areas with buildable lands inventories.

Mitigation action #11 (Oregon DLCD, 2015¹⁰¹) states:

Develop guidance for local governments on how to use Goal 7 together with other pertinent Statewide Land Use Planning Goals to classify lands subject to natural hazards in the buildable lands inventory and adjust urban growth boundaries in a manner that minimizes or eliminates potential damage to life, property, and the environment while continuing to provide for efficient development patterns.

The hazard areas need to be fully considered when identifying the locations best suited for different types of development.

Natural hazards mitigation plans (described in Chapter 3, section **D, Coordination**) require jurisdictions to review and address “changes in development,” an exercise that plays into buildable lands inventories. A jurisdiction examines the number and type of structures in their hazard areas. Looking at this over time, say, in 1- to 5-year increments, a community can see if more or less development is occurring in hazard areas. The goal is to decrease (or at least not increase) vulnerability by demonstrating that jurisdictions are fully considering ways to avoid encouraging development in natural hazard areas and that this approach has been successful.

F.6. URBAN GROWTH AREAS

Every city in Oregon is required to have an Urban Growth Boundary (UGB), which sets a physical limit based upon a city’s 20-year need for land to accommodate population and employment growth. Each city establishes its own UGB. In the Portland region, 24 cities share a UGB managed by Metro (the regional government). Inside of an urban growth boundary, cities plan their communities. The UGB can be expanded if a city can justify a need for more developable land to accommodate 20-year projections of population and employment growth. Local governments are tasked with finding that without UGB expansion, 20-year land

¹⁰⁰ https://www.fema.gov/media-library-data/20130726-1739-25045-4373/pas_560_final.pdf

¹⁰¹ https://www.oregon.gov/LCD/NH/Documents/Approved_2015ORNHMP_15_MitStrat.pdf

needs cannot be reasonably accommodated within the UGB. DLCD and LCDC directly review larger UGB expansions, and smaller ones are subject to review by the Oregon Land Use Board of Appeals (LUBA) if challenged. Managing growth includes such things as addressing people's housing needs, providing suitable amounts and types of land for projected employment growth, using existing land efficiently, having adequate citizen engagement, and choosing land with minimal impacts to farms and forests.

One main purpose of the UGB is to protect Oregon's farms and forests from encroachments that will diminish their economic effectiveness and the other, non-economic values they provide to the state. The UGB must also contain enough land for the number of people expected to live in the city over the next 20 years.

The first step in evaluating whether a UGB is the right size is to inventory buildable lands in each plan designation. If more land is needed, a study area is established to determine which adjacent lands are most suitable for development. OAR 660-024-0065¹⁰² describes lands to be included or excluded in the study area. Notably, areas subject to landslides, flooding, and tsunamis may be excluded from the study area. Jurisdictions without comprehensive plan policies or regulations protecting people and property from landslide, flooding, and tsunami hazards must adopt regulations for those hazards along with the buildable lands inventory, to be able to exclude those hazard areas from the study area.

F.7. CLEAR AND OBJECTIVE STANDARDS

ORS 197.307, Effective Need for Certain Housing in Urban Growth Areas,¹⁰³ was recently amended by Senate Bill 1051. The previous language,

[...] a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of needed housing on buildable land described in subsection (3) of this section. [...]

was amended¹⁰⁴ to read

[...] a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing, including needed housing. [...]

SB 1051 is only applicable within urban growth boundaries.

The amendment has provoked discussion about clear and objective standards, which is a particular challenge for regulating development in natural hazard areas. In many cases, a geotechnical report is the only way to determine whether the risk

¹⁰² <https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=3074>

¹⁰³ https://www.oregonlegislature.gov/bills_laws/ors/ors197.html

¹⁰⁴ <https://olis.leg.state.or.us/liz/2017R1/Downloads/MeasureDocument/SB1051/House%20Amendments%20to%20Introduced>

inherent in a development proposed in a landslide hazard area is within the community's level of risk tolerance. Basing a development permitting decision on a required geotechnical report is not considered a "clear and objective standard."

Local governments must have a clear and objective standard for permitting residential development and may also provide a discretionary pathway. A recent Land Use Board of Appeals (LUBA) case (subsequently affirmed by the Oregon Court of Appeals) involving a residential development in a landslide hazard area determined that a local government cannot enforce development standards, even if those standards were adopted to protect environmental resources (or involve other constraints such as natural hazards/landslides) if those standards are not clear and objective.¹⁰⁵

Conversely, a local government is allowed to adopt clear and objective standards that greatly limit, or even prohibit, development on lands constrained by environmental resources, steep slopes, or natural hazards/landslides, and offer as an alternative a "discretionary" set of review standards that are not clear and objective.¹⁰⁶ In such a case, a local government's clear and objective standard may be to prohibit development, and a discretionary pathway may be afforded by providing and following the recommendations of a geotechnical report performed by a qualified professional.

Acceptable Risk

Legal questions should be reviewed by the local jurisdiction's attorney. Each jurisdiction must determine its own level of acceptable risk.

Questions remain about clear and objective standards. For example, perhaps an engineering geologic report includes a factor of safety rating. Does a report demonstrating that the proposed project site conditions can meet a factor of safety of 1.5 or higher mean that the clear and objective criteria are met? Legal questions such as this should be reviewed by the jurisdiction's attorney.

F.8. TAKINGS, LIABILITY, AND MEASURE 49

DLCD and DOGAMI staff are often asked about liability and takings issues related to mapping and implementation of natural hazards. Under state law, much of what a local jurisdiction does regarding natural hazards, beyond required actions, is left up to the jurisdiction. Local control of land use and other provisions is very important in Oregon.

Protection of public health and safety are reasons for establishing regulations around natural hazards. The first statement in Oregon's Statewide Land Use Planning Goal 7 (Areas Subject to Natural Disasters and Hazards) is to "protect people and property from natural hazards."¹⁰⁷ One of the commonly voiced concerns from local jurisdictions to DLCD is how much regulation a local

¹⁰⁵ *Warren v. Washington County*, LUBA No. 2018-089, November 14, 2018, *Affd.* 296 Or App 595 (2019)

¹⁰⁶ *Dreyer v. City of Eugene*, LUBA 2018-074, decided November 20, 2018, *Affd. without opinion*, 296 Or App 290 (2019).

¹⁰⁷ <https://www.oregon.gov/lcd/OP/Documents/goal7.pdf>

government should establish around any given issue. If a local jurisdiction regulates to an extent that seems too heavy, there is a concern about takings. If a local jurisdiction regulates to an extent that seems too light, or regulates at all, there is a concern about liability.

Legal questions should be reviewed by an attorney. The *Planning for Natural Hazards: Oregon Technical Resource Guide* (LeDuc et al., 2001¹⁰⁸) discusses the liability and takings issue in depth.

The potential legal liability of a local government for a decision to enact an ordinance, or an action to enforce an ordinance, depends on whether the local government (through its officers, employees, or agents) is performing a discretionary or ministerial act. The words ‘discretionary’ and ‘ministerial’ have legal meanings quite distinct from their ordinary, everyday meanings. A government employee almost always exercises some discretion when acting or not taking action, but only those actions viewed as creating policy, rather than enforcing existing policy, are likely to be viewed as discretionary and therefore immune from liability. (p. 3-14)

This description of liability leads to a discussion of immunity and intent.

The issue of whether a local government is performing a discretionary, and therefore an immune, act can be answered by asking two questions:

- Is the local government creating a policy (immune) or merely enforcing policy (not immune)?
- Is the local government addressing the policy matter based on its own initiative (generally immune) or is it required by law to consider and/or address the policy matter (generally not immune)? (p. 3-14)

In Oregon,

Generally speaking, if a local government is performing a discretionary act, any decision made or action taken is granted immunity from financial liability by the Oregon Tort Claims Act (OTCA). If, instead, the local government is performing a ministerial act, it will not be immune from legal liability and may be held financially liable if it does not act reasonably ‘so as to avoid creating foreseeable risk of harm to others.’ Simply because a local government’s action is ministerial, and not immune from liability, does not mean that the local government will automatically be held liable. In order to be liable, a tort must be proven against the local government. (LeDuc et al., 2001¹⁰⁹)

¹⁰⁸ <https://scholarsbank.uoregon.edu/xmlui/handle/1794/1909>

¹⁰⁹ <https://scholarsbank.uoregon.edu/xmlui/handle/1794/1909>, p. 3-18

Turning to takings, according to the *Planning for Natural Hazards: Oregon Technical Resource Guide* ¹¹⁰,

The Fifth Amendment to the United States Constitution prohibits the taking of “private property” [U.S. Const. Amend. V.] ... for public use, without just compensation.” A parallel provision in the Oregon Constitution provides: “Private property shall not be taken for public use nor the particular services of any man be demanded, without just compensation...” [Or. Const. Art. I, Sect. 18] (It is important to note that the action of taking private property for public use is *not* a violation of the Constitution. Rather, it is the failure of government to provide *compensation* that results in a constitutional violation).

There are three main categories of takings: physical, regulatory, and exaction. With the regulatory taking category,

There are two tests for determining whether a regulatory taking has occurred:

- Does the regulation result in a “per se” taking?
- If not, does the regulation fail a balancing test? ¹¹¹

An important situation for natural hazards planning is where a local government’s regulation denies a property owner all reasonable economic use of their property. What is all reasonable economic use of a property? This is generally something that varies with each site-specific situation and thus is commonly a point of litigation. It may involve full or partial reduction of property value or economic use of the property. There are legal cases about takings that can be examined, but this *Guide* will not address those. When questions arise, seek legal counsel.

As required by Goal 7 of the Statewide Planning Goals and in a general liability sense, a community must make policy decisions based on the information it is aware of rather than ignoring or not acting upon the information. For example, a county could have information that it faces both landslide and wildfire hazards, but the county has enough resources to mitigate for only one of these natural hazards. If the county decides to fund wildfire instead of landslide mitigation, it would be protected from liability even if a landslide occurred in a known landslide hazard zone ¹¹².

According to the *Planning for Natural Hazards: Oregon Technical Resource Guide*,

[t]raditionally, all state and local governments have been protected from tort claims by the doctrine of sovereign immunity, which generally prevented private parties from raising claims against them in court. With the passage of the Oregon Tort Claims Act (OTCA) in 1967, Oregon law was modified to grant private parties the right to sue the state or a local government for torts, but

¹¹⁰ <https://scholarsbank.uoregon.edu/xmlui/handle/1794/1909>, p. 3-18

¹¹¹ <https://scholarsbank.uoregon.edu/xmlui/handle/1794/1909>, p. 3-19

¹¹² Chris Crean of Beery Elsner & Hammond, LLP and Renee France of Radler White Parks & Alexander LLP, personal communication, December 7, 2018, OAPA Legal Issues Workshop, Portland, Oregon.

only if the claim arises under the limited circumstances set forth by the law. If a private party sues the state or local government on a matter that is not authorized by the OTCA, the government body will be immune from the claim, and the courts will dismiss the case. (LeDuc et al., 2001¹¹³)

Discretionary immunity applies when a policymaker exercises discretion to set or take a policy direction. Essentially, if a policymaker makes a choice between courses of action, the policymaker is immune from liability arising from the choice as long as the policy is followed.

In Oregon, the takings issue comes up repeatedly. Currently, Ballot Measure 49 is in effect and is incorporated into Oregon Revised Statute (ORS) 195.300-336. In summary, Measure 49 (Oregon DLCD, n.d.-d¹¹⁴) provides that:

If a state or local government enacts a land use regulation that restricts a residential use, or a farm or forest practice, and reduces the fair market value of a property, then the landowner may qualify for compensation under Ballot Measure 49.

The form of compensation may consist of monetary relief or waiver of the regulations as determined by the state or local government. However, compensation is not due if the land use regulations were enacted to protect public health and safety. Measure 49 stipulates a specific definition for this exemption in “Definitions for ORS 195.300 to 195.336”¹¹⁵:

- (21) “Protection of public health and safety” means a law, rule, ordinance, order, policy, permit or other governmental authorization that restricts a use of property in order to reduce the risk or consequence of fire, earthquake, landslide, flood, storm, pollution, disease, crime or other natural or human disaster or threat to persons or property including, but not limited to, building and fire codes, health and sanitation regulations, solid or hazardous waste regulations and pollution control regulations.

In summary, establishing inventories, policies, and implementing measures related to natural hazards is required under Goal 7 and is a proactive step to protect people and property in the community. Furthermore, each jurisdiction must determine its own level of acceptable risk, and legal questions should be reviewed by the local jurisdiction’s attorney.

F.9. BUYOUTS

Property acquisitions by a local, state, or federal government to minimize or eliminate losses from hazards are commonly called buyouts. Property acquisition is a mitigation action – an action that reduces or alleviates the impacts of a hazard –

Decision-Making

Making a decision to act or not act upon known natural hazards information is, in and of itself, a policy decision.

¹¹³ <https://scholarsbank.uoregon.edu/xmlui/handle/1794/1909>, p. 3-15

¹¹⁴ <https://www.oregon.gov/lcd/Measure49/Pages/index.aspx>

¹¹⁵ <https://www.oregonlaws.org/ors/195.300>

because it moves people from being in harm's way to a safer location. The structures are removed from the property and the land becomes open space in perpetuity. This reduces risk, as well as future emotional and financial costs associated with the community's disaster response and recovery. Often times, this method is used after a disaster occurs; however, this can occur prior to a disaster. Property acquisition after flooding is common, but property acquisition for landslide hazards can also happen.

Under the Hazard Mitigation Assistance (HMA) grant programs, property acquisition and structure demolition, and property acquisition and structure relocation, are eligible to be funded. HMA funds are awarded via the Hazard Mitigation Grant Program (HMGP), the Pre-Disaster Mitigation (PDM) program, and the Flood Mitigation Assistance (FMA) program. Activities eligible to be funded are listed in the FEMA (July 2015¹¹⁶) *Hazard Mitigation Assistance Grant Programs* brochure.

Federal law requires properties acquired with FEMA funds in structure demolition or relocation projects to be maintained as open space in perpetuity; the recipients and subrecipients are responsible for oversight in ensuring and enforcing proper land use and for coordinating with FEMA on any future land use or property disposition issues (FEMA, February 2015¹¹⁷).

There must be a determination of "immediate threat" before FEMA funds can be used for property acquisition with landslides. The *FY 15 Hazard Mitigation Assistance Guidance* document (FEMA, 2015¹¹⁸) states that "properties in landslide hazard areas where there is an immediate threat of catastrophic slope failure (within 5 years of application development)" are eligible. A specific benefit-cost ratio is used by FEMA for this. The "applicants are required to attest that the structure is within 5 years of imminent collapse because of landslide hazards. They may obtain this determination from a state or local professional geologist or engineer" (FEMA, 2015¹¹⁸, p. 68).

After a presidentially declared disaster, local officials may decide to request money from FEMA to purchase properties that have been damaged by the disaster. Property acquisitions or buyouts are voluntary, and no one is required to sell their property. For example, a city or county community development manager or planner may approach the homeowner to see if they are interested in a buyout. In turn, the staff from the city or the county talk to the state about the properties, funding options, and landowners of potential interest.

¹¹⁶ https://www.fema.gov/media-library-data/1441133724295-0933f57e7ad4618d89debd1ddc6562d3/FEMA_HMA_Grants_4pg_2015_508.pdf

¹¹⁷ https://www.fema.gov/media-library-data/1424983165449-38f5dfc69c0bd4ea8a161e8bb7b79553/HMA_Addendum_022715_508.pdf

¹¹⁸ https://www.fema.gov/media-library-data/1424983165449-38f5dfc69c0bd4ea8a161e8bb7b79553/HMA_Guidance_022715_508.pdf

After discussion, the decision to offer buyouts is made. The state uses money that FEMA allocates through its Hazard Mitigation Grant Program (HMGP), as a result of the presidentially declared disaster, to reduce future disaster losses by purchasing property and removing the structures from the property. Seventy-five percent of any buyout cost is paid by FEMA and the rest is paid by the state and/or local government. The process requires agreement by the local government officials, the state, and FEMA. Note that funding is limited and requests for funding may exceed available resources.¹¹⁹

FEMA has regulatory oversight of the HMGP. However, states are responsible for administering the HMGP and prioritizing and selecting project applications from communities. States then forward project applications to FEMA for final approval (FEMA, 2018¹²⁰).

Other options for mitigating hazards involve avoiding development in hazard areas, and those may be funded by sources other than FEMA. Some communities have established transfer of development rights (TDR) programs, purchase of development rights (PDR) programs, and conservation easements.

F.10. REAL ESTATE DISCLOSURES

The State of Oregon has a real estate disclosure form¹²¹, which is essentially a checklist of items required to be disclosed by a seller to a buyer when a property is sold. Specific to landslides, the disclosure form asks, “Is the property in a designated slide or other geologic hazard zone?” It is the seller’s responsibility to disclose truthfully and the buyer’s responsibility to understand the information. A related topic is covenants; see Chapter 4, section **B.2.a(ix), Covenants for new development and additions**.

F.11. EXISTING AND FUTURE DEVELOPMENT

Land use and building regulations are applied on a lot by lot basis, as development is proposed. A jurisdiction may have different thresholds for review processes related to existing and future development, and for individual lots or subdivisions. Future development, such as a proposed subdivision, commonly requires a public hearings process for land use review and would be subject to analysis for such things as hazards; water, sewer, stormwater drainage requirements; and transportation requirements so that development is appropriately situated. Generally, reports provided by certified professionals are required to be submitted from the applicant and then reviewed by local jurisdictional staff.

¹¹⁹ <https://www.fema.gov/news-release/2018/11/13/fact-sheet-acquisition-property-after-flood-event>

¹²⁰ https://www.fema.gov/media-library-data/20130726-1507-20490-4551/fema_317.pdf

¹²¹ <https://orefonline.com/wp-content/uploads/2018/01/OREF-020-january-changes-sample.pdf>

If a land use application is not required, there may be applicable building department and public works requirements. Lots with existing development, whether individual or subdivision, may or may not have a land use review process. Generally, a building department and or public works review is needed when development is proposed on lots with existing development.

Having requirements in the implementing ordinances that can be triggered and used by land use planners, building department staff, and public works staff is a comprehensive approach. Also, having a tiered approach to implementing provisions, such as those used by the City of Salem (Chapter 4, section **A.4.a, City of Salem**) in the Landslide Hazards Code, is a good way to have review correspond to hazard levels of risk. See Chapter 4, section **D, Summary of Key Ways to Reduce Your Community's Risk from Landslide Hazards**.

CHAPTER 4 IMPLEMENTATION

The Legislative Assembly declares that it is the policy of the state of Oregon that: Each property owner, each highway user and all federal, state and local governments share the responsibility for making sound decisions regarding activities that may affect landslide hazards and the associated risks of property damage or personal injury.

—Local Government Planning Coordination, Landslide Hazard Areas, Policy¹²²

Once the public accepts hazard mitigation and preparedness as essential elements of civic culture... other benefits flow from that cultural change.

—Hazard Mitigation: Integrating Best Practices into Planning¹²³

A. INTRODUCTION: ZONING FOR RISK REDUCTION

A.1. INTRODUCTION

We cannot predict when natural disasters will occur or to the extent to which they will affect communities. However, with thoughtful planning it is possible to reduce the losses that can occur from natural hazards such as landslides. Hazard mitigation reduces risk to people, property, and the environment. Risk can be lessened in a variety of ways. In this *Guide* we focus on risk reduction efforts through effective comprehensive plan policies, inventories, maps, and codes (e.g., zoning, grading, erosion control, stormwater management, and building).

Zoning for natural hazards is often accomplished through zoning overlays, with other related maps, and with corresponding text in the zoning code. A better understanding of the causes and characteristics of landslides, as well as recognizing the locations, types, and extents of landslides leads to more effective plans, policies, and implementing measures. Identifying hazard areas and evaluating proposed development in these areas reduces risk and better protects a community. Zoning ordinances can be a powerful tool for protecting community and private assets against landslides and other hazards.

¹²² ORS 195.253, <https://www.oregonlaws.org/ors/195.253>

¹²³ Schwab, 2010, p. 133, https://www.fema.gov/media-library-data/20130726-1739-25045-4373/pas_560_final.pdf

A.2. OREGON'S BUILDING CODE

A.2.a. Minimum/Maximum

Updated building codes that regulate the design, construction, and landscaping of new construction and the renovation of existing structures can improve the ability of structures in hazard-prone areas to withstand hazard events. In Oregon, local jurisdictions must use the Oregon State Building Code¹²⁴:

The Building Codes Division adopts, amends, and interprets 11 specialty codes that make up the Oregon State Building Code. The division administers each code through specialized code programs. Program staff members work with local building officials, industry professionals, advisory boards, and the public to adopt new codes and standards, approve new methods and materials, and maintain a uniform building code throughout the state.

Local governments cannot require building codes that are either more stringent or less stringent than the Oregon State Building Code. This was established to provide a level playing field for building code requirements across the state. This provision is often referred to as the “min/max building code” provision; the official language is in ORS 455.040¹²⁵.

Current Building Code

It is recommended that local jurisdictions change their code references to the current IBC so the code contains specific reference to more up-to-date building code regulations.

A.2.b. Correct Building Code and Citation

Uniform Building Code (UBC) Chapter 70 is commonly referenced in the local government zoning codes; it was identified as the standard to which all building practices need to conform. However, the last version of the UBC was published in 1997. The UBC was replaced in 2000 by the new International Building Code (IBC) published by the International Code Council (ICC). The ICC merged three different building codes published by three different organizations:

- The Uniform Building Code published by the International Council of Building Officials (ICBO);
- The BOCA National Building Code published by the Building Officials and Code Administrators International (BOCA); and
- The Standard Building Code published by the Southern Building Code Congress International (SBCCI).

The new ICC was intended to provide consistent standards for safe construction and to eliminate differences between the three different predecessor codes. Of note for zoning codes that reference chapter contents in the UBC, the UBC contents varied greatly from one publication year to the next so it may not be clear, without a specific year reference, which UBC regulations are being used¹²⁶. UBC 1988 Chapter

¹²⁴ <https://www.oregon.gov/bcd/codes-stand/Pages/index.aspx>

¹²⁵ <https://www.oregonlaws.org/ors/455.040>

¹²⁶ https://en.wikipedia.org/wiki/Uniform_Building_Code

70, Excavation and Grading, is the document referenced in most city and county codes, and some codes do include this chapter title in the reference section.

A.2.c. Lack of Grading Provisions

A lack of grading provisions can result in landslides as well as other development impacts such as soil movement downslope; soil flowing into water bodies and causing silt to accumulate, clouding water and injuring fish; and blowing soil, limiting visibility and causing respiratory distress.

Grading provisions can reduce the detrimental impacts from cutting and moving soil. In the code review performed for this *Guide*, 24 of the 34 communities evaluated required pre-development grading plans. Some of these communities did not have ordinances specifically addressing geohazards or geologic reports. Some communities have grading provisions with exceptions or exemptions. Trigger thresholds are established for requiring when the applicant will have to obtain and provide grading information. Permits are often required for grading work.

A.2.d. 2014 and 2019 Oregon Structural Specialty Code (OSSC)

The *2014 Oregon Structural Specialty Code*¹²⁷ is effective through December 31, 2019. The *2019 Oregon Structural Specialty Code*, based on the 2018 International Building Code, is effective October 31, 2019, with a three month phase-in period¹²⁸. For the 2019 OSSC, the Building Codes Structures Board appointed a committee to review the scientific and technical provisions of each proposed change, model code change, and existing Oregon amendment. The Building Codes Structures Board reviewed the committee's findings and made a final recommendation to the Building Codes Division for adoption¹²⁹.

The following information in the 2019 OSSC is unchanged from the 2014 OSSC:

Chapter 18, Soils and Foundations¹³⁰, Section 1803, Geotechnical Investigations:

Geotechnical investigations shall be conducted in accordance with Section 1803.2 and reported in accordance with Section 1803.6. Where required by *the building official* or where geotechnical investigations involve in-situ testing, laboratory testing or engineering calculations, such investigations shall be conducted by a *registered design professional*.

¹²⁷ http://ecodes.biz/ecodes_support/free_resources/Oregon/14_Structural/14_ORStructural_main.html

¹²⁸ <https://www.oregon.gov/bcd/codes-stand/code-adoption/Documents/19ossc-18ifc-guide.pdf>

¹²⁹ <https://www.oregon.gov/bcd/codes-stand/code-adoption/Pages/2019-sssc-adoption.aspx>

¹³⁰ <https://codes.iccsafe.org/content/ORSSC2019P/chapter-18-soils-and-foundations>

Section 1803.5.11, Seismic Design Categories C through F:

For structures assigned to Seismic Design Category C, D, E, or F, a geotechnical investigation shall be conducted, and shall include an evaluation of all the following potential geologic and seismic hazards:

1. Slope instability.
2. Liquefaction.
3. Total and differential settlement.
4. Surface displacement due to faulting or seismically induced lateral spreading or lateral flow.

A.3. CONSEQUENCES OF A WEAK ZONING CODE

When zoning codes are weak or unenforced with respect to development in natural hazard areas, the public will be insufficiently protected, leaving the jurisdiction potentially vulnerable to liability claims. When code is unclear, staff, property owners, and developers can become easily embroiled in conflict over interpretation, leading to legal challenges. Neither of these situations serves the public well. Although it can be politically difficult to adopt strong regulations to protect people, property, and the environment, in the long term it will prove much more pragmatic and advantageous.

A.4. EXAMPLES OF STRONG LANDSLIDE RISK REDUCTION ZONING CODES IN OREGON

Strong Code Features

Strong zoning codes protecting people, property, and the environment from landslide hazards have several common features listed in this section.

Strong codes contain language that refers to current data and information such as maps and reports from DOGAMI and other relevant sources. Strong codes connect and integrate the maps with the codes, plans, and policies at a jurisdiction. Strong codes have clear and specific statements about requirements, thresholds, and professional certifications needed. Strong codes are crafted with a variety of thresholds and tiers of review. They also have follow-up actions to the requirements like inspections and certifications of compliance. These codes are most effective when implemented consistently. Revisions to codes are considered as needed and on a regular basis to further improve the code and to respond to community feedback.

Strong zoning codes protecting people, property, and the environment from landslide hazards have several common features (**Figure 4-1**). These common features are evident in many of the codes examined during the *Landslide Guide* research. The *Guide's* **Chapter 8** contains information from the reviewed city and county codes. Information from **Table 8-1, Landslide Code Review Details Table** is summarized in **Table 5-1** through **Table 5-4**.

Figure 4-1. Features of Strong Zoning Codes

Features of Strong Zoning Codes

- Are supported by and incorporate the best available science-based landslide hazard maps and analysis.
- Have clear submittal requirements and approval criteria.
- Employ factors in addition to slope to determine when a geotechnical report is required.
- Define and establish the qualified geoprofessional(s) for the required report in accordance with state licensing regulations.
- Require geotechnical reports to determine whether a proposed development is within the community's risk tolerance level and to properly condition development.
- Link requirements to degree of risk and geotechnical report recommendations.
- Address soil stabilization through grading, erosion control, vegetation management, and water management.
- Require monitoring by the geotechnical report author during construction.
- Are enforced.
- Contain strong grading, erosion control, and land use planning codes. These codes provide clarity in what is applicable; protect the people, property, and environment; and are effective in limiting or preventing deleterious soil movement.
- Are based on maps and reports that provide details on the hazard areas.
- Include specific references to the materials used to establish the code provisions (such as maps and reports) and have those materials adopted and incorporated into the regulatory provisions;
- Have clearly identified application materials (with checklists and handouts to help explain the information) and processes of review.
- Have information located on the community's website so that the code is clear and accessible.
- Have replaced outdated Unified Building Code or UBC references with current International Building Code or IBC references in the code.

In this section of the *Guide*, we explore six codes in more detail: City of Salem, City of Newport, City of Oregon City, Multnomah County, City of Portland, and City of Astoria. Salem and Newport do not have DOGAMI lidar maps. Interestingly, one of these six jurisdictions has lidar maps from DOGAMI already integrated (Oregon City), and one jurisdiction has partially integrated the DOGAMI lidar maps (Astoria),

while two of the jurisdictions recently obtained lidar maps from DOGAMI (Multnomah County and the City of Portland) and are in the process of ascertaining the best way to integrate the information.

A.4.a. City of Salem

After the heavy rains, flooding, landslides, and winter storms of February 1996 (FEMA disaster declaration DR-1099¹³¹), both state and local jurisdictions took actions to recover, but also to be proactive by using lessons learned and looking ahead to mitigate future impacts from such events. One example of this proactive activity is that Salem and Marion County initiated development of their landslide hazard ordinances. They obtained funding from FEMA through the Hazard Mitigation Grant Program (HMGP).

After the 1996 disaster, Salem and Marion County worked with DOGAMI and DLCDC to map and characterize hazard areas and to create landslide hazard ordinances. The collaborative effort included local government and a broad group of stakeholders that comprised the citizen advisory committee. The State Board of Geologists Examiners and Engineering and Surveying Examiners Board were also asked for input on the ordinance. The resulting ordinances for Salem and Marion County use a tiered approach involving a cumulative score from several tables and then categorization of the landslide hazard risk, with requirements related to those categories¹³².

The City of Salem Landslide Hazards Code, Chapter 810 of the Unified Development Code¹³³, was originally established in the year 2000, and implements the Geologic Hazards Policy of the Scenic and Historic Areas, Natural Resources, and Hazards section of the *Salem Area Comprehensive Plan*¹³⁴.

The stated purpose of the Landslide Hazards Code is:

- (a) Assessing the risk that proposed uses or activities will adversely affect the stability and slide susceptibility of an area;
- (b) Establishing standards and requirements for the use and development of land within landslide hazard areas; and
- (c) Mitigating risk within landslide hazard areas. (§ 810.001)

A.4.a(i) Where Code Provisions Apply

The code factors the degree of hazard at a site with the level of proposed development activity to determine the extent of geological study needed before development can occur on the site. The code applies to all areas of land designated

¹³¹ <https://www.fema.gov/disaster/1099>

¹³² <https://scholarsbank.uoregon.edu/xmlui/handle/1794/1909>

¹³³ <https://www.cityofsalem.net/salem-revised-code>

¹³⁴ https://library.municode.com/or/salem/codes/code_of_ordinances?nodeId=TITXUNDECO_UDC_CH810LAHA

as Moderate Landslide Hazard Risk or High Landslide Risk as described by the code. Of note, the maps and studies used and referenced were made prior to the use of lidar; the City of Salem does not have lidar-based landslide hazard maps from DOGAMI.

The code further states in the Map Adoption section:

Areas subject to this chapter shall be shown on landslide hazard susceptibility maps, which shall be adopted by administrative rule by the Director pursuant to SRC chapter 20J. The landslide hazard susceptibility maps shall indicate the general location of areas of low, moderate, and high susceptibility to landslides, areas of known slide hazards, and slope contours. These maps shall be based on the best available information. (§ 810.015)

Salem's code states:

Where any portion of a proposed activity is identified under multiple landslide susceptibility ratings, the highest rating shall apply. (§ 810.025(a))

A.4.a(ii) Data Used and Referenced

DOGAMI produces geology-based Interpretive Map Series (IMS) maps at a variety of scales that depict interpretations of natural hazards or risks. The DOGAMI maps and reports referenced in Salem's code in the Graduated Response Tables include IMS-5 (Harvey & Peterson, 2000¹³⁵), IMS-6 (Harvey & Peterson, 1998¹³⁶), IMS-17 (Hofmeister, Wang & Keefer, 2000¹³⁷), IMS-18 (Hofmeister & Wang, 2000¹³⁸), and IMS-22 (Hofmeister et al., 2002¹³⁹). The maps are adopted. The code has a reference to slopes greater than 25%. Salem's code contains definitions such as certified engineering geologist, geotechnical engineer, geological assessment, and geological report. The definitions and the specifically referenced maps and reports provide clarity for the basis of the code provisions.

A.4.a(iii) Permits Required and the Review Process

A Landslide Hazard Construction Permit is required; the code provides details on applicability, exemptions, procedure type, submittal requirements, approval criteria, the authority's ability to request additional information, and the connection to land use approvals related to the Landslide Hazard Construction Permit. The City does not have an informational handout about this permit.

¹³⁵ <https://www.oregongeology.org/pubs/ims/IMS-005.pdf>

¹³⁶ <https://www.oregongeology.org/pubs/ims/IMS-006.pdf>

¹³⁷ <https://www.oregongeology.org/pubs/ims/IMS-017.pdf>

¹³⁸ <https://www.oregongeology.org/pubs/ims/IMS-018.pdf>

¹³⁹ <https://www.oregongeology.org/pubs/ims/p-ims-022.htm>

The code contains standards for geological assessments and geotechnical reports. Graduated Response Tables are used to determine the total landslide risk and required level of site investigation for regulated activities. The five tables are: Earthquake-Induced Landslide Susceptibility Ratings (Table A); Water-Induced Landslide Susceptibility Ratings (Table B); Activity Susceptibility Ratings (Table C); Cumulative Score (Table D); and Total Landslide Hazard Risk (Table E).

The Total Landslide Hazard Risk table (reproduced here as **Table 4-1**) contains the cumulative score, which is calculated in Tables A–D, and relates it to the landslide hazard risk and the requirements.

Table 4-1. City of Salem, Unified Development Code, Table 810.1E, Total Landslide Hazard Risk

Cumulative Score (From [Salem] Table 810-1D)	Landslide Hazard Risk	Requirement
4 or fewer points	Category A – Low	No Requirements
5–8 points	Category B – Moderate	Geologic Assessment/ Geotechnical Report
9 or more points	Category C – High	Geotechnical Report

Source: City of Salem, Unified Development Code, Chapter 810, Landslide Hazards, accessed June 12, 2019, https://library.municode.com/or/salem/codes/code_of_ordinances?nodeId=TITXUNDECO_UDC_CH810LAHA

Once the total landslide hazard risk score is obtained, the code stipulates the following requirements:

- (b) After determining the total landslide hazard risk under subsection (a) of this section, the following shall be required:
 - (1) *Low landslide hazard risk.* If application of Table 810-1E indicates a low landslide hazard risk, all regulated activities may proceed without further investigation, permitting, or approval required by this chapter.
 - (2) *Moderate landslide hazard risk.* If application of Table 810-1E indicates a moderate landslide hazard risk, a geological assessment shall be submitted for all regulated activities. If the geological assessment indicates that mitigation measures are necessary to safely undertake the regulated activity, a geotechnical report prepared by a certified engineering geologist and geotechnical engineer shall be submitted.

(3) *High landslide hazard risk.* If application of Table 810-1E indicates a high landslide hazard risk, a geotechnical report prepared by a certified engineering geologist and geotechnical engineer shall be submitted for all regulated activities. (§ 810.025 Landslide Hazard Risk Assessment)

Certification of compliance is required:

No regulated activity requiring a geotechnical report shall receive final approval or be permitted for properties located in areas of high landslide hazard risk until the Director receives a written statement by a geotechnical engineer that all measures contained in the geotechnical report are completed, in place, and operable. (§ 810.035)

When the City receives a geologic assessment or geotechnical report, Public Works staff enter the property into the GIS system, number it, and keep an electronic copy of it in the permit system (attached to the property address) and a paper copy in a file in the Building and Safety Division of the Community Development Department. If staff have concerns about a particular property based on either historical knowledge of a location or a citizen report, Public Works' design standards allow the City to hire one of the consultants of record to review the assessment or report.

Public Works has 181 reports on file as of December 27, 2018. The Building and Safety Division also receives reports separately from this list, specifically for building designs, but these are not always related to landslide hazard areas (Lyle Misbach, City of Salem, Assistant Chief of Development Engineer, personal communication, December 27, 2018).

The City does not require the applicant to record a geological assessment or geotechnical report nor does it require a covenant to be signed and recorded. Currently, the City believes having the geological assessment or geotechnical report along with the certificate of compliance is sufficient. The Public Works Department and the Building and Safety Division of the Community Development Department work together as a check and balance system. If one department misses something, the other will catch it. Sometimes they notice a landslide risk area that does not trigger the requirement but might be of interest to the building official (Lyle Misbach, City of Salem, personal communication, December 27, 2018).

The City of Salem Landslide Hazards Code is one of the seven example codes contained in *Landslide Mitigation Strategies*¹⁴⁰ prepared by the Minnesota Department of Natural Resources in collaboration with FEMA's contractor Stentec and published in December 2016 (Eric Waage, Hennepin County, Minnesota, Emergency Manager, personal communication, May 1, 2019).

¹⁴⁰ https://files.dnr.state.mn.us/waters/watermgmt_section/shoreland/landslide-mitigation.pdf

A.4.b. City of Newport

In 2009, the then newly arrived Community Development Director set out to revise the 1970s-era geologic hazards code. Through this two-year effort, many but not all the proposed changes were approved. The Community Development Director used DOGAMI's Open-File Report O-04-09 (Priest & Allan, 2004¹⁴¹) as a basis for the updates. The report is from 2004; it contains maps, aerial photos, and other information. The maps are not lidar based. Newport does not have lidar-based landslide hazard maps.

The current code, Chapter 14.21, Geologic Hazards Overlay (GHO)¹⁴², defines a geologic hazard as

[a] geologic condition that is a potential danger to life and property which includes but is not limited to earthquakes, landslides, erosion, expansive soils, fault displacement, and subsidence.

A.4.b(i) Data Used and Referenced

The code provisions describe numerous thresholds that trigger the Geologic Hazard Regulations. The code also refers to DOGAMI Open-File Report O-04-09 (Priest & Allan, 2004). The data layer used to depict the geologic hazards on the Natural Hazard Overlay Zones maps (dated June 29, 2016) for North Newport and South Newport was taken from the open-file report. The code references the open-file report when defining hazards (NMC 14.21.020(A)).

The geologic hazards areas on the Natural Hazards Overlay Zones maps have active and high hazard bluff and dune-backed shoreline areas, active or potential landslides, prehistoric landslides, and other landslide risk areas identified in DOGAMI Open-File Report O-04-09. A handful of other documented geologic hazard areas on file with the City of Newport are on the map too. Localized landslides that occurred after the current code was adopted are not illustrated on the maps. However, the localized landslides are linked in the permit files so that if someone proposes development on a property, an existing report about the geologic hazards on the property would be identified.

NMC 14.21.020, Applicability of Geologic Hazards Regulations, identifies the scope of the city's geologic hazards overlay.

- A. The following are areas of known geologic hazards or are potentially hazardous and are therefore subject to the requirements of Section 14.21:

¹⁴¹ <https://www.oregongeology.org/pubs/ofr/O-04-09.zip> (.zip file)

¹⁴² https://www.newportoregon.gov/dept/cdd/documents/NMC_Chap14_Zoning.pdf

1. Bluff or dune backed shoreline areas within high or active hazard zones identified in the Department of Geology and Mineral Industries (DOGAMI) Open File Report O-04-09 Evaluation of Coastal Erosion Hazard Zones along Dune and Bluff Backed Shorelines in Lincoln County, Oregon: Cascade Head to Seal Rock, Technical Report to Lincoln County, dated 2004.
2. Active or potential landslide areas, prehistoric landslides, or other landslide risk areas identified in the DOGAMI Open File Report O-04-09.
3. Any other documented geologic hazard area on file, at the time of inquiry, in the office of the City of Newport Community Development Department.

A documented geologic hazard area

means a unit of land that is shown by reasonable written evidence to contain geological characteristics/conditions which are hazardous or potentially hazardous for the improvement thereof. (§ 14.21.020.A)

Open-File Report O-04-09 ((Priest & Allan, 2004¹⁴³) is used to determine when a geologic report is needed on property prior to development; it is not intended as a site-specific analysis tool. The site-specific analysis is obtained through the Geologic Report.

According to the Community Development Director, when Newport adopted the current geologic code, the City decided to forgo a blanket slope threshold for triggering geologic permits because they did not have sufficient scientific analysis to support such a requirement (Derrick Tokos, City of Newport, personal communication, November 5, 2018).

However, at this time, when they see residential development on steep slopes that are not in a mapped geologic hazard area, there is invariably geotechnical engineering involved in the design of the residence because (a) the owner, contractor, or lender requires it; or (b) they cannot use one of the prescriptive foundation options in the *Oregon Residential Specialty Code* and therefore, the building code requires an engineered solution (ORSC 301.1.3, 401.4.1, etc.). Commercial and multifamily construction on steep slopes will necessarily involve geotechnical engineering per the terms of the 2014 *Oregon Structural Specialty Code*.

¹⁴³ <https://www.oregongeology.org/pubs/ofr/O-04-09.zip> (.zip file)

The Newport code has an unusual provision:

If the results of a Geologic Report are substantially different than the hazard designations contained in the DOGAMI Open File Report 0-04-09 then the city shall provide notice to the Department of Geology and Mineral Industries (DOGAMI) and Department of Land Conservation and Development (DLCD). The agencies will have 14 days to provide comments and the city shall consider agency comments and determine whether or not it is appropriate to issue a Geologic Permit... (§ 14.21.020.D)

A.4.b(ii) Permits Required and the Review Process

To date, the Community Development Director says the issue has not arisen (Derrick Tokos, City of Newport, personal communication, October 21, 2016).

The Newport code requires:

All persons proposing development, construction, or site clearing (including tree removal) within a geologic hazard area as defined in 14.21 .010 shall obtain a Geologic Permit. (§ 14.21.030 Geologic Permit Required)

The Geologic Permit requires:

A Geologic Report prepared by a certified engineering geologist, establishing that the site is suitable for the proposed development;” and “An engineering report, prepared by a licensed civil engineer, geotechnical engineer, or certified engineering geologist (to the extent qualified), must be provided if engineering remediation is anticipated to make the site suitable for the proposed development. (§ 14.21.050 Application Submittal Requirements)

The Geologic Report has requirements described in the code:

Geologic Reports shall be prepared consistent with standard geologic practices employing generally accepted scientific and engineering principles and shall, at a minimum, contain the items outlined in the Oregon State Board of Geologist Examiners (2014¹⁴⁴) *Guideline for Preparing Engineering Geologic Reports in Oregon*, in use on the effective date of this section. Such reports shall address subsections 14.21.070 to 14.21.090, as applicable. (§ 14.21.060)

Oceanfront property has additional provisions for the Geologic Report:

For oceanfront property, reports shall also address the “Geological Report Guidelines for New Development on Oceanfront Properties,” prepared by the Oregon Coastal Management Program of the Department of Land Conservation and Development, in use as of the effective date of this section. (§ 14.21.060)

¹⁴⁴ https://www.oregon.gov/osbge/Documents/engineeringgeologicreports_5.2014.pdf

Newport requires certification of compliance:

No development requiring a Geologic Report shall receive final approval (e.g., certificate of occupancy, final inspection, etc.) until the city receives a written statement by a certified engineering geologist indicating that all performance, mitigation, and monitoring measures contained in the report have been satisfied. If mitigation measures involve engineering solutions prepared by a licensed professional engineer, then the city must also receive an additional written statement of compliance by the design engineer.” The certification of compliance helps ensure that requirements are satisfactorily met by the development. (§ 14.21.130)

The City of Newport does not have a provision that requires property owners developing in geologic hazards areas to acknowledge or to disclose reports to future buyers or record this information. The 2009-2010 code revisions initially proposed that a property owner disclose reports to future buyers, and that they agree that the City of Newport is not liable for any damage or loss they may experience from natural hazards. However, this language was dropped from the code during the update process due to concerns vocalized by the community such as potential changes in property value and in rates of insurance. (Derrick Tokos, City of Newport, personal communication, October 21, 2016).

A.4.c. City of Oregon City

The Oregon City code, Chapter 17.44 Geologic Hazards, identifies when permits or approvals are needed, the procedures for those, the exemptions to the provisions, and the application requirements. It also describes requirements for new utilities, for stormwater drainage, and construction standards. It states what is required for the approval of development and what the liability is. Further, it states that compliance with laws is necessary, noting that in case of conflict the most restrictive law applies (Oregon City code, Title 17, section 44, Geologic Hazards)¹⁴⁵. These provisions clearly articulate the process for development proposed in areas with geologic hazards.

There are definitions for landslide, geologic assessment, geologic hazard areas, Geologic Hazards Overlay Zone, geotechnical engineer, geotechnical report, and geotechnical remediation. Definitions are very useful in providing clarity in code provisions; several of these definitions are shown below.

In the Oregon City code (§ 17.04.625),

Landslide means the downslope movement of soil, rocks, or other surface matter on a site. Landslides may include, but are not limited to, slumps, mudflows, earthflows, debris flows, rockfalls and the source areas for above.

A.4.c(i) Where Code Provisions Apply

The code (§ 17.04.510) defines "Geologic hazard areas" to mean:

1. Any area identified on the city's steep slope and landslide area map;
2. Area within two hundred feet of the crest or toe of a slope that is twenty-five percent or greater;
3. Areas with a slope of twenty-five percent or more;
4. Geologic Hazards areas identified by the State of Oregon Department of Geology and Mineral Industries (DOGAMI) in Bulletin 99, Geology and Geologic Hazards of Northwestern Clackamas County, Oregon (1979);
5. Any other area that is identified by a suitably qualified geotechnical engineer or engineering geologist who is licensed in Oregon and derives his or her livelihood principally from that profession as being subject to soil instability, slumping or earth flow, high groundwater level, landslide, or seismic activity.

¹⁴⁵https://library.municode.com/or/oregon_city/codes/code_of_ordinances?nodeId=TIT17ZO_C17.44EOHA

The code (§ 17.04.515) defines “Geologic Hazards Overlay Zone” as:

Geologic means the zone mapped by the City of Oregon City that is subject to review pursuant to Oregon City Municipal Code Chapter 17.44 Geologic Hazards as follows:

1. The following areas identified on the city's slope and geology map which represents:
 - a. Areas within fifty feet of the crest or toe of a slope that is twenty-five percent or greater, or within two hundred feet of the crest or toe of a landslide geologic units Qls and Qf identified by DOGAMI and derived from LIDAR IMS-29 and IMS-26 publications in 2009, whichever is greater;
 - b. Areas with a slope of twenty-five percent or more;
 - c. Geologic Hazards areas identified by the State of Oregon Department of Geology and Mineral Industries (DOGAMI) as landslide or debris flow fan (Qls and Qf geologic units derived from LIDAR IMS-29 and IMS-26 publications in 2009);
 - d. Geologic Hazards areas identified in Bulletin 99, Geology and Geologic Hazards of Northwestern Clackamas County, Oregon (1979); and;
2. Any other area that is identified by a suitably qualified geotechnical engineer or engineering geologist who is licensed in Oregon and derives his or her livelihood principally from that profession as being subject to soil instability, slumping or earth flow, high groundwater level, and landslide.

Data Used and Referenced

Oregon City has adopted parts of the DOGAMI lidar-based landslide hazard maps and has specifically referenced them in their code. Oregon City has several hazard maps available online¹⁴⁶. The *Geologic Hazards Map* (**Figure 4-2**) (titled “Slope & Geology Map” on the map itself) shows the official geologic hazards map for Oregon City, as adopted through ordinance 10-1003 on August 6, 2010. The *Geologic Hazards Map* shows information from DOGAMI’s online landslide inventory map, SLIDO¹⁴⁷ (historic landslide points, scarps, scarp flanks, and deposits), slopes greater than 25% with a 50-foot buffer, landslide sites with a 200-foot buffer, and the Geologic Hazard overlay districts. In **Figure 4-3** the layers of Geologic Hazards are shown with their symbols.

¹⁴⁶ <https://www.orcity.org/maps/hazards>

¹⁴⁷ <https://www.oregongeology.org/slido/index.htm>

Other links on the Hazards portion of the website are the Slope Map, the Earthquake Hazard Map, Hazardous Materials Map, DOGAMI Landslide Hazard and Risk Study, DOGAMI Geologic Map and Report, and the DOGAMI Landslide Inventory Maps.

Oregon City has had lidar maps since 2006 when DOGAMI published Open-File Report O-06-27, *Map of landslide geomorphology of Oregon City, Oregon, and vicinity interpreted from lidar imagery and aerial photographs*¹⁴⁸. Additional information from DOGAMI included by reference in Oregon City's Geologic Hazards provisions are IMS-26, *Landslide inventory map of the northwest quarter of the Oregon City quadrangle, Clackamas County, Oregon*¹⁴⁹; IMS-30, *Landslide inventory maps for the Oregon City quadrangle, Clackamas County, Oregon*¹⁵⁰; and Special Paper 42, *Protocol for Inventory Mapping of Landslide Deposits from Light Detection and Ranging (Lidar) Imagery*¹⁵¹.

The Oregon City Geologic Hazards *Slope and Geology Map*, shown in **Figure 4-2**, contains multiple hazard layers but it does not contain the shallow or deep susceptibility maps that were prepared by DOGAMI along with the landslide inventory. This approach to using the DOGAMI information is an example of the Oregon City staff determining which parts of the DOGAMI information Oregon City wanted to use for their maps, plans, and code provisions.

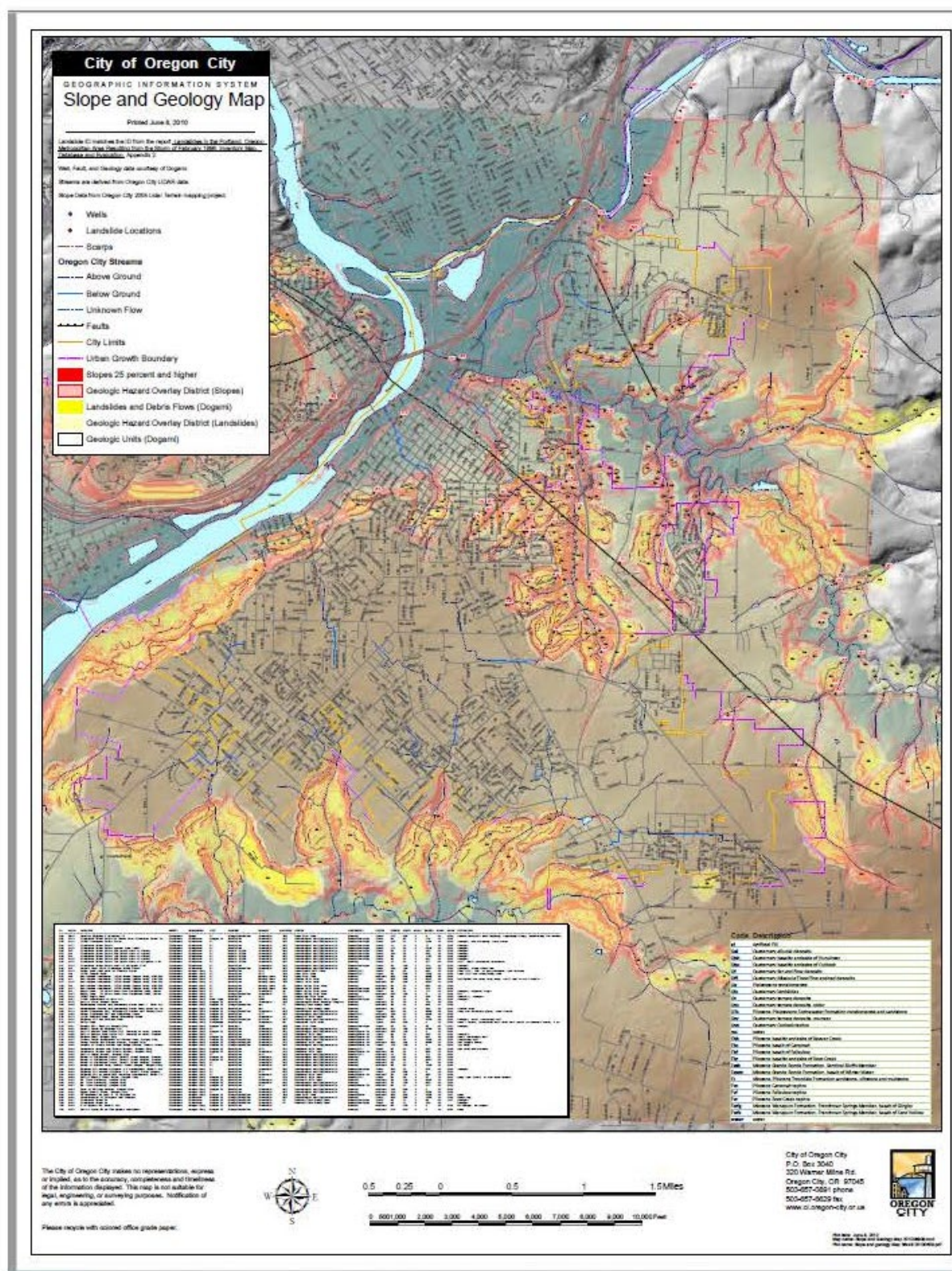
¹⁴⁸ <https://www.oregongeology.org/pubs/ofr/O-06-27.zip> (.zip file)

¹⁴⁹ <https://www.oregongeology.org/pubs/ims/p-ims-026.htm>

¹⁵⁰ <https://www.oregongeology.org/pubs/ims/p-ims-030.htm>

¹⁵¹ <https://www.oregongeology.org/pubs/sp/p-SP-42.htm>

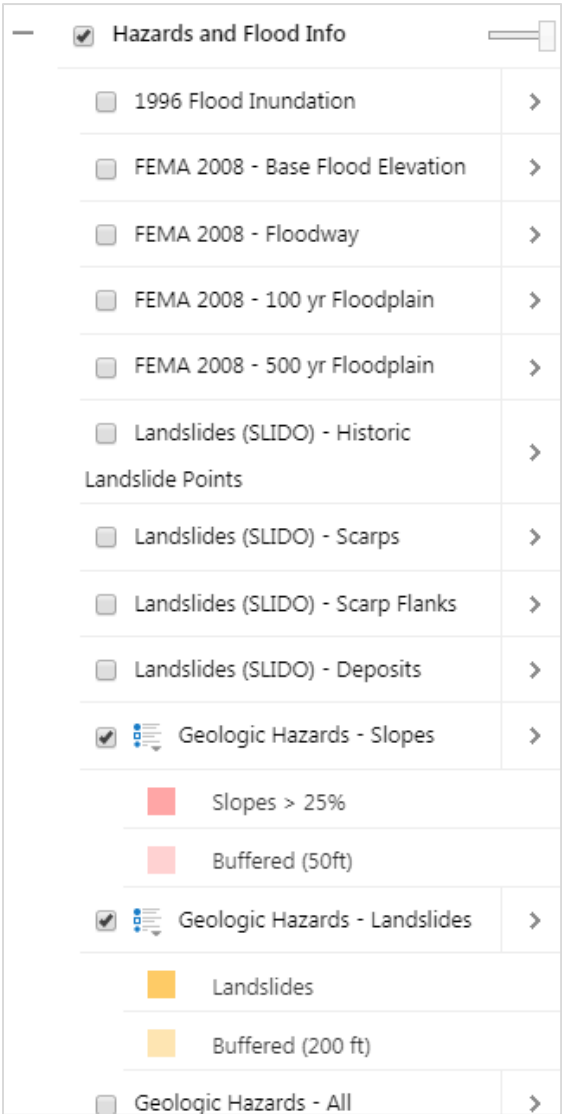
Figure 4-2. Oregon City Geologic Hazards (Slope and Geology) Map



Source: Oregon City, Maps, Geologic Hazards Map, <https://www.orcity.org/maps/geologic-hazards-map>

The geologic hazard layers on the Oregon City GIS system are listed as shown in **Figure 4-3** below.

Figure 4-3. Oregon City GIS System Geologic Hazard Layers. The screenshot shows the landslide inventory and hazard data layers that viewers of the interactive map can select and view.



Source: Josh Wheeler, City of Oregon City, Public Works Development Projects Manager, personal communication, November 8, 2018.

Permits Required and the Review Process

Oregon City's zoning code (§ 17.44.060.H and I) describes the relationship between steep slopes and density.

H. Density shall be determined as follows:

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

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

- 1) For those portions of the property with slopes of twenty-five to thirty-five percent, the maximum residential density shall be limited to two dwelling units per acre; provided, however, that where the entire site is less than one-half acre in size, a single dwelling shall be allowed on a lot or parcel existing as of January 1, 1994 and meeting the minimum lot size requirements of the underlying zone;
- 2) An individual lot or parcel with slopes between twenty-five and thirty-five percent shall have no more than fifty percent or four thousand square feet of the surface area, whichever is smaller, graded or stripped of vegetation or covered with structures or impermeable surfaces.
- 3) No cut into a slope of twenty-five to thirty-five percent for the placement of a housing unit shall exceed a maximum vertical height of fifteen feet for the individual lot or parcel.
- 4) For those portions of the property with slopes over thirty-five percent between grade breaks:
 - a. Notwithstanding any other city land use regulation, development other than roads, utilities, public facilities and geotechnical remediation shall be prohibited; provided, however, that the review authority may allow development upon such portions of land upon demonstration by an applicant that failure to permit development would deprive the property owner of all economically beneficial use of the property. This determination shall be made considering the

entire parcel in question and contiguous parcels in common ownership on or after January 1, 1994, not just the portion where development is otherwise prohibited by this chapter. Where this showing can be made on residentially zoned land, development shall be allowed and limited to one single-family residence. Any development approved under this chapter shall be subject to compliance with all other applicable city requirements as well as any applicable state, federal or other requirements;

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

Oregon City's zoning code states that:

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

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

Also that:

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

In the development standards the code states:

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

Also in the development standards,

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

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

For approval of the development,

The city engineer shall review the application and verify, based on the applicant's materials and the land use record, whether the proposed development constitutes a hazard to life, property, natural resources or public facilities. If, in the city engineer's opinion, a particular development poses such a hazard, the city engineer shall recommend to the review authority permit conditions designed to reduce or eliminate the hazard. These conditions may include, but are not limited to, prohibitions on construction activities between November 1st and March 31st. (§ 17.44.110)

The geotechnical review procedure determines if City staff can make a determination of waiver; if they need the third-party geotechnical consultant to make a determination of waiver; or if the third-party geotechnical consultant makes a determination of the need for full review.

- If the City determines that the proposed development will not be affected at all by the geohazard, the City will provide the waiver memo to the applicant at no charge. The City has a waiver form "Waiver of Geological Assessment and Geotechnical Report" it fills out.
- If the City determines that it cannot readily make a determination of waiver based on their expertise level and submitted materials, or if it is unknown whether the waiver is appropriate, the proposal will be provided to the City's geotechnical consultant for review. The applicant will be charged the geotechnical consultant review fee. If the geotechnical consultant determines there is little risk or impact, then the consultant will provide a memo granting a waiver.

- If the geotechnical consultant reviews the proposal and determines that a geohazard review cannot be waived, the applicant will need to apply for a geohazard permit. There will be a full land use review. The applicant will pay for the geotechnical consultant review (consultant invoices the City). An approved development in the geologic hazards areas is required to have a signed “Declaration of Covenant of Release and Indemnity for Geologic Hazards” form recorded at the Clackamas County Recorder’s office.

The “Declaration of Covenant Release and Indemnity for Geologic Hazards” is required to be supplied to the City with a document recording fee for all new private development constructing anything relating to City Code 17.44 with a geologic hazard. The City will record the document with the County. The document indemnifies the City if anything were to happen to the property due to its geologic conditions.¹⁵²

Oregon City began using this tier of options for the geotechnical review procedure in 2013 according to the Development Projects Manager. Currently, the covenants, as noted, are recorded to the property and therefore, in a title search, a person could find the covenant. However, the GIS database system that Oregon City uses to track parcel information does not contain notes that identify which parcel has had a covenant or had a waiver. Without that information, the City cannot run a query to see how many properties have had covenants or waivers established. As a result of the conversation with DLCD, the Development Projects Manager will talk with staff to ascertain the usefulness of including the waivers and covenants information on each parcel (Josh Wheeler, City of Oregon City, personal communication, November 8, 2018).

¹⁵² <https://www.orcity.org/publicworks/indemnity-geologic-hazards>

A.4.d. Multnomah County

The Multnomah County Zoning Code provisions related to landslides are found in the Hillside Development and Erosion Control (HD) sections of each of the four area plans and the Columbia River Gorge National Scenic Area¹⁵³. The applicable chapters of the Zoning Code are:

- Chapter 33 West Hills Rural Plan Area;
- Chapter 34 Sauvie Island / Multnomah Channel Rural Plan Area;
- Chapter 35 East of Sandy River Rural Plan Area;
- Chapter 36 West of Sandy River Rural Plan Area; and
- Chapter 38 Columbia River Gorge National Scenic Area.

A.4.d(i) Where Code Provisions Apply

Text from the West Hills Rural Plan Area is selected as an example here. A Hillside Development Permit (HDP) is required for:

All persons proposing development, construction, or site clearing (including tree removal) on property located in hazard areas as identified on the "Slope Hazard Map", or on lands with average slopes of 25 percent or more... unless specifically exempted ... (MCC § 33.5505 Permits Required)

There are three kinds of exemptions (with multiple subcategories): development activities approved prior to February 20, 1990; general exemptions; and categorical exemptions.

A.4.d(ii) Data Used and Referenced

The County's mapped Slope Hazard Area is based on research from the 1970s. The Hillside Development and Erosion Control (HD) provisions have had little change since the early 2000s. In the past several years Multnomah County has increasingly recognized the need for updated maps and potential revisions to the zoning code.

A.4.d(iii) Permits Required and the Review Process

The code describes the required application information. A geological report or completion of the HDP Form-1 (provided by the County) may be submitted to meet the HDP requirements, so long as either are prepared by a Certified Engineering Geologist or Geotechnical Engineer. The code states it must be determined that "the site is suitable for the proposed development." If further information is needed for a decision, then the Director can request that a geotechnical report be submitted. The geotechnical report must be prepared by a Certified Engineering Geologist or Geotechnical Engineer. The requirements of the geotechnical report are described in

¹⁵³ <https://multco.us/landuse/zoning-codes>; <https://multco.us/file/76583/download>

the code (see below). The code uses the terms, but does not contain definitions, of suitable, geological report, and geotechnical report.

Section 33.5515 states that a Hillside Development Permit may be approved only after the applicant provides:

- (1) Additional topographic information showing that the proposed development to be on land with average slopes less than 25 percent, and located more than 200 feet from a known landslide, and that no cuts or fills in excess of 6 feet in depth are planned. High groundwater conditions shall be assumed unless documentation is available, demonstrating otherwise; or
- (2) A geological report prepared by a Certified Engineering Geologist or Geotechnical Engineer certifying that the site is suitable for the proposed development; or,
- (3) An HDP Form– 1 completed, signed and certified by a Certified Engineering Geologist or Geotechnical Engineer with his/her stamp and signature affixed indicating that the site is suitable for the proposed development.
 - (a) If the HDP Form– 1 indicates a need for further investigation, or if the Director requires further study based upon information contained in the HDP Form– 1, a geotechnical report as specified by the Director shall be prepared and submitted.

Section 33.5515 F includes the Geotechnical Report Requirements:

- (1) A geotechnical investigation in preparation of a Report required by MCC 33.5515 (E) (3) (a) shall be conducted at the applicant's expense by a Certified Engineering Geologist or Geotechnical Engineer. The Report shall include specific investigations required by the Director and recommendations for any further work or changes in proposed work which may be necessary to ensure reasonable safety from earth movement hazards.
- (2) Any development related manipulation of the site prior to issuance of a permit shall be subject to corrections as recommended by the Geotechnical Report to ensure safety of the proposed development.
- (3) Observation of work required by an approved Geotechnical Report shall be conducted by a Certified Engineering Geologist or Geotechnical Engineer at the applicant's expense; the geologist's or engineer's name shall be submitted to the Director prior to issuance of the Permit.
- (4) The Director, at the applicant's expense, may require an evaluation of HDP Form– 1 or the Geotechnical Report by another Certified Engineering Geologist or Geotechnical Engineer.

Of note, the development plans must be consistent with the design standards for grading and erosion control in the code.

In the future, Multnomah County will change their codes to most effectively use DOGAMI lidar-based landslide inventory and landslide susceptibility maps.

In 2017, DOGAMI released Open-File Report O-17-03 (Burns & Lindsey, 2017¹⁵⁴), a landslide inventory for eastern Multnomah County. In 2018, DOGAMI released IMS-57 (Burns et al., 2018¹⁵⁵), which contains maps and a report covering central and western Multnomah County, including the City of Portland, Gresham, Troutdale, Fairview, and Wood Village.

The summary from DOGAMI Open-File Report O-17-03 states:

Eastern Multnomah County is home to the iconic Columbia River Gorge and its linked tourism and recreational opportunities, the I-84 transportation corridor, and significant permanent population and industry. This area is also home to significant landslide hazards. The high landslide hazard combined with dense development results in high risk. The purpose of this project is to provide accurate, detailed landslide inventory maps to help communities in this region become more aware of and resilient to landslide hazards.

Multnomah County will use the information to craft stronger zoning code and other implementation measures. Multnomah County held a Planning Commission briefing on November 5, 2018, to set the stage for an upcoming legislative project where they will very likely update the County landslide hazard maps based on recent DOGAMI mapping. They will also update the landslide development regulations for unincorporated Multnomah County. In a recent discussion, the Interim Planning Director stated the update to the landslide development regulations will happen but the update was put on hold in April-May 2019 due to workload issues (Adam Barber, Multnomah County, Interim Planning Director, personal communication, December 7, 2018, and August 23, 2019).

¹⁵⁴ <https://www.oregongeology.org/pubs/ofr/p-O-17-03.htm>

¹⁵⁵ <https://www.oregongeology.org/pubs/ims/p-ims-057.htm>

A.4.e. City of Portland

A.4.e(i) Where Code Provisions Apply

Section **B, Code Review for the Landslide Guide**, of this chapter, describes where Portland's code provisions apply related to landslide hazards, including the required permits and review processes.

Portland staff has prepared the *Slope Stability Code Guide* provisions for Title 24, Building Regulations.¹⁵⁶ The *Code Guide* has been finalized and became effective on May 28, 2019.¹⁵⁷ The *Code Guide* has been formulated to address the questions: When is a slope hazard evaluation required? What are the requirements for slope hazard evaluations?

The *Code Guide* states:

A slope hazard evaluation is required for Building, Site Development, and Development Review permit applications for new construction, additions and alterations to existing structures, grading, and other ground disturbing activities as described in sections B.1 through B.7.¹⁵⁸

Sections B.1 through B.7 list the potential hazards that slope hazard evaluations must, at a minimum, address: surficial slope stability, general slope stability, seismic slope stability, pre-historic and deep-seated landslides, soil creep, soil/debris flow inundation, and temporary excavation slopes. The *Code Guide* contains requirements for the Slope Hazard Evaluations. There are exceptions identified for situations when a Slope Hazard Evaluation is not required. The Slope Hazard Evaluation must be conducted by or under the supervision of a Professional Engineer or a Certified Engineering Geologist with demonstrated experience in slope stability investigation and analysis. The reporting requirements are listed in the *Code Guide*. An Engineering Geologic report may be required, in accordance with City of Portland Code 24.70.050.

The Portland Zoning Code does not yet have language that connects to the lidar maps and reports. There is a proposed code change in process related to the Landslide Hazard Study (LHS), which is required for subdivisions proposed in the Potential Landslide Hazard Area map. The existing map is outdated and does not use lidar. The proposal is to use information from the lidar-based landslide hazard maps. The new code language would change the referenced map used to determine if a LHS is required. The map may contain information from the Shallow Susceptibility Map, the Deep Susceptibility Map, and the Rapidly Moving Landslides Map from 2002 (produced by DOGAMI) (Ericka Koss, City of Portland, personal

¹⁵⁶ <https://www.portlandoregon.gov/bds/article/597690>

¹⁵⁷ <https://www.portlandoregon.gov/bds/article/727610>

¹⁵⁸ <https://www.portlandoregon.gov/bds/article/727610>

communication, January 2, 2019). A LHS is required to have the stamp of both a PE and a CEG.

The City of Portland's Bureau of Planning and Sustainability staff are considering how to use the lidar-based landslide hazard maps. One use of the maps is for the Residential Infill Project (RIP) as part of the compilation of data layers in the "constrained" or "z" overlay. The RIP contains a proposal that on parcels that meet certain parameters, a duplex, triplex, or fourplex could be allowed, unless the parcel is within the constrained or z overlay. This overlay includes the 100-year floodplain, natural resource areas, steep slopes, and landslide hazard areas. The landslide hazard areas information comes from the high hazard area on the Deep Susceptibility Map, the Inventory Map, and the Rapidly Moving Landslides Map from 2002 (Morgan Tracy, City of Portland, personal communication, January 4, 2019).

The City of Portland updated their buildable lands inventory as part of their periodic review update that was acknowledged by the Land Conservation and Development Commission (LCDC) in June 2016. Portland staff stated that this acknowledgement would need to be amended with the lidar maps and reports, for the City to implement them fully. The City is in the process of updating the existing Potential Landslide Hazard Areas map with the lidar information (Al Burns, City of Portland, personal communication, January 4, 2019).

A.4.e(ii) Data Used

Portland has landslide inventory maps and landslide susceptibility maps for shallow and deep landslides released by DOGAMI in 2018 as IMS-57¹⁵⁹. An excerpt from the summary of the report is shown below.

At least 1,700 landslides have occurred within the City of Portland during the last 90 years (1928–2016). Of these landslides, approximately 830 occurred during the severe storms in 1996. From these historical data, we estimate an average of 20 landslides per year in the City of Portland. We estimate annual loss from landslides in the City of Portland ranges from \$1.5M (million) to \$3M. In years with extreme winter storms, this estimate can increase to approximately \$64M to \$81M. These historical data are a clear indication of a significant landslide risk and thus the need for continued landslide risk reduction.

Most of the work on this mapping project took place during 2015–2016. The study area contains the Cities of Portland, Gresham, Fairview, Wood Village, Troutdale, and portions of Multnomah County and covers approximately 300 square miles. The City of Portland is divided into risk reporting areas roughly defined by the nine neighborhood coalitions. The purpose of the project was to assist the communities in the study area to understand better the landslide hazard and risk and to continue landslide risk reduction.

¹⁵⁹ <https://www.oregongeology.org/pubs/ims/p-ims-057.htm>

Deliverables of the study are:

- report text, appendices, and map plates;
- Geographic Information System (GIS) datasets including:
 - landslide inventory—map of locations of landslides that have occurred at some time in the past;
 - shallow landslide susceptibility—map of areas prone (low, moderate, high) to future shallow landslides;
 - deep landslide susceptibility—map of areas prone (low, moderate, high) to future deep landslides; and
 - landslide risk analysis.

Portland is using the DOGAMI IMS-57 landslide inventory maps to determine if new development or substantial improvements to structures are in the identified deep-seated landslide areas. If located on a deep-seated landslide, the stability of the landslide must be evaluated. Alternatively, quantitative analysis of the landslide may be waived if the owners sign and record a covenant, and if a qualitative analysis performed by a qualified professional determines that the development will have no adverse impact to the stability of the landslide and that the probable character of the slope movement is unlikely to result in a life safety risk to the occupants.

The covenant runs with the land; it contains an acknowledgement and acceptance of risk, waiver, indemnity, and duty to inform. It is recorded at the Office of Elections and Records at Multnomah County. Title 33, the Zoning Code, does not yet have language that connects it to the requirement for a covenant and it is uncertain it will be established. Currently, the Site Development (non-land use) staff implement the Potential Landslide Hazard Area Covenant; it is not available online.

A.4.f. City of Astoria

The City of Astoria has several provisions in their existing Development Code¹⁶⁰ that relate to the geologic hazards. Article 1, Basic Provisions states:

The purposes of this Code is to promote orderly city growth; to conserve and stabilize the value of property; to encourage the most appropriate use of land; to establish standards for population density; to provide adequate open space for light, air, and appropriate landscaping; to facilitate fire and police protection; to avoid traffic congestion; to provide for community facilities; and to promote and protect the public health, safety, convenience, and general welfare. (§ 1.020)

A.4.f(i) Where Code Provisions Apply

The City of Astoria Development Code contains 16 articles. In Article 2, Zoning¹⁶¹, is the requirement, within specific zoning types (e.g., residential, commercial, and so forth), in the subsection “Other Applicable Use Standards” that:

Where new development is within 100 feet of a known landslide hazard, a site investigation report will be prepared by a registered geologist. Recommendations contained in the site report will be incorporated into the building plans. (§ 2.050)

The Development Code contains the following zones that have the above reference:

- R-1, R-2, and R-3 - Residential,
- C-1, C-2, C-3, and C-4 - Commercial
- GI – General Industrial
- IN – Institutional Zone
- LS – Local Service
- AH-MP – Attached Housing (Mill Pond)
- A – Family Activities
- HR – Hospitality/Recreation
- CA – Education/Research/ Health Care Campus
- HC – Health Care
- MH – Maritime Heritage
- AH-HC – Attached Housing/Health Care

The above list includes zones that may or may not be appropriate for requirements due to the types of development that are permitted (John Edwards, City of Astoria, Engineering Designer, personal communication, May 31, 2019).

Zones that do not contain the reference language about the “known landslide hazard” within the City of Astoria Development Code are as follows:

¹⁶⁰ http://astoria.or.us/Development_Zoning.aspx

¹⁶¹ http://astoria.or.us/Development_Zoning.aspx

- S1 – Marine Industrial Shorelands
- S2 – General Development Shorelands Zone
- S-2A – Tourist-oriented Shorelands Zone
- S5 – Natural Shorelands Zone
- A1 – Aquatic One Development Zone
- A2 – Aquatic Two Development Zone
- A-2A – Aquatic Two-A Development Zone
- A3 – Aquatic Conservation Zone
- A4 – Aquatic Natural Zone

In the Astoria Development Code in Article 3, Additional Use and Development Standards, in Sections 3.300 through 3.330, Erosion Control and Stormwater Management provisions were adopted on October 4, 2001, and address the requirement for a grading permit for various site work. The code identifies the erosion control methods to be used.

Section 3.305.A, Permits Required, subsection 3, states a permit is required for:

Any proposed clearing, grading, filling, stripping, or excavating (regulated activity) within 100 feet of a known geologic hazard as indicated on the City's "Areas of High Water and Past Slides" map[.]

Section 3.310.D, Grading Plan in Steep Areas, states:

The City shall require a grading plan prepared by a Registered Professional Engineer and/or Registered Engineering Geologist where the disturbed area has an average slope of 35% or greater, the disturbed area is located in known geologic hazard area, or is part of a partition or subdivision. Such grading plan shall, at a minimum, include the following additional information:

1. Existing and proposed contours of the property at two foot contour intervals;
2. Location of existing structures and buildings, including those within 25 feet of the development site on adjacent property;
3. Design details for proposed retaining walls;
4. The direction of drainage flow and detailed plans and location of all surface and subsurface drainage devices to be constructed.

Section 3.315.A.3, Grading Standards for Cuts, states:

The slope of cut surfaces shall not be steeper than is necessary for the intended use and shall not be steeper than two horizontal to one vertical (2:1) unless an engineering geology report determines that a steeper slope will be reasonably stable and not create a hazard to public or private property.

Section 3.315.B.2, Grading Standards for Fills, states:

The slope of fill surfaces shall not be steeper than two horizontal to one vertical (2:1) unless an engineering geology report determines that a steeper slope will be reasonably stable and not create a hazard to public or private property. Fill slopes shall not be constructed on natural slopes steeper than two horizontal to one vertical.

Section 3.330.E, Additional Costs, states:

Where the City Engineer, Community Development Director, or Building Official deem it necessary, in the interest of public health, safety, or welfare, to incur additional costs such as, but not limited to, the hiring of independent geotechnical experts or other technical expertise, or costs to complete or correct work not completed by the applicant during the course of the project, such costs shall be borne by the applicant. Such costs shall not exceed actual costs.

Article 9, Administrative Procedures, Section 9.090, Additional Costs, states:

Where the City Manager deems it necessary, in the interest of public health, safety or welfare, to incur additional costs, such as the hiring of independent geotechnical experts or other technical expertise during the course of land use proceedings, such costs shall be borne by the applicant or appellant, as determined by the City Manager. Such costs shall not exceed actual costs.

Article 11, Conditional Uses, Section 11.030.A.4, Basic Conditional Use Standards, states:

The topography, soils, and other physical characteristics of the site are appropriate for the use. Where determined by the City Engineer, an engineering or geologic study by a qualified individual may be required prior to construction.

Article 12, Variances, Section 12.030.B.2.a, Variance General Criteria, states:

Relevant factors to be considered in determining whether development consistent with the request is substantially injurious to the neighborhood include:

The physical impacts such development will have, such as visual, noise, traffic and the increased potential for drainage, erosion and landslide hazards.

Article 13, Subdivisions and Land Partitions, Section 13.110.C.6, Subdivision, Preliminary Plat – Information on Preliminary Plat, Supplemental Information, states:

Geologic investigations as required by the Community Development Director and City Engineer. Where such an investigation indicates the potential for erosion, an erosion control plan shall also be submitted.

Article 13, Subdivisions and Land Partitions, Section 13.220.B.3, Major Land Partition Preliminary Plat – Information on Preliminary Plan, Supplemental Information, states:

Site investigations as required by the Community Development Director and City Engineer. Where such an investigation indicates the potential for erosion an erosion control plan shall also be submitted.

A.4.f(ii) Data Used and Referenced

There have been many landslides in Astoria over the years. One more recent specific time of increased landslides motivated the City of Astoria to seek additional landslide hazard information. In December 2007, there were approximately 3,000 landslides in northwest Oregon and southwest Washington. Astoria was impacted greatly. The existing 1st and Commercial Street landslide started to move, affecting the water lines and natural gas main in the area.

After those events, DOGAMI and the City of Astoria met to discuss a grant proposal. They then applied for and received funds from FEMA for a landslide hazard and risk study. The study was performed from April 2008 to April 2009. As a result of the landslide hazards study, DOGAMI prepared these maps: a landslide inventory, and shallow and deep landslide susceptibility maps. Also, a report, DOGAMI Open-File Report O-13-05, *Landslide Inventory, Susceptibility Maps, and Risk Analysis for the City of Astoria, Clatsop County, Oregon* (Burns & Mickelson, 2013¹⁶²), was prepared.

The results of the landslide hazard and risk study showed 120 landslide deposits were found within the city limits: 69 were classified as deep and 51 were classified as shallow. Of these 120 landslides, 83 landslides in the inventory are estimated to have moved during the past 150 years (historical time). This is a very high number of active-historical landslides for a small city like Astoria. Seventeen of these eighty-three have recorded dates of movement in the landslide inventory database from 1932 to 2007. Several of these 17 landslides caused significant damage.

Areas on the susceptibility maps are identified as high, medium, and low. In Astoria, of the areas within the landslide susceptibility area, 55% is within the high area for shallow landslides and 37% in the high area for the deep landslides. Again, these results indicate a high susceptibility to both shallow- and deep-seated landslides.

¹⁶² <https://www.oregongeology.org/pubs/ofr/p-O-13-05.htm>

After the landslide inventory and susceptibility maps were completed, they were used to conduct a landslide risk assessment. The results of this analysis indicate that roughly 27% of the city is at risk to landslides. The basic process involves the identification of hazard (i.e., landslide hazards), the inventory of assets, and estimation of damage and losses based on the overlap of the hazard and assets.

On August 17, 2015, the City Council accepted rather than adopted the City of Astoria Geologic Hazards Map (**Figure 4-4**). This map is used in implementing the development codes, which allow the City Engineer and Building Official to require geological reports in areas of concern¹⁶³. The Development Code contains this provision in the “Other Applicable Use Standards” for each zone:

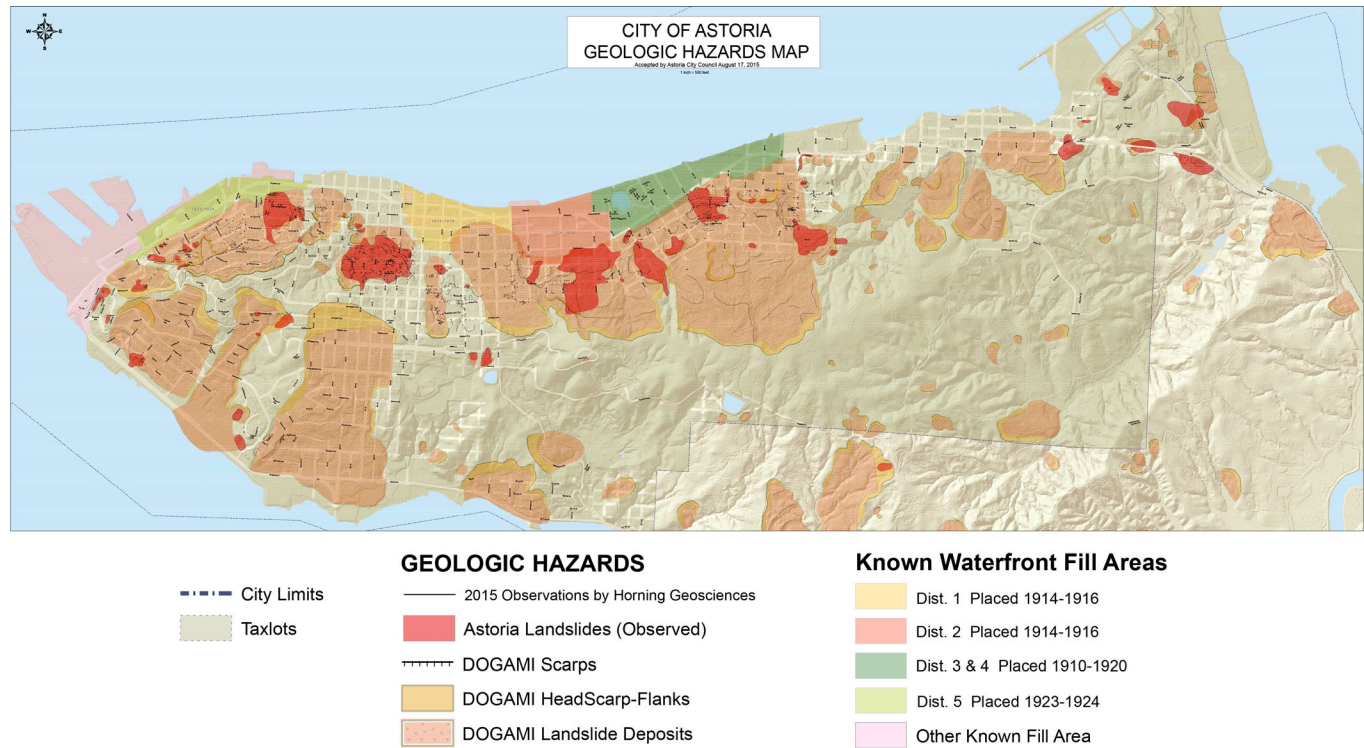
Where new development is within 100 feet of a known landslide hazard, a site investigation report will be prepared by a registered geologist. Recommendations contained in the site report will be incorporated into the building plans. (§ 2.050)

This Geologic Hazards Map (**Figure 4-4**) was put together using portions of the 2008-2009 DOGAMI study and City of Astoria information. The map key shows mapped geologic hazard areas: observed Astoria landslides (bright salmon color), DOGAMI scarps, DOGAMI headscarps/flanks, and DOGAMI landslide deposits. The code statement of “known landslide hazard” refers only to the “Astoria Landslides (Observed)” layer shown on the map; that layer is thus linked to the Astoria code provisions. The Astoria Landslides (Observed) layer was ground-truthed by Tom Horning, a Registered Engineering Geologist (RE) and Certified Engineering Geologist (CEG). The DOGAMI information is not specifically referenced in Astoria’s codes (zoning, building, grading, erosion control, and stormwater management).

A.4.f(iii) Permits Required and Review Process

In general, subdivisions, commercial development, and new construction in landslide and fill areas require a geotechnical report. Most architects/structural teams will not design without a geotechnical report. Astoria still needs to finalize the Geohazards Ordinance. Astoria will also review the references in the *Astoria Comprehensive Plan* and the *Astoria City Code* regarding the different geologic professionals to make sure they are correctly stated.¹⁶³

¹⁶³ Jeff Harrington, City of Astoria, Public Works Director, personal communication, April 15, 2019.

Figure 4-4. City of Astoria Geologic Hazards Map (accepted by City Council 2015)

Source: City of Astoria, Public Works Department. Map accepted by Astoria City Council August 17, 2015. Scale: 1 inch = 500 feet in the original map. Original map dimensions: 60 inches by 24 inches. Figure modified to remove street labels illegible at this scale and to enlarge the legend.

Recommendations from DOGAMI Open-File Report DOGAMI Open-File Report O-13-05, *Landslide Inventory, Susceptibility Maps, and Risk Analysis for the City of Astoria, Clatsop County, Oregon* (Burns & Mickelson, 2013¹⁶⁴) include the statement that the maps and GIS databases in that report are particularly suitable for:

- Public awareness campaigns,
- City development regulation-ordinance,
- Issuance of building permit or proposed grading permit conditions,
- Public works planning and operations,
- Environmental and sustainability issues,
- Regional risk-reduction planning and activities,
- Neighborhood scale risk-reduction activities,
- Avoidance of very high hazard areas,
- Emergency management, and
- Buyouts in very high or life threatening hazard areas.

¹⁶⁴ <https://www.oregongeology.org/pubs/ofr/p-O-13-05.htm>

B. CODE REVIEW FOR THE *LANDSLIDE GUIDE*

B.1. CODE REVIEW SELECTION CRITERIA

Thirty-four Oregon communities were selected for the code review. These included many of the communities with DOGAMI lidar-based landslide inventory and landslide susceptibility maps. The Cities of Salem and Newport have not yet obtained DOGAMI lidar-based landslide maps but were selected to be included because of their unique geologic hazard codes. We reviewed code information for 28 cities and 6 counties; see **Figure 4-7**, **Table 5-1** through **Table 5-4**, and **Table 8-1**. The majority of the code review occurred between May and December of 2017. Overall, there are 46 cities and 14 counties with DOGAMI lidar-based landslide *inventory* maps. There are 35 cities and 9 counties with DOGAMI lidar-based landslide *susceptibility* maps. See **Table 1-1**.

B.2. SUMMARY OF COMPONENTS OF REVIEWED STRONG CODES

From reviews of existing codes (e.g., zoning, building, and grading) and discussion with local jurisdiction staff, consultants, and DLCD and DOGAMI staff, and noting the requests for guidance from communities, information about strong codes is shown in four ways in this *Guide*:

- Examples of existing code from local jurisdictions (**Chapter 4, Implementation**);
- A short summary of the code review in **Figure 4-7, Oregon Community Landslide Code Provisions – Summary of Results**, the code review summary tables (**Table 5-1** through **Table 5-4**), and the Code Review Details Table (**Table 8-1**);
- A list of strong code components in summary (**Figure 4-1**) and
- A model code framework (**Figure 5-3**).

Model codes are not one size fits all. Actual code examples are provided instead. Portions of any of the codes referenced in the code review and the model code framework can be modified to fit local jurisdiction needs. In addition, recognition is given to the variety of terrain, types of landslides, other hazards, capacity and resources available, local and statewide existing best available information, the political will of the jurisdiction, the burden of cost in implementation, and the flexibility of the code provisions.

In the next sections, we identify elements or features of the codes we analyzed as part of the *Landslide Guide*.

Legal Matters

As always when developing land use regulations or other legislation for local adoption, local governments should consult with their legal counsel to ensure that proposal comply with applicable federal, state, and local requirements.

B.2.a. Clear and precise requirements, definitions, submittal, and approval criteria

Clear and precise requirements are useful, as has been illustrated in the example codes (Chapter 4, section **A.4**) and noted in the zoning code features that a strong code should contain (**Figure 4-1**). Requirements for submittal and approval should be clear and understandable. They should reference the necessary information such as maps and reports as applicable. Reports should be stamped by the appropriate geoprofessional. Including definitions in the code provides clarity for how terms are used in the code provisions. Checklists and informational handouts are useful.

B.2.a(i) Map data

Eleven of the twenty-eight cities and four of the six counties in the code review reference DOGAMI publications when determining where geologic studies are required. Communities that use data from geologic maps generally incorporate the data into a community hillslope or geologic hazards overlay zone, or, when combined with the community's Flood Insurance Rate Map (FIRM), a general hazards overlay. Fourteen communities in the study have a hazards overlay zone. Development within this zone automatically triggers the requirement for a geologic report prior to application approval.

In this code review, communities that reference mapped landslide hazards or landslide prone areas tend, in general, to reference maps that are several decades old although the communities have the newer lidar-based maps. A majority of these date from the 1970s, but some are as current as 2017. Most communities use maps from past DOGAMI publications, but a few make specific reference to current DOGAMI landslide inventory and susceptibility maps.

Astoria specifically sources data from 2008 DOGAMI maps in the *City of Astoria Geologic Hazards Map*. This work was done in conjunction with DOGAMI and is an excellent example of use of the scientific data that is implemented. Sandy requires geologic assessments for "mapped DOGAMI slide hazard areas" without specific reference to the publication from which the data are sourced. As written in Sandy's code, it is not clear the most current DOGAMI publications are being used. It would be better to establish a clear reference like "as mapped and described in DOGAMI report [report name] and dated [year]."

Overall, a pattern in the code review reveals that in many jurisdictions the references to mapped data are outdated and need to be revised and updated with newer lidar-based landslide hazard data. Also, that newer mapped data from DOGAMI is not always fully connected to existing codes and regulations for implementation. In most jurisdictions, the codes, plans, and policies could be updated for more effective use of the mapped data.

Update and Connect Information

Overall, a pattern in the code review reveals that in many jurisdictions the references to mapped data are outdated and need to be revised and updated with newer lidar-based landslide hazard data. Also, that newer mapped data from DOGAMI is not always fully connected to existing codes and regulations for implementation.

B.2.a(ii) Geologic study requirement thresholds

This code review looked at the city and county codes for regulations about geologic hazards assessment studies or reports (herein referred to as geologic reports) prior to site development. Twenty of the twenty-eight cities and all six of the counties evaluated in this review require that a geologic report be submitted as part of the development permitting process on land parcels or lots where development is to take place. Some communities simply apply a blanket requirement for all new development, while others stipulate specific site conditions that trigger such a report. These site conditions typically include one or more of the following: parcel slope, known preexisting geologic hazards, and presence of mapped landslides as shown in DOGAMI or other publications.

Communities that use specific landslide hazard maps to trigger geologic reports tend to use maps that were published decades ago, most commonly in the 1970s. Oregon established 19 Statewide Planning Goals in 1973. These goals both inspired and required communities to establish local regulations and maps related to them. In relationship to landslides, the applicable provision is Statewide Planning Goal 7, Areas Subject to Natural Hazards. Goal 7 states “[l]ocal governments shall adopt comprehensive plans (inventories, policies, and implementing measures) to reduce risk to people and property from natural hazards” (Oregon DLCD, n.d.-a)¹⁶⁵. Goal 2, Land Use Planning, requires cities and counties to develop a factual base, including inventories, as part of their comprehensive plans.

A few communities in this code review use the general statement that reports must be done in locations with slope hazards mapped by DOGAMI, without citing a specific publication. Some jurisdictions have maps and reports prepared by the jurisdiction and/or with a consultant (e.g., Astoria, Multnomah County, and others). Commonly, codes state that a geologic report must be done in areas where a known geologic hazard exists. Codes sometimes refer to a map but do not always provide a method by which to determine where hazards might be.

Land use development typically occurs on a parcel by parcel basis, while maps are broad in scale. Some codes use a detailed approach to determining the hazard situation on a parcel. For example, Salem’s maps are called Landslide Hazard Susceptibility Maps and they are clearly linked to code provisions. Salem uses a relatively complex risk calculation method that derives values from three matrices, the sum of which is the total landslide susceptibility risk value. On the basis of this value, the development application process may require the inclusion of a geologic report or additional reports. The matrices include values assigned for earthquake induced landslide susceptibility, water induced landslide susceptibility, and activity susceptibility (i.e., required grading, vegetation removal, etc.).

Slope steepness is the most commonly used factor determining whether a geologic report is required. However, what constitutes a steep slope varies widely from one

Slope Steepness

Slope steepness is the most commonly used factor for determining if a geologic report is required, but slope steepness alone is not an indicator of the full scope and scale of a potential landslide hazard.

¹⁶⁵ <https://www.oregon.gov/lcd/OP/Documents/goal7.pdf>

community to the next; the range is from 5% to 33%. The most common values are 15% and 20%. Rarely do the communities provide specific methods by which to derive the lot slope value. Oregon City's code¹⁶⁶ does provide specifics, stating;

For lots or parcels individually or cumulatively greater than ten thousand square feet in size, between grade breaks, obtain the vertical distance, divide by the horizontal distance and multiply by one hundred. The horizontal distance to be used in determining the location of grade breaks shall be fifty feet. For lots or parcels ten thousand square feet or smaller in size, obtain the vertical distance across the lot or parcel, divide by the horizontal distance and multiply by one hundred. (§ 17.04.1145)

However, in general, codes reviewed during this code review did not specify whether slope steepness was to be averaged over the entire parcel, or if excessive steepness at any specific point in the parcel could trigger study requirements. This lack of detail can be a challenge for consistent application of the requirements on parcel by parcel development proposals.

In general, Willamette Valley communities tend toward a lower slope threshold to trigger the requirement for a geologic report (or require no assessment at all). Gresham forbids development of any kind on slopes greater than 35%, with exceptions for public utilities or facilities and a few specific instances dealing with lot size. Likewise, Tigard bans all development on slopes greater than 25%. Multiple communities allow exemptions from the geologic report requirements. For example, Eugene allows exemptions for things such as residential building alterations or additions to preexisting structures that will not disturb soil, emergency actions which are time sensitive, and maintenance or reconstruction of preexisting streets or utility lines.

In Portland, landslides often happen in environmental areas, which are regulated by the zoning code. The Portland Zoning Code does not describe exemptions to the land use regulations for landslides or a geologic study. However, a City of Portland December 9, 2002, memo "Landslides in Environmental Zones"¹⁶⁷ provides guidance on actions related to landslides that occur in environmental overlay zones. A landslide can be repaired immediately, but the actions taken in the environmental overlay zone will be reviewed to see if the actions are exempt from a land use review. If not exempt from land use review, then which level of review (Type I, II, or III) is applicable will be determined.

¹⁶⁶ https://library.municode.com/or/oregon_city/codes/code_of_ordinances?nodeId=TIT17ZO_CH17.44EOHA

¹⁶⁷ <ftp://ftp02.portlandoregon.gov/BDS/Geotechnics%20Data%20Transfer/landslide%20protocol%20in%20environmental%20zones.doc>

The Portland City Code, Chapter 24.70, Clearing, Grading, and Retaining Walls, contains the Hazards provision¹⁶⁸:

The Director may determine that any clearing, grading, retaining wall, or geologic condition on private property has or may become a hazard to life and limb, or endanger property, or cause erosion, or adversely affect drainage or the safety, use, stability of a public way or drainage channel. Upon receipt of notice in writing from the Director, the owner shall mitigate the hazard and be in conformity with the requirements of this Title. The Director may require that plans and specifications and engineering reports be prepared in compliance with this Chapter. (§ 24.70.030)

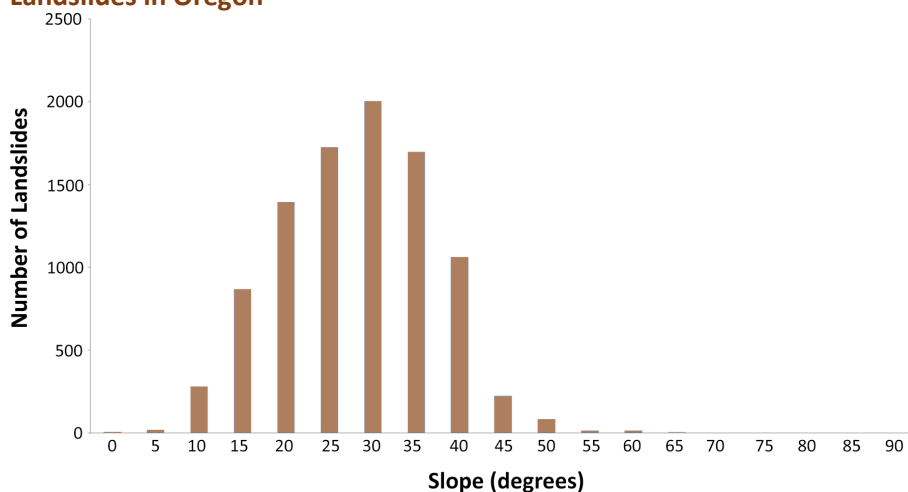
The same chapter defines a geologic hazard as:

a potential or apparent risk to persons or property because of geological or soil instability either existing at the time of construction or which would result from construction. (§ 24.70.040)

In further analysis of the slope steepness factor as a code threshold, it becomes apparent that the use of slope steepness as the sole factor to determine if the area is a landslide hazard area is insufficient to recognize the hazard.

According to SLIDO 3.4 data (Burns, 2017), 10,335 *deep* landslides have been mapped in Oregon. The mean slope angle is 27 degrees, and 95% of these deep landslides occur on 10–45 degree slopes (**Figure 4-5**).

Figure 4-5. Number of Landslides and Corresponding Slope Angles for 10,335 Deep Landslides in Oregon

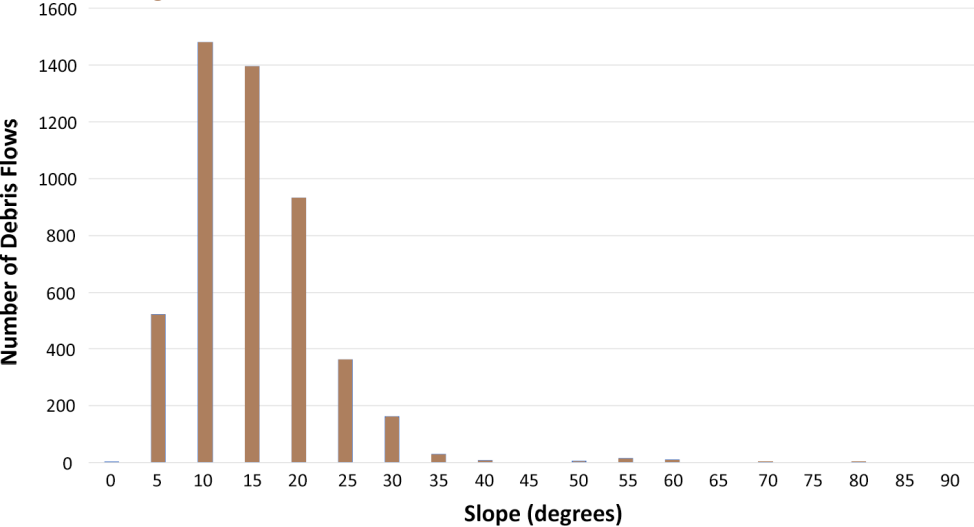


Source: Burns, Calhoun, Franczyk, Koss, & Bordal (2017)

¹⁶⁸ https://www.portlandoregon.gov/citycode/28670#cid_682170

Also according to SLIDO 3.4, 4,904 *debris flow* type landslides have been mapped in Oregon (Burns, 2017). The mean slope angle is 13 degrees, and 95% of these debris flow type landslides occur on slopes less than 26 degrees (**Figure 4-6**).

Figure 4-6. Number of Debris Flows and Corresponding Slope Angles for 4,904 Debris Flows in Oregon



Source: Burns et al. (2017)

Other factors to be considered along with slope steepness are the type of development, the size and scale of the development, the weight and extent of the construction, the location of the vulnerable population, the location of the critical facilities, erosion (natural and human caused), grading, geotechnical reports on file, and the information on the statewide *Landslide Susceptibility Overview Map of Oregon* (Burns et al., 2016¹⁶⁹), released in February 2016. It may also be useful to check the most current version of SLIDO¹⁷⁰.

B.2.a(iii) Geologic study types

In this code review, 26 communities out of the 34 reviewed require a geologic report (see **Chapter 5, Resources; Table 5-1** through **Table 5-4**; and **Table 8-1**). However, some jurisdictions, such as Medford, require multiple types of reports. Medford requires a “geology and soils report” and a “hydrology and grading report.” Several communities use a matrix based on site conditions to determine what type or types of reports are required. Eugene and Sandy have three tiers of requirements for geologic report. In these communities, initial-tier geologic reports are used to determine need for higher-tier, more in depth, studies. Salem uses a tiered

¹⁶⁹ <https://www.oregongeology.org/pubs/ofr/p-O-16-02.htm>

¹⁷⁰ <https://www.oregongeology.org/slido/index.htm>

approach. In other communities, the tiers are simply based on site slope, where steeper slopes require a greater amount of study.

Beaverton's City Code, in Chapter 9.05, Site Development, states that a permit application requires, among other items,

[a]n engineering geological investigation, based on the plan for the work proposed under the permit. The engineering geological report shall include an adequate description of the geology of the site, and conclusions and recommendations regarding the effect of geologic conditions, including consideration of seismic hazards and slope stability in natural materials on the proposed development. All reports shall be subject to approval by the city engineer and supplemental reports and data may be required as the city engineer considers necessary. Recommendations included in the report and approved by the city engineer shall be incorporated in the grading plan. This requirement may be waived by the city engineer when it appears from the condition of the property that such a report is not necessary. (§ 9.05.035.B.10)

The requirements for the content of a geologic report also vary greatly. Astoria, for example, requires a "site investigation by a registered geologist" while other communities specifically request a "landslide hazards study" or "engineering geologic assessment." Astoria contains a Registered Geologist requirement in the provisions listed in the "Other Applicable Use Standards" for each zone (residential, commercial, and industrial). See this chapter, section **A.4.f, City of Astoria**.

The Eugene Code¹⁷¹ has requirements for geological and geotechnical analyses:

The purpose of geological and geotechnical analyses is to ensure that public and private facilities in developments in areas of known or potential unstable soil conditions are located, designed, and constructed in a manner that provides for public health, safety, and welfare. (§ 9.6710(1))

The Eugene Code, in Section 9.6710 Geological and Geotechnical Analysis, contains the requirements of who must prepare the analysis and describes the categories of the analysis:

(2) Geological and Geotechnical Analysis Required. Except for those activities exempted under EC 9.6710(3) Exemptions from Geological and Geotechnical Requirements, a geological and geotechnical analysis, prepared by an Oregon licensed Engineering Geologist or an Oregon licensed Civil Engineer with geotechnical experience, conforming with standards, procedures and content as defined in the Standards for Geological and Geotechnical Analysis adopted by the city in the manner set forth in EC 2.019 City Manager - Administrative and Rulemaking Authority and Procedures, is required for any of the following:

¹⁷¹ <https://www.eugene-or.gov/DocumentCenter/View/2704/Chapter-9-Land-Use>

- (a) All proposed tentative planned unit development, site review, or subdivision applications on properties with slopes equal to or greater than 5%.
- (b) All proposed development that includes dedication or construction of a public street or alley or the construction of public drainage systems or public wastewater sewers.”

[...]

(4) Categories of Geological and Geotechnical Analysis. The analysis required in geological and geotechnical analyses is based on the following categories, and shall be prepared in the manner required in the rules referenced in subsection (2) of this section:

- (a) A Level One Analysis shall consist of a compilation of record geotechnical data, on-site verification of the data and site conditions, and a report discussing site and soil characteristics in relation to the proposed development and other applicable standards.
- (b) A Level Two Analysis shall consist of a compilation of record geological data, analysis of site characteristics, sub-surface investigation and testing to establish soil types and distribution, and a report that includes site and soil characteristics in relation to the proposed development, identification of potential problems, and recommendations for design and construction techniques and standards consistent with other standards applicable to the development proposal.”
- (c) A Level Three Analysis shall consist of a Level Two Analysis and additional site-specific geotechnical design of facilities such as, but not limited to, streets, foundations, utilities, retaining walls and structures due to geologic constraints.

(§ 9.6710)

Establishing clear requirements is an important part of having a robust code that provides the jurisdiction with the information needed for decision-making in landslide hazard areas.

Other communities, such as Sandy and Gold Beach, include relatively highly detailed requirements for what the geologic report must contain. These include a site geologic history, a report of any field reconnaissance, discussion of geologic hazards, and recommendations to address geologic problems. Sandy includes the *Guidelines for Preparing Engineering Geologic Reports in Oregon*¹⁷² by the Oregon State Board of Geologist Examiners as an appendix to the Hillside Development chapter of their city code, and is the only community of the thirty-four reviewed to do so. Gold Beach provides clear, concise expectations for their geologic report requirements as well. Establishing clear requirements is an important part of having a robust code that

¹⁷² https://www.oregon.gov/osbge/Documents/engineeringgeologicreports_5.2014.pdf

provides the jurisdiction with the information needed for decision-making in landslide hazard areas.

Multnomah County and the City of Portland provide informational sheets (see sidebar) that describe the requirements for geologic studies.

The *Portland Zoning Code* requires a Landslide Hazard Study (LHS) when properties are in the Potential Landslide Hazard Area and a land division is proposed. Both Land Use Planning and Site Development staff will review the submitted LHS, which has to be signed by both a Certified Engineering Geologist (CEG) and a Geotechnical Engineer (GE). When a proposed development is not a land division, the site is still reviewed for landslide hazards. This is done through the Site Development Staff; the staff have the ability to ask for a geologic report.

Multnomah County's Hillside Development Permit Application (also called HDP Form-1) is required to be completed when the site has 25% slope or is shown on the Slope Hazard Map. The HDP Form-1 must be completed by a CEG or a GE. Multnomah County provides a Hillside Development Permit Worksheet to help applicants; it is an optional form that can be used in conjunction with the required geologic report. The *Multnomah County Zoning Code* states that the geologic report must certify the site is "suitable for the proposed development." The determination of what is suitable or appropriate development for that situation is generally interpreted by staff to be a properly signed geologic report.

Twenty-two of the twenty-six codes that require geologic reports have a certification level requirement for the person completing the report. In most cases, the requirement is listed as a geologist, registered geologist (RG), geotechnical engineer (GE), or a certified engineering geologist (CEG). Some communities only generally define these titles, while others are more specific and require a professional certified under Oregon Revised Statutes (ORS 672.002 to ORS 672.705).

Several communities allow reports to be completed by a civil engineer with geotechnical experience. The most common requirement is that the report be completed by either a geotechnical engineer or certified engineering geologist. Silverton and Portland require the report be stamped by both a geotechnical engineer and certified engineering geologist. In Salem's tiered approach to geologic studies, the geological assessment must be done by a CEG and the geotechnical report must be signed by both the CEG and GE. Astoria's code states that the City Engineer has the discretion to require a CEG or a Soils Engineer to do the geologic study.

Having both the CEG and GE sign the geologic report provides a solid scientific analysis about the site. As described in **Chapter 2, Landslide Hazards**, while the work of RGs, GEs, and CEGs can overlap, a local government generally will need to require that site-specific reports in landslide hazard areas be completed by either a CEG or a CEG working with a PE that has experience and expertise in geotechnical

Multnomah County and City of Portland Geologic Studies Information Sheets

[Multnomah County Geologic Hazards Permit Information Sheet](#)

[Multnomah County Geologic Hazards Permit Form-1](#)

[Multnomah County Geologic Hazards Permit Worksheet](#)

[City of Portland Landslide Hazard Information](#)

[City of Portland Landslide Hazard Study Information Sheet](#)

[Sites in Potential Landslide Hazards Areas Information Sheet](#)

Zoning Codes

It is very important that local governments make sure their codes require the appropriate geoprofessional(s) for each study and report.

engineering. It is very important that local governments make sure their codes require the appropriate geoprofessional(s) for each report.

Ordinances for land or lot division requirements tend to parallel the requirements for site development. Communities that do not simply wrap lot division requirements into the same report requirements as the site development permit application process may require either a less robust study or an additional/alternate set of concerns that must be addressed. A less robust study might contain requirements only for site contours/topography, natural features, and a grading plan. Alternatively, a jurisdiction may require, for example, a mitigation plan that protects each lot or parcel from geologic hazards, lot size regulations based on slope. Or, in the case of West Linn, a map showing “earth slides, mud flows, land slumping, slope failure, or other earth movement that is likely to leave the property of origin” is required (West Linn Municipal and Community Development Code (CDC) § 85.160.F.2.c¹⁷³).

Commonly, communities request that developers adjust the parcel sizes and shapes to fit the geology and environmental aspects of the site. This can mean smaller lot sizes and adjustments, or that variances to setbacks can be approved to accommodate the geologic and environmental constraints. The city of Banks Zoning Code, under the Modification to the Development Standards, promotes the “incorporation of natural features into subdivision design or avoidance of natural hazards (e.g., geological hazards, stream corridor, or flood hazards) necessitating flexible lots sizes, cluster development plan, or other innovative design” (Banks Zoning Code § 151.138.B.4).

B.2.a(iv) Drainage plan

Water and Landslides

Water flowing on a site is often, in fact, most commonly, the factor that triggers the landslide. Managing the water that comes on a site is key.

Water can infiltrate the soil in concentrated form; when soil is saturated, water moves with gravity downslope. Factors that increase water flowing on site, particularly a landslide-prone site, increase the risk of landslides. Water can be on a site through many avenues such as rainfall, broken or leaking sewer or water lines, water retention facilities that direct water onto slopes, lawn irrigation, and streams or creeks. It is important to recognize that water flow can affect the natural geology and/or exacerbate the altered conditions of the site that resulted from grading and construction. Water flow may need to be directed off the site or controlled through construction, erosion control, and grading requirements such as mulching and seeding disturbed areas or other methods. Keep this in mind for effective risk reduction through codes and other implementing measures, as well as education and awareness efforts.

Eighteen of the twenty-six codes that require a geologic report also contain regulations addressing the drainage and hydrology of the site. Typically, this includes a predevelopment site drainage plan to ensure that surface hydrologic

¹⁷³ <https://www.codepublishing.com/OR/WestLinn/#!/WestLinnCDC/WestLinnCDC85.html#85.160>

behavior after development either matches that of the predevelopment site or does not adversely affect neighboring properties or streets. These plan contents must include such things as:

- data on the direction of drainage flow;
- locations of all surface and sub-surface drainage devices currently on site and to be constructed;
- requirements to emulate predevelopment conditions to the greatest extent possible;
- requirements that drainage plans be completed by a civil engineer; and
- protections for neighboring properties and public streets and utilities.

Medford has a unique requirement that on steep slopes, water and sewer lines must be “keyed into” hillsides. This entails the burying of a concrete anchor into the subsurface rock, a structural technique that holds the lines in place.

DOGAMI’s Open-File Report O-13-05, *Landslide Inventory, Susceptibility Maps, and Risk Analysis for the City of Astoria, Clatsop County, Oregon* (Burns & Mickelson, 2013¹⁷⁴) states that “stormwater runoff improvements are generally the least costly mitigation. An increase in stormwater management will result in a decrease in landslide risk.” Other studies such as the *Seattle Landslide Study* (Shannon & Wilson, 2000¹⁷⁵) and the *Landslides in the Portland, Oregon Metropolitan Area Resulting from the Storm of February 1996: Inventory Map, Database and Evaluation* (Burns, Burns, James, & Hinkle, 1998¹⁷⁶) also discuss the importance of controlling surface stormwater.

B.2.a(v) Soil study

Soil strength test results and other soil attributes are not commonly referenced in the codes. However, 13 communities either require a soils study report prior to development or include that information as a required part of the geologic report. Additionally, the Oregon Board of Geologist Examiners, as part of their 2014 publication *Guideline for Preparing Engineering Geologic Reports*¹⁷⁷ contains the suggestion that site soil unit descriptions include “pertinent physical and engineering characteristics such as color, grain size, grain lithology, density/consistency, cementation, structure, strength, thickness, and variability” as part of the report. Soil permeability traits are also commonly considered, both to inform erosion control methods and to ensure that site permeability is unaltered by development, thereby preserving preexisting drainage patterns. Beaverton’s code¹⁷⁸ states that when it is applicable, under a Site Development Permit, issued by the City

¹⁷⁴ <https://www.oregongeology.org/pubs/ofr/p-O-13-05.htm>

¹⁷⁵ <http://www.seattle.gov/Documents/Departments/SDCI/About/LandslideStudy.pdf>

¹⁷⁶ <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.694.3602&rep=rep1&type=pdf>

¹⁷⁷ https://www.oregon.gov/osbge/Documents/engineeringgeologicreports_5.2014.pdf

¹⁷⁸ § 9,05.035.B.11, <https://www.codepublishing.com/OR/Beaverton/#!/Beaverton09/Beaverton0905.html#9.05>

Engineer, there must be a soil engineering investigation report. The report has data on soil types, strength, distribution, and proposed corrective measures.

B.2.a(vi) Grading plan

Excavation and grading are normal and generally needed actions for development such as constructing buildings and roads. The act of grading alters the natural and or existing slopes, often making them steeper and less stable. Steep slopes are often cited as a major factor in creating an increased risk for landslides. Adding soil on these slopes, either natural or fill, increases the weight on the slope and also increases the risk for landslides. Steep slopes are often mapped and or regulated with code provisions that require a determination of the slope steepness on the site, and potentially, an evaluation to be performed.

Twenty-four of the thirty-four communities in the code review specify requirements for predevelopment grading plans, some of which have no ordinances specifically addressing geohazards or geologic reports. Additionally, the Uniform Building Code Chapter 70 is commonly referenced as the standard to which all grading practices need to conform. These references need to be updated to the International Building Code (IBC). Some communities have minor exemptions, for example, Cornelius (§ 18.05.060(E)) municipal code allows “minor clearing or grading for purposes of site surveying, or exploratory excavations under direction of a soil engineer or engineer geologists, provided said grading or excavation is consistent with building code requirements.”¹⁷⁹

Appendix J, Grading, in the IBC was adopted by the State of Oregon. If local jurisdictions have code provisions related to grading, then the jurisdictions can enforce them. E.g., the City of Portland has a grading section in Chapter 24 of the Portland City Code. If the local jurisdiction does not have a grading code, there is no state code upon which to enforce grading requirements at the local level.

Once again, the degree to which communities define the requirements for the grading plan is variable. In their municipal code, Fairview provides the following detailed expectation (§ 19.425.0209(D) Site design review information):

A preliminary grading plan prepared by a registered engineer shall be required for developments which would result in the grading (cut or fill) of 1,000 cubic yards or greater. The preliminary grading plan shall show the location and extent to which grading will take place, indicating general changes to contour lines, slope ratios, slope stabilization proposals, and location and height of retaining walls, if proposed. Surface water detention and treatment plans may also be required.

Astoria requires preliminary development plans with site investigation by a registered geologist; the plans must show potential geologic hazards and the information will be submitted to the Planning Commission. The Astoria code states

¹⁷⁹ <https://www.codepublishing.com/OR/Cornelius/html/Cornelius18/Cornelius1805.html>

that where new development is proposed within 100 feet of a known landslide, as mapped on the *City of Astoria Geologic Hazards Map*, a geologic report is required.

Canby allows the Planning Commission to impose bonding requirements to ensure that grading will create no hazard where slopes or unstable soils exist. Silverton restricts grading activities to summer months to reduce erosion and sedimentation rates from rainfall. West Linn specifically prohibits grading on slopes greater than 12% that removes the toe of any slope where a severe landslide or erosion hazard exists. Beaverton's code has the stipulation that all grading and excavation sites must conform to city, county, and state DEQ erosion control standards, whichever is greater (see 9.05.110.D¹⁸⁰).

Medford allows exemptions to the grading permit requirement for the types of excavation or grading exempted in Appendix J¹⁸¹ of the *2007 Oregon Structural Specialty Code*. In Section J103.2 Exemptions, the list of exemptions is: grading in an isolated, self-contained area with no danger to the public or risk to adjoining properties; excavation for structures permitted under this code; cemetery graves; refuse disposal sites; excavation for wells and trenches for utilities; mining and quarrying provided it is controlled by other regulations and there is no risk to adjoining properties; and exploratory excavations done under the supervision of a registered professional.

B.2.a(vii) Erosion control plan

In addition to the requirement for a grading plan, it is also common for communities to require an erosion control or mitigation plan. Twenty-six of the thirty-four codes in this code review contain these. Some codes wrap this into the geologic report, while others treat it as a standalone requirement. Generally, when needed, this erosion control plan is to be completed by a certified professional (not necessarily a geologist, registered geologist, geotechnical engineer, or a certified engineering geologist). Some cities have exemptions for the professional certification on small residential projects.

Typically, communities have the requirement that development remove a minimal amount of vegetation at the site and/or revegetate the site as soon as practically possible and that soil erosion control features such as silt fencing, hay bales, berms, holding ponds, terraces, ditches, hydro seeding, or permanent cover be used as needed. The city of Brookings has Chapter 17.100, Hazardous Building Site Protection Hillside Development Standards, in the Brookings Municipal Code¹⁸² (BMC). Within that chapter, subsection 17.100.070, Engineered Plans Required, describes the requirements for engineered plans. In summary, the requirements

¹⁸⁰ <https://www.codepublishing.com/OR/Beaverton/#!/Beaverton09/Beaverton0905.html#9.05.110>

¹⁸¹ http://ecodes.biz/ecodes_support/free_resources/Oregon/07_Structural/07_PDFs/Appendix%20J_Grading.pdf

¹⁸² <https://www.codepublishing.com/OR/Brookings/#!/Brookings17/Brookings17100.html>

state that no material should be deposited on another property; that the plans shall be prepared by an Oregon civil engineer; that only a minimal amount of vegetation should be removed; and measures for controlling runoff should be used.

17.100.070 Engineered plans required

- A. No property shall be disturbed, graded, excavated, filled, stormwater drainage redirected or developed within the city so as to cause slides of mud, soil, rock, vegetative material or any eroded or depositional material to be deposited on the property of another.
- B. The applicant shall submit plans prepared by an Oregon-licensed civil engineer prior to any site preparation, including vegetation removal, except as allowed for survey purposes in BMC 17.100.060. Note: On a lot or parcel with hazardous conditions as defined in BMC 17.100.020(F) and on any proposed partition or subdivision. At the discretion of the site plan committee, this requirement may be waived or modified on lots or parcels greater than one acre in size. The plans must be approved by the city and shall include the following information:
 - 1. An erosion control plan showing the area to be denuded of vegetation, erosion control measures and implementation time table. Erosion and sedimentation caused by stormwater runoff shall be minimized by employing the following measures, or substitute measures deemed acceptable by the city manager or his or her qualified designee:
 - a. Only the minimal removal of vegetation cover, particularly tree cover, necessary for building placement or access shall be done. Removal of trees and brush for view enhancement can be a part of the grading plan if such an action does not increase the potential hazard and/or mitigation can be applied. The city shall observe this in the development of streets and building pads.
 - b. Measures for controlling runoff, such as silt fencing, hay bales, berms, holding ponds, terraces, ditches, hydroseeding or permanent cover, shall be used as required, particularly in areas having slopes of 15 percent or greater. The applicant shall contact the Oregon Department of Environmental Quality (DEQ) concerning the possible need for a 1200-C stormwater general permit.

Eugene's City Code¹⁸³ requires that:

The construction site management plan shall identify: potential water quality impacts associated with the proposed construction activities; techniques and methods to be used to prevent and control erosion, sedimentation, and other pollutants associated with construction activity; and the location, design, and construction schedule for all erosion, sedimentation, and other construction site management control measures to be implemented and maintained. (§ 6.635 (1)(c)2.)

Eugene's *Construction Site Management Plan (CSMP) General Notes* information sheet¹⁸⁴ describes that erosion control measures should prevent sediment and sediment-laden water from going off the site, that materials do not enter stormwater systems and roadways, and that materials do not violate water quality standards:

ESC measures shown on this CSMP must be constructed in conjunction with all clearing and grading activities, in such a manner as to ensure that sediment and sediment laden water does not enter the stormwater system, roadways, adjacent property or violate applicable water quality standards. When designing and implementing measures, the CSMP designer, permit holder and/or the contractor shall consider the seasonal variation of rainfall, temperature, and other climatic factors relative to the timing of land disturbance activities.

The information sheet has additional information about requirements.

Some communities include percentage of slope parameters that correspond to requirements. For example, the code might say that above 20% slope, vegetation cannot be removed unless certain erosion control measures are implemented. Clatskanie's Development Code, section 9-9C-10, General Development Standards, under B.1 Review of Uses, states "within fifty feet of any protected water resources, excavation and vegetation removal shall be prohibited on slopes of 25 percent or greater in slide hazard areas, except where necessary to construct public facilities or to ensure slope stability."¹⁸⁵ Beaverton's City Code, Title 9, Community Development, Chapter 9.05 Site Development, contains the stipulation that all grading and excavation sites must conform to city, county, and state DEQ erosion control standards, whichever is greater (see 9.05.110.D¹⁸⁶).

¹⁸³ <https://www.eugene-or.gov/DocumentCenter/Home/Index/282>

¹⁸⁴ <https://www.eugene-or.gov/DocumentCenter/View/44154/11---CSMPgeneralnotesProof2>

¹⁸⁵ https://scholarsbank.uoregon.edu/xmlui/bitstream/handle/1794/8805/Clatskanie_Development_Code_2007.pdf?sequence=1&isAllowed=y

¹⁸⁶ <https://www.codepublishing.com/OR/Beaverton/#!/Beaverton09/Beaverton0905.html#9.05.110>

B.2.a(viii) Monitoring

Monitoring development is a good way to continue the relationship between the applicant/developer and the jurisdiction so that requirements are implemented fully. This may be done through requiring inspections during the construction process and after the development is built. Requiring a final report from a geotechnical professional is another way to have information demonstrating that the development has been done in accordance with requirements. Enforcement of the requirements is a key part of upholding them. For example, the City of Portland requires a final report (24.70.130 Completion of Work): “Upon completion of the rough grading work and the final completion of the work the Director may require the following reports and drawings supplemental thereto: ...an as-graded grading plan prepared by the civil engineer...a soil grading report prepared by the soil engineer... a geological grading report prepared by the engineering geologist”¹⁸⁷.

B.2.a(ix) Covenants for new development and additions

Covenants in land use are tools that can assist communities in natural hazards planning and mitigation. Covenants are contractual agreements that commonly establish a requirement for disclosure of information, and they typically run with the land. Generally, covenants are required to be recorded or otherwise filed into the legal binding records of the city or county. In this manner, regardless of who owns the property, the information is available to the public. When agreements such as this are recorded with a county’s tax assessor or records office, they can be found through a query of records for the property. Oregon City and the City of Portland have covenant requirements; those were described earlier in this chapter.

DLCD and DOGAMI recognize that Washington has similar concerns with landslides and thus include this brief description about Seattle. The City of Seattle, Washington, currently requires a covenant to be signed when a person chooses to develop on a property in a landslide hazard area or when a property in a landslide hazard area is for sale (Chris Robertson, Shannon & Wilson Geotechnical, Vice President, PE, GE, LEG, and Bill Laprede, Shannon & Wilson Geotechnical, Senior Vice President, CEG, LEG, personal communication, January 22, 2018). The covenant is recorded at the Office of Records and Elections of King County, Washington, and a copy is returned to the Seattle Department of Construction and Inspections¹⁸⁸.

Susan Chang, Geotechnical Engineer Supervisor with the Department of Planning and Development, is quoted in a 2014 article describing the efforts Seattle has made with regard to landslides¹⁸⁹, particularly since the landslide events that occurred during the winter of 1996-1997. The events of that winter led Seattle to make an extensive study of landslide hazards dating back to 1890. “So we know areas where

¹⁸⁷ <https://www.portlandoregon.gov/citycode/article/664761>

¹⁸⁸ <http://www.seattle.gov/Documents/Departments/SDCI/Forms/PotentialLandslideAreaCovenant.pdf>

¹⁸⁹ <https://www.knxx.org/post/worried-about-landslides-seattle-has-map>

we've historically had landslides. And they went out and did some mapping and field checking and helped come up with these areas of the city where landslides are more likely to happen," she said. The areas are now designated as environmentally critical areas for landslide hazard in the city of Seattle. To build in one of these areas, the covenant language states that all owners of record must sign a covenant, indicating awareness of the risks and agreeing to mitigate and inform future owners. See the City of Seattle, Department of Construction and Inspections, Potential Landslide Area Covenant form: *Covenant Running with the Land, with Acknowledgement and Acceptance of Risk, Duty to Inform, Need for Insurance, Indemnity and Waiver (Potential Landslide Area)*¹⁹⁰.

Figure 4-7. Oregon Community Landslide Code Provisions – Summary of Results

Landslide Code Review – Summary of Results

Table 1-1 lists communities and counties that have complete or partial DOGAMI lidar-based landslide mapping. Many communities with DOGAMI lidar-based mapping and two jurisdictions without DOGAMI lidar-based mapping* were included in the code review. The majority of the code review occurred between May and December of 2017. In total, codes and plans from 34 communities were reviewed. Of those,

- 20 of the 28 cities and all 6 of the county plans reviewed require a geologic report as part of the development permitting process for land parcels or lots.
- 22 of the 26 codes that require geologic reports include a certification requirement for the person completing the report. In most cases, this was listed as a geologist, registered geologist (RG), engineering geologist (CEG), or a geotechnical engineer (PE or GE).
- 18 of the 26 codes that require a geologic report also include regulations addressing drainage and hydrology of the site.
- 13 communities either require a soils study report prior to development or include that information as a required part of the geologic report.
- 24 of the 34 communities in the code review include requirements for predevelopment grading plans.
- 26 of the 34 codes include a requirement for an erosion control plan.
- 11 of 28 cities and 4 of 6 counties referenced DOGAMI publications in their codes when deciding where geologic reports are required.
- 14 communities implement their provisions through a hazards overlay zone.
- Sandy is the only community of the 34 to include the Oregon State Board of Geologist Examiners Guidelines for Preparing Engineering Geologic Reports in Oregon as an appendix to the hillside development chapter of the city code.

*Although the Cities of Newport and Salem have not received DOGAMI lidar-based landslide inventory and landslide susceptibility maps, these two cities were included because of their unique geologic hazard codes.

¹⁹⁰ <https://www.seattle.gov/Documents/Departments/SDCI/Forms/PotentialLandslideAreaCovenant.pdf>

B.2.b. Inclusive permitting process (include all departments/officials with approval authority over portions of the project)

Inclusive permitting processes involve the full range of jurisdictional staff that would review a development proposal and communication between them. Typically, staff that would review a development would be in Planning, Public Works, and Building Divisions. With strong code provisions it will be clear who to engage in this development review and permitting process.

B.2.c. Strong enforcement provisions both during and after construction (should not discourage people from reporting violations)

Strong enforcement of the codes (zoning, building, and other) is a method that can provide consistency and strength to the development review and permitting process. Applicants can expect that they need to provide the identified information, that it will be reviewed fully and by the applicable authority, and that their proposal may be inspected or have other requirements to support and illustrate compliance.

C. KEY QUESTIONS FROM INTERVIEWEES

⇒ *Can DOGAMI lidar-based landslide hazard maps be used to create jurisdiction specific maps and/or as a basis for requiring landslide hazard related reports for development?*

- The DOGAMI lidar-based landslide maps and other maps may be used to create a new map that becomes the landslide hazard map for the jurisdiction. For example, a jurisdiction may use the information from the inventory map, from the high and very high areas on the shallow and deep susceptibility maps, and areas on the *GIS overview map of potential rapidly moving landslide hazards in western Oregon* (IMS-22) to create the landslide hazard map for the jurisdiction. The map may be related to zoning, building, stormwater, erosion control and/or other codes, and may be used as a basis for requiring landslide hazard related reports.

⇒ *How do we facilitate coordination between departments, the developer, the owner, and the applicant?*

- Communication, clarity, and coordination is important. Establish and identify the players, authorities, responsibilities, and timelines of the process.
- In the Pre-Application process require the applicant, property owner, and the people hired by the applicant and the property owner (e.g., architect, engineer, geologist) to sign a document stating that they have read the engineering geologic report and understand what is required to develop the site.
- Ensure that the Building Official knows that site must be inspected by geologist who wrote the report (1) after the cuts are made and before building is started and (2) after the foundation is in and before framing.)

⇒ *What do we do if we are not getting the information we need from the geology professional?*

- Use local authority for the jurisdiction to require a second opinion, e.g., a third party review, of the geologic report or a new geologic report from another geology professional at the applicant's expense.

⇒ *How do we deal with contractors that will not follow the recommendations in the engineering geologic report?*

- Require recommendations to be followed as a condition of permit approval.
- Have the geologist monitor during construction at the applicant's expense.

- Have the local jurisdiction inspect the work during construction.

⇒ *How do we keep people from grading or clearing before coming in for permits?*

- Emphasize the benefit of complying with the requirements.
- Consider peer and public pressure as well as regulatory enforcement tools like fines, stop work orders, restoration, and mitigation actions.

⇒ *What can we do about enforcing the code?*

- Building Officials cannot enforce zoning code. They can communicate with land use planning staff for zoning code enforcement. Planning staff can communicate with the Building Official about building codes. Grading, erosion control, and stormwater management authorities should also be identified as to which departments are responsible.
- Sources of funding for enforcement of codes could be fees for applications and inspections.

⇒ *How do we resolve conflicts between landslide risk reduction and other regulations?*

- Communication, clarity, and coordination is important.
- There are many examples of codes such as fire siting standards, fire department access, structure/wildfire fuel reduction standards, environmental standards, transportation standards, landscaping and screening standards, and other standards. Finding the basis of the requirement (such as, is there a state or federal requirement of compliance) is useful.
- Work through the issues.
- Having a Pre-Application process for a development can provide a good, early in the process discussion avenue.

D. SUMMARY OF KEY WAYS TO REDUCE YOUR COMMUNITY'S RISK FROM LANDSLIDE HAZARDS

- **Identify the hazard** – Know what the hazard is, where it is located, what causes it, what are its characteristics, when and where has it occurred historically, and when and where might it happen again.
- **Assess the vulnerabilities** – Inventory and analyze the existing and planned property and populations exposed to a hazard, and estimate how they will be affected by the hazard.
- **Assess the level of risk** – Risk is the expression of the potential magnitude of a disaster's impact. A natural hazards risk assessment involves

characterizing the natural hazards, assessing the vulnerabilities, and describing the risk either quantitatively or qualitatively or both.

- **Avoid the hazard** – Stay away from the hazard area if possible.
- **Reduce the level of risk** - Minimize development, reduce density, and implement mitigation measures. Manage the water on the site. Coordinate land use planning efforts with other planning efforts such as emergency operations plans, transportation plans, economic development plans, stormwater management plans, and so forth.
- **Evaluate development in landslide-prone areas** – Use technical information such as maps and reports, including site specific studies as well as broader scale information.
- **Require geotechnical investigations** – When development is proposed for locations that have landslide hazards, require site specific reports by a certified engineering geologist engineer (geotechnical assessment) or a certified engineering geologist and a geotechnical engineer (geotechnical report).
- **Adopt land use policies and enact regulations** – Regulatory tools such as overlay zones, incentive zoning, grading and erosion control provisions, stormwater management, restrictions on the types of uses and development in landslide-prone areas, size and weight of structures, management of vegetation, and other means can reduce risk of landslides. Incentive zoning requires developers to exceed limitations imposed upon them by regulations, in exchange for specific concessions. For example, if the developer avoids building on a landslide-prone area of the property then they could build on another portion of the land at a higher density than is allowed by the zoning.
- **Consider non-regulatory strategies** – Sharing information, incentives, and purchasing high hazard lands to keep them as open space are examples of strategies that can reduce risk.
- **Provide public outreach and education** – Information about the landslide hazards should be available to all inhabitants of the jurisdiction. Post it on the website, have handouts, etc.

E. RECOMMENDATIONS

- Work with DOGAMI to obtain lidar mapping information.
- Identify ways the maps and information can be integrated into the jurisdiction's plans, policies, and programs.
- Look at the plans, policies, and programs of other jurisdictions.
- Adopt the maps.
- Follow the common features listed in **Examples of strong landslide risk reduction zoning codes in Oregon** (Chapter 4, section A.4).
- Follow the **Summary of Key Ways to Reduce Your Community's Risk from Landslide Hazards** (Chapter 4, section D).

F. INTEGRATED IMPLEMENTATION

***Hazard Mitigation: Integrating Best Practices into Planning*¹⁹¹ by James C. Schwab, Editor, American Planning Association (APA) Planning Advisory Service Report Number 560, May 2010**

From Chapter 9, Findings and Recommendations (p. 131), by James C. Schwab:

Hazards of any kind – natural or otherwise – are almost never the public’s top planning priority except when a disaster is unfolding. It is far easier to focus on any number of issues affecting the daily quality of life in a community, including economic development, transportation, and what is built next to what or whom. The reality, however, is that hazards suffuse our lives and our development patterns. They inevitably constitute part of the background for many of the other priorities planners must address and should be a consideration when those issues are on the table. Ignoring them does not make them go away. Consequently, finding ways to integrate the consideration of hazards into planning discussions is the most effective way to ensure that they are addressed when the community is in the best position to forestall problems.

Schwab (p. 132) summarizes the findings of the research conducted for that report:

What Works?

- Complementary Goals and Objectives in the Local Hazard Mitigation Plan and Comprehensive Plan
- Implementing Hazard Mitigation through Government Expenditures and Development Regulations
- Documenting Existing and Predicted Future Conditions and Raising Awareness of What Can be Done about Them
- Mutual Reinforcement Between Hazard Mitigation and Other Planning Goals
- Sustaining Leadership for Hazard Mitigation
- Strong Culture of Preparedness and Mitigation
- Using External Drivers as Leverage While Focusing on Community Needs
- Proactive Outreach and Stakeholder Involvement in Planning

What Does Not Work?

- Procrastination
- Failure to involve Planners in Local Hazards Planning
- Failure to Engage Public Participation or to Communicate about Hazards

¹⁹¹ <https://www.fema.gov/media-library/assets/documents/19261>

- Investment in Redevelopment without Accounting for Hazards
- Failure to Use Other Plans to Address Hazards

The Road Ahead

- Learn from Disasters
- Start Change Now
- Strengthen Integration of Hazards with Other Planning Activities
- Think Linkages

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CHAPTER 5 RESOURCES

In the end, it is important both to focus on hazards in a specific element devoted to identifying and assessing the hazards a community faces and to integrate those concerns more broadly into other elements, since hazards do not operate in isolation from the built environment.

—*Hazard Mitigation: Integrating Best Practices into Local Planning*¹⁹²

A. FRAMEWORK FOR COMPREHENSIVE PLAN AND ZONING CODE PROVISIONS

Chapter 3, section **E.2, Example Comprehensive Plan policies**, contains three examples of jurisdictions with strong landslide hazard language in their comprehensive plans: Medford, Astoria, and Portland. **Table 5-1** and **Table 5-2** (Cities) and **Table 5-3** and **Table 5-4** (Counties) provide links to other plans evaluated for this *Guide*.

This section provides a framework for a comprehensive plan.

Comprehensive plans guide overall growth and development by addressing social, economic, and environmental issues. Integrating hazard mitigation and risk reduction into comprehensive plans is a key approach that provides an overarching policy framework for various other planning tools. Since the comprehensive plan is a policy document, it is fundamentally different from many of the other planning tools, yet is linked to those tools, for example, but not limited to, zoning code, building code, stormwater management, capital improvement programs, and grading and erosion control provisions.

“General considerations for integrating hazards into comprehensive plans include:

- Hazard mitigation measures are not only infrastructure-related. They can include community level communication, preparedness planning, and other non-structural measures.
- Whenever possible, mitigation measures should work to mimic natural processes rather than engineered solutions, such as reconnecting a creek to its floodplain for natural flood control rather than channelizing it.

¹⁹² Schwab & Topping, 2010, p. 23, https://www.fema.gov/media-library-data/20130726-1739-25045-4373/pas_560_final.pdf

- The safety of vulnerable communities related to natural hazard risks and other stressors should receive particular attention in the comprehensive plan.”¹⁹³

When reviewing the comprehensive plan to strengthen plan policies and the related implementing regulations, consider the features listed in **Figure 5-1**.

Figure 5-1. Features of Strong Comprehensive Plans

Features of Strong Comprehensive Plans

- Make use of technical information and assistance provided by local, regional, state, and federal agencies regarding natural hazards.
- Clearly link to the implementing provisions (zoning code, building code, etc.).
- Include specific references (e.g., title and date of information) to supporting documents and maps.
- Include or refer to documents, maps, or technical assistance needed to understand impacts of natural hazards.
- Create opportunities to guide growth and development away from natural hazard areas and/or provide for appropriate review of the growth and development when it is in or near a hazard area.
- Consider climate change and the impacts of climate change on natural hazards, and the subsequent vulnerabilities and risks to the community.

Comprehensive plans and implementing regulations can build the resilience of a community by using existing information about the location, frequency, and severity of hazards into consideration. Establishing and maintaining the importance of not increasing risks to people, property, and the environment is a key theme.

Natural hazards can be integrated into comprehensive plans in the areas of land use and future development, natural resources protection, transportation, housing, economic development, historic properties and cultural resources, and public facilities and infrastructure.

Chapter 4, section **A.4, Examples of strong landslide risk reduction zoning codes in Oregon**, contains six examples of jurisdictions with strong landslide hazard zoning code provisions. There are examples of three jurisdictions with covenants, Oregon City, Portland, and Seattle. All three of these jurisdictions also have strong zoning codes.

¹⁹³ <https://planningforhazards.com/comprehensive-plan>

Here we offer both a model comprehensive plan outline for landslide hazards in Oregon and a model zoning code outline for landslide hazards in Oregon. These model outlines provide key points recommended for inclusion in comprehensive plans and zoning codes related to landslide hazards. These can be adapted to each jurisdiction's needs.

NOTE:

IMS-22 is the best available information about debris flows (also identified as rapidly moving landslides). IMS-22 is *GIS Overview Map of Potential Rapidly Moving Landslide Hazards in Western Oregon* (DOGAMI, 2002). In the future, DOGAMI plans to have a debris flow susceptibility map of Oregon; the debris flow susceptibility map will replace IMS-22.

Figure 5-2. Outline of Model Comprehensive Plan Provisions for Landslide Hazards in Oregon

Outline of Model Comprehensive Plan Provisions for Landslide Hazards in Oregon

- Describes goals, policies, and implementing measures.
- Has information about and describes the interrelationship of land use, social, economic, environmental, resilience, and climate change impacts.
- Has a specific section about disasters and hazards, and identifies and describes the natural hazards that have occurred in the past and could in the future, impact the community.
- Specifically refers to community plans that include natural hazard information such as the Natural Hazard Mitigation Plan, the Emergency Operations Plan, the Transportation System Plan, the Capital Facilities Plan, the Open Space Plan, and the Water and Sewer Plan.
- Identifies maps and reports that support the goals, policies, and implementing measures of the community.
- Uses information from DOGAMI's lidar-based landslide maps and reports such as the landslide inventory, shallow susceptibility landslides, deep susceptibility landslides, and IMS-22. IMS-22 is GIS Overview Map of Potential Rapidly Moving Landslide Hazards in Western Oregon (DOGAMI, 2002).
- Includes recommendations about mitigating hazards such as but not limited to avoiding and minimizing construction in landslide hazard areas.
- Includes information about grading and erosion control, stormwater management, removal of vegetation, and installing vegetation.
- Describes who can request additional geologic reports (engineering geology report and geotechnical engineering report) and maps during review processes, such as the Planning Director, Public Works Director, City Engineer, and Building Official.
- Describes which geoprofessional should sign and stamp the required reports and maps.
- Has information about and links the topics of stormwater management and grading and erosion control to the natural hazards.
- Recognizes that steep slopes are not the only factor that should be used to identify landslide hazard areas. Other factors to be considered along with slope steepness include: the type of development, the size and scale of the development, the weight and extent of the construction, the location of the vulnerable population, the location of the critical facilities, erosion (natural and human caused), and grading. Also consult geotechnical reports on file, and the information on DOGAMI's Statewide Landslide Susceptibility Map (<https://www.oregongeology.org/pubs/ofr/p-O-16-02.htm>) released in February 2016. It may also be useful to check the most current version of SLIDO (<https://www.oregongeology.org/slido/index.htm>).

Figure 5-3. Outline of Model Zoning Code Provision for Landslide Hazards in Oregon

Outline of Model Zoning Code Provision for Landslide Hazards in Oregon

- **Intent and Purpose** — why is this code provision here.
- **When Required (Regulated Activities) or Applicability of Landslide / Geologic Hazard Regulations** — when do these provisions apply, what kind of activity requires a permit, clearly identifies reference maps and reports here.
- **Landslide and/or Geologic Hazard Reference Maps and Reports** — uses information from DOGAMI's lidar-based landslide maps and reports such as the landslide inventory, shallow susceptibility landslides, deep susceptibility landslides, and IMS-22. IMS-22 is GIS Overview Map of Potential Rapidly Moving Landslide Hazards in Western Oregon (DOGAMI, 2002)].
- **Landslide and/or Geologic Hazard Permit Submittal Requirements and Procedures** — what information must be submitted for the permit, and what is the process that will be followed (this may include the geologic assessment or geotechnical report requirements or it may be a separate section).
- **Exemptions** — when do the provisions not apply, what kind of activity does not require a permit.
- **Prohibitions** — if applicable.
- **Development Standards** — how to construct, build, move earth materials and vegetation on the site, e.g., cut/fill/grading, retaining walls etc.
- **Access to Property** — minimize disturbance related to driveways by sharing driveways and limiting cut and fill, make sure emergency services can access to the site.
- **Stormwater Drainage** — how will the stormwater be managed.
- **Erosion Control Measures** — minimize disturbance and removal of soil and vegetation, avoid off-site impacts, identify the temporary and permanent groundcovers and plantings.
- **Utilities** — will there be utilities on the site, if so which ones and where will they be located, will they be above or below ground.
- **Approval Authority** — who reviews and approves the permit application.
- **Appeals** — is the permit appealable and if so, what are the procedures.
- **Liability, Waivers, Covenants** — releasing the city or county from liability, waiver of damages with indemnity and hold harmless agreement or covenant, requirements to record the waivers or covenants with a County Recorder, requirements to file with city or county.
- **Certification of Compliance** — all laws and regulations must be complied with, if there is a conflict of regulations then the more restrictive one applies, proof that the development has been constructed in compliance with the requirements must be submitted prior to issuance of final approval, inspections if applicable.

B. SUMMARY OF CITY AND COUNTY CODE REVIEW

In Chapter 4, section **B, Code Review for the Landslide Guide**, is a description of the results of the DOGAMI and DLCD review of the 34 city and county codes cited in Table 4-7, **Table 5-1** through **Table 5-4**, and in **Chapter 8, Landslide Code Review Details Table**. These 34 cities and counties are included within the larger listing of communities in **Table 1-1**, which includes Oregon communities with DOGAMI lidar-based landslide inventory and landslide susceptibility maps.

Table 5-1. City Plans Examined for This Guide. The selected communities represent those currently with shallow and deep landslide susceptibility mapped areas. The majority of the code review occurred between May and December of 2017. See Chapter 8 for expanded table. Also see Table 5-2 for landslide map information. Note that Salem and Newport do not have landslide susceptibility maps.

Document	Percent Slope	Landslide Study	Certification	Landslide Study Process	Drainage and Soil Types	Grading & Erosion Control	Land Division	Building Code	Connected to Other Codes	Other Relevant Codes/Provisions
Astoria Comprehensive Plan	NA	yes	yes	yes	yes	yes	yes	NA	yes	
Astoria Development and Zoning Codes	yes	yes	yes	yes	yes	yes	yes	yes		yes
City of Banks Code of Ordinances	NRC	NRC	NRC	NRC	NRC	yes	yes	yes	NA	yes
Beaverton Comprehensive Plan	yes	NRC	NRC	NRC	NRC	NRC	NRC	NA	NA	yes
Beaverton City Code	NA	yes	yes	yes	yes	yes	yes	NA	NA	yes
Brookings Municipal Code	yes	yes	yes	yes	yes	yes	yes	NA	NA	yes
Canby City Code	yes	NRC	NRC	yes	yes	yes	yes	NA	NA	yes
Clatskanie Development Code	NA	yes	yes	yes	yes	yes	yes	NA	NA	yes
Clatskanie Comprehensive Plan (1978)	yes	NR	NR	NR	NR	NR	NR	NA	NA	yes
Cornelius Comprehensive Plan	NA	NA	NA	NA	yes					yes
Cornelius Municipal Code	NA	NA	NA	yes		yes	yes			yes
Durham Development Code	yes	as necessary	NRC	NRC	yes	yes	yes	yes		yes
Comprehensive Land Use Plan	NR	yes	NR	NR	yes	NR	NR	NR	NR	
Estacada Comprehensive Plan	yes	yes	NR	NR	yes	yes	yes	yes		
Estacada Development Code	yes	yes	yes	yes	yes	yes	yes	yes		
Eugene City Code	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
Fairview City Code	yes	yes	NA	NA		yes	yes	NA	NA	
Fairview Comprehensive Plan	NR	NR	NR	NR	yes	yes	NR	NR	NA	
City of Forest Grove City Code	NR	NR	NR	NR	NR	yes	NR	NR	NA	
Gladstone City Code	NR	yes	yes	yes	yes	yes	yes	NR	NA	
City of Gold Beach Comprehensive Plan (1982)	NR	yes	NR	NR	yes	NR	NR	NA	NA	yes
City of Gold Beach Zoning Ordinance	NR	yes	yes	yes	NR	yes	yes	NR	NA	yes
City of Gresham Development Code	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
Article 5 - Overlay Districts										
Maywood Park Ordinances	NR	NR	NR	NR	NR	NR	NR	NR	NR	yes
Land Development Code	yes	yes	yes	yes	yes	yes	yes	yes	yes	
Newport Municipal Code: Chapter 14.21 Geologic Hazards Overlay	no	yes	yes	yes	yes	yes	NR	yes	yes	yes
Oregon City Municipal Code	NA	yes	yes	yes	yes	yes	yes	NR	yes	yes
Port Orford Municipal Code	yes	yes	yes		yes	yes	yes			
Portland Zoning Code (Title 33 of the City Code)	no	yes	yes	yes	yes	yes	yes	no	yes	yes
Portland City Code, Title 24						yes		yes		
City of Portland Erosion Control Manual (March 2008)								yes		
Salem Revised Code	NA	yes	yes	yes	yes	yes	yes		yes	
Sandy Title 17 Development Code	yes	yes	yes	yes	yes	yes	yes	yes		yes
Silverton Municipal Code	yes	yes	yes	yes	yes	yes	yes	NR	NA	yes
Springfield Development Code	yes	yes	yes	yes	yes	yes	yes	yes	yes	
Community Development Code	yes	yes	NA	yes	yes	yes	NR	NR	NR	
City of Vernonia Ordinances	NRC	NRC	NRC	NRC	NRC	NRC	NRC			
West Linn community Development Code	yes	yes	yes	yes	NRC	yes	yes	NRC		

Notes: NA = not applicable; NRC = Not referenced in code; NR – none/not referenced.

Table 5-2. City Plans Examined – Landslide Hazard Area Map Criteria

Document	Is the Landslide Hazard Area Mapped?	Associated Overlays	Associated Maps	Map Dates in Document
Astoria Comprehensive Plan	yes		yes	NR
Astoria Development and Zoning Codes	yes		yes	2015
City of Banks Code of Ordinances	no		NRC	NR
Beaverton Comprehensive Plan	no	yes	NRC	
Beaverton City Code	no		NRC	
Brookings Municipal Code	no		NRC	
Canby City Code	no	yes	NRC	
Clatskanie Development Code	no		NRC	NA
Clatskanie Comprehensive Plan (1978)	no		NR	
Cornelius Comprehensive Plan	yes, partial?		yes	1974
Cornelius Municipal Code	no		NA	NA
Durham Development Code	no		NA	NA
Comprehensive Land Use Plan	no		NA	NA
Estacada Comprehensive Plan	yes		yes	Undated
Estacada Development Code	yes		yes	1979
Eugene City Code	no	yes	NA	NA
Fairview City Code	NR		NA	NA
Fairview Comprehensive Plan	NR		NA	NA
City of Forest Grove City Code	NR		NA	NA
Gladstone city Code	no		NA	NA
City of Gold Beach Comprehensive Plan (1982)	yes	no	yes	1982
City of Gold Beach Zoning Ordinance	yes	yes	yes	"Bulletin 90 - 1976
City of Gresham Development Code Article 5 - Overlay Districts	yes	yes	yes	NR
Maywood Park Ordinances	NR		NA	NA
Land Development Code	yes		yes	
Newport Municipal Code: Chapter 14.21 Geologic Hazards Overlay	yes	yes	yes	
Oregon City Municipal Code	yes	yes	yes	2009 and 1979
Port Orford Municipal Code	yes	yes		2014 (both)
Portland Zoning Code (Title 33 of the City Code)	yes	yes	yes	On Portland Maps, the dates are generally showing the data are updated through April 2017.
Portland City Code, Title 24				
City of Portland Erosion Control Manual (March 2008)				
Salem Revised Code	yes	yes	yes	IMS-5: 2000; IMS-6: 1998; IMS-17: 2000; IMS-18: 2000; IMS-22: 2002
Sandy Title 17 Development Code	yes	yes		
Silverton Municipal Code	maybe ??	yes	NA	NA
Springfield Development Code	no	yes	NR	NA
Community Development Code	NR		NA	NA
City of Vernonia Ordinances	NRC		NRC	
West Linn community Development Code	NRC	yes	NRC	

Notes: NA = not applicable; NRC = Not referenced in code; NR – none/not referenced.

Table 5-3. County Plans Examined . The selected counties represent those currently with shallow and deep landslide susceptibility mapped areas. The majority of the code review occurred between May and December of 2017. See Chapter 8 for expanded table. Also see Table 5-4 for landslide map information.

Document	Percent Slope	Landslide Study	Certification	Landslide Study Process	Drainage and Soil Types	Grading & Erosion Control	Land Division	Building Code	Connected to Other Codes	Other Relevant Codes/Provisions
Coos County Comprehensive Plan Volume 1 Part 1	NR	yes	yes	yes	NR	NR	yes	NR		
Curry County Zoning Ordinance Lane Code	no	yes	yes	yes	yes	yes	yes	NR		yes
Multnomah County Zoning Code	yes	yes	yes	yes	yes	yes	yes	no	yes	yes
Tillamook County Development Standards	yes	yes	yes	yes	yes	yes	yes	NRC	NA	
Tillamook County Comprehensive Plan Goal 7 Hazards	NR	yes	NR	NR	yes	yes		yes	NA	yes

Notes: Notes: NA = not applicable; NRC = Not referenced in code; NR – none/not referenced.

Table 5-4. County Plans Examined – Landslide Hazard Area Map Criteria

Document	Is the Landslide Hazard Area Mapped?	Associated Overlays	Associated Maps	Map Dates in Document
Coos County Comprehensive Plan Volume 1 Part 1	NR		NR	
Curry County Zoning Ordinance Lane Code	yes	yes	yes	
Multnomah County Zoning Code	Slope Hazard Map	yes	yes	1970s[?]
Tillamook County Development Standards	yes		yes	1972
Tillamook County Comprehensive Plan Goal 7 Hazards	maybe		yes	

Notes: NR = Not referenced.

C. LANDSLIDE GUIDE INTERVIEWEES' KEY POINTS

As part the research for the *Guide*, including the code review, DLCD and DOGAMI staff interviewed staff at local jurisdictions and consultants, and collected input from the staff presentations for Oregon American Planning Association (OAPA) on October 19, 2018, and December 7, 2018. The interviewees' key points can be bundled into categories: enforcement, maps, real estate issues, code issues, process and regulations, outreach and education, authority, insurance, and other. These key points were used to inform the topics addressed by this *Guide*.

C.1. ENFORCEMENT

- Enforcement is lacking for existing codes. Enforcement is a big issue in smaller and under-resourced jurisdictions. Sometimes violations cannot be seen because they are hidden by the landscape. Sometimes violations go unreported because they have to be reported in writing.
- Enforcement is also an issue with respect to earthwork contractors who design on the go, do not follow report recommendations, and do not ensure a site is stabilized before development.
- Enforcement is also an issue with contractors in general who do not follow the geotechnical report recommendations.

C.2. MAPS

- Jurisdictions are not using the lidar-based landslide maps that have been created by DOGAMI, or have been using them without adopting them officially.
- Clarity on what the minimum requirement is that a jurisdiction has to do when they get the maps. Not because they want to do the minimum, but because it is not clear if there is a requirement for them to implement the DOGAMI map information in a certain way. They want guidance, best practices examples, and legal advice.
- Landslide maps and the ramifications of what the maps show as it relates to available housing and buildable lands; e.g., decrease the residential density of landslide areas and change the options for what can be built in all types of zoning in hazard areas (such as no hospitals in high hazard areas).
- When the local jurisdiction has good maps, codes, etc. then the burden is on the applicant to provide information that it is ok to build/do work on the site. When local jurisdictions do not have the strong local maps and codes, then the burden is on the jurisdiction when the applicant information comes in.

C.3. REAL ESTATE ISSUES

- Jurisdictions have concerns about takings lawsuits of property, claims from people saying property values are decreasing when their property is shown in hazard areas, and applicant's burden related to cost of doing geotechnical evaluations of the site.
- Suggest that the state require that properties with landslide hazard must be disclosed and that information be recorded to the property deed. There is a real estate disclosure form with landslide hazard identification requirements, but it could be made stronger. Language could be added that says in landslide hazard areas the water has to be managed (not allowed to concentrate on the site). Real estate agents look the other way – they do not want to know. Some will tell applicants to get a geotechnical report.
- Recognize that people have investment in their property; people get scared about potential impacts to their property and about change in general.
- Is there an option to buy out properties in identified high hazard areas before the landslide occurs? For example, do something in advance rather than waiting for the structures on the property to be destroyed.

C.4. CODE ISSUES

C.4.a. Grading

- General contractor liability/grading and erosion control issues/responsibility of their actions/codes are concerns. Seems like their actions can severely alter the terrain of a site, but they do not end up on the hook for their work, which can have great impacts.
- Could the state require each jurisdiction to have a grading and erosion control requirement? Or adopt a statewide grading code. Implement other parameters at the state level with contractor licensing requirements?
- Suggest looking to Washington and California for grading codes and state guidelines.
- Typically, people grade and clear then come in for a permit (grading and enforcement issues).

C.4.b. Policies and regulations

- Jurisdictions have asked for examples of zoning code and comprehensive plan language to use in the local codes and plans.
- What makes a landslide hazard code robust? Give examples of robust landslide hazard code.
- Building codes could be strengthened. That would happen at a state level and through the appropriate process. There is the *Oregon Structural Specialty Code*, the *Oregon Residential Specialty Code*, and other codes.
- Address “clear and objective standards” issue.

- Address impacts of landslide policies and regulations on other Statewide Planning Goals.
- Landslide regulations could conflict with fire siting standards in timber zones.

C.5. PROCESS AND REGULATIONS

- Early assistance to applicants (pre-application process) to discuss the information is good; providing it so that other options can be evaluated and selected, and so that they know what the situation is they are getting into when they propose to develop new or modify structures on a site, and to alter the shape of the land or watercourse.
- Require a signed statement from the architect, developer, applicant, etc. that they have read the geotechnical report.
- Authorize 3rd party review in code.
- Require contractors to follow recommendations as a condition of permit approval.
- Require a RG, GE, or CEG inspect the site during construction to ensure recommendations are followed.
- Communication between planners and building officials needs to be improved.

C.6. OUTREACH AND EDUCATION

- Outreach and education materials have been requested by jurisdictions: direction and guidance on how to integrate landslide information with NHMPs, comprehensive plans, and zoning codes; also how to implement the information on landslides – the maps, data, and other materials – e.g., zoning code, building code, non-regulatory options etc.
- People from Seattle and California retire here and assume they are taken care of (since that is what they are used to) but they are not.
- Need training – include grading codes as a training topic.

C.7. AUTHORITY

- It was noted by jurisdictions that having state guidance and state requirements can provide the local jurisdiction with support and weight to the subject matter. As in, the state has determined this is a hazard, this is important, and this needs to be addressed, so the local level should do take action about it.
- Jurisdictions want the assistance but want to do it in their way to fit the local situation.

C.8. INSURANCE

- People want to know more about landslide insurance.
- Noted that Lloyd's of London has landslide insurance available for purchase.

C.9. OTHER

- Suggest that as we prepare the *Landslide Guide* we reach out to the licensing boards for engineers to see what thoughts, experiences, and interest they have in these issues and potential changes that could be made. Could their requirements be tightened up? Do they have suggestions for local jurisdictions?
- Suggest that we do a *Wildfire Guide* after this statewide *Landslide Guide*.
- Address impacts of landslides after a wildfire.

D. LANDSLIDE INSURANCE

While the research for this *Guide* did not include a broad or deep review of insurance available to homeowners within, near, or outside of designated landslide hazard areas, it appears that landslide insurance is not widely available to homeowners in Oregon and Washington. Property damage due to landslides is not covered under the usual homeowners or commercial property policies. Landslide coverage is typically not available through admitted insurance carriers such as State Farm and All State.

Landslide coverage can be obtained under a Difference in Coverage (DIC) policy, which is a supplemental insurance option that provides expanded coverage for some perils not covered by standard insurance policies. DIC insurance is designed to fill in gaps where the broader insurance market does not provide coverage and is most frequently used by larger organizations looking for protection from catastrophic perils. This type of coverage goes beyond the purchase of additional coverage limits, since standard coverage typically excludes certain perils¹⁹⁵.

DIC policies are typically offered through the surplus lines market¹⁹⁶. One of the largest surplus lines insurers that offer landslide insurance is Lloyd's of London.

Annual Landslide Losses

According to the American Geosciences Institute website¹⁹⁴, "More recently, the U.S. Geological Survey estimated annual losses to be between \$2 billion and \$4 billion per year. However, landslide costs across the country are not currently tracked or measured in a uniform way by any one agency, so this figure is likely to be an underestimate."

¹⁹⁴ <https://www.americangeosciences.org/critical-issues/faq/how-much-do-landslides-cost-terms-monetary-losses>

¹⁹⁵ <https://www.investopedia.com/terms/d/difference-conditions-dic-insurance.asp>

¹⁹⁶ The surplus lines market offers insurance to consumers and businesses that cannot obtain coverage from insurers that are certified and regulated in each state (Alex Cheng, Division of Financial Regulations, Oregon Department of Consumer and Business Services, personal communication, May 15, 2019). See <https://dfr.oregon.gov/business/licensing/insurance/institutions/Pages/surplus-lines-insurance.aspx>.

Lloyd's of London Insurance provides insurance coverage to a broad range of items. According to their website,

Lloyd's is not a single insurance company; it is a market place where insurance and reinsurance risks are underwritten by syndicates of underwriting members. Subject to certain exceptions, only Lloyd's brokers can arrange insurance cover directly with Lloyd's underwriters, although other firms known as coverholders may be authorized to enter into contracts of insurance on behalf of Lloyd's underwriters¹⁹⁷.

DIC policies in Oregon totaled \$25 million in premium in 2016 and \$27.2 million in 2017 (Alex Cheng, Oregon Department of Consumer and Business Services, Division of Financial Regulations, personal communication, May 15, 2019).

This statement provides a framework for standard versus supplemental insurance.

With auto and homeowners insurance, a very large number of people are exposed to the same risks but only a random few in any geographic area ever experience a loss. Thus the premium of each policyholder is relatively low. With the risk of landslides, floods and earthquakes the situation is reversed. For example, with landslides, few people are exposed to these events but where there is a risk, many living in the area are likely to suffer when a landslide occurs. And only the people in an area vulnerable to landslides are likely to purchase the coverage. So the premium needed to cover all the potential claims must be high. When the premium is high, fewer people purchase it. The same is true with flood and earthquake insurance.¹⁹⁸

The Oregon Division of Financial Regulation, Consumer Business and Business Services provides insurance information for people in Oregon¹⁹⁹. The website notes that homeowner insurance pays for damage to the homeowner's home and other structures on the property.

It also may cover:

- Damage to or loss to contents of the homeowner's home,
- The liability for accidents that occur on the homeowner's property or for damage to others' property.

The website also notes what the insurance may not cover:

- **Floods:** Flood insurance is typically provided through the National Flood Insurance Program. The homeowner must buy flood insurance through an agent. Get a referral at 888-379-9531 (toll-free).

¹⁹⁷ <https://www.lloyds.com/help-and-glossary/faqs>

¹⁹⁸ <https://www.iii.org/article/spotlight-on-catastrophes-insurance-issues>, "Spotlight on: Catastrophes - Insurance issues", June 6, 2018; accessed May 2, 2019

¹⁹⁹ <https://dfr.oregon.gov/insure/home/Pages/index.aspx>

- **Earthquakes:** The homeowner can buy earthquake insurance as a separate endorsement to their homeowner or renter policy or as a stand-alone policy separate from the homeowner policy.
- **Landslides** (earth movement) *are not covered*. This type of coverage may be difficult to obtain. Talk to an agent.
- There may be coverage gaps when insuring cannabis related properties.

There are numerous resources available from this website.

In Washington, the place to find landslide insurance information is the Washington Office of the Insurance Commissioner²⁰⁰. The website has information about earthquake, flood, and landslide insurance. Of note, the website states:

- **Landslide insurance:** A standard homeowner policy will not cover damage caused by land movement or a landslide due to: rain runoff, snowmelt, flooding, and earthquakes. It suggests that homeowners think about buying additional insurance to protect property from potential damage.
- **Content coverage:** This is a special rider for a homeowner policy that includes coverage for the contents of the home from all perils, including earth movement. This rider only covers contents, not the structure. Some insurance companies may not offer this option; the homeowner may need to shop around.
- **Separate earth-movement coverage:** This coverage includes structures, such as the house or any other unattached buildings on the property. It is commonly called a "Difference in Conditions" (DIC) policy. DIC policies include coverage for landslide, mudflow, earthquake, and flood. An agent or broker may be able to get the homeowner this coverage in the surplus market. These are companies that insure risks the industry traditionally does not insure.
- **Flood insurance:** Standard homeowner policies do not cover flood damage, so homeowners must buy coverage separately. Flood insurance may apply to some kinds of earth movement, such as water-related erosion, mudflows, and flash floods.
- **Earthquake insurance:** Homeowners also must buy earthquake insurance separately, either as an additional policy or as an endorsement to the regular homeowner policy.

²⁰⁰ <https://www.insurance.wa.gov/landslide-insurance>

E. TAX INCENTIVES, EXEMPTIONS, AND ABATEMENTS

A tax incentive is a “[d]eduction, exclusion, or exemption from a tax liability, offered as an enticement to engage in a specified activity (such as investment in capital goods) for a certain period”²⁰¹. Tax incentives can be a tool to motivate a person to action and to compensate them for doing so. Creating a tax incentive for not developing in hazard areas could be one way to encourage property owners to not develop or to develop a property less intensively and to mitigate hazard impacts by avoiding or reducing the potential impacts to people, property, and the environment. A deduction tax incentive can also be called a tax abatement.

A tax abatement “is a reduction of taxes granted by a government to encourage economic development. The most common type of tax abatement is a property tax abatement granted to a business as an incentive to come to a city or expand existing operations within the city. Tax abatements last for a defined period for owners invest additional capital in the business”²⁰².

“Property tax abatement is a reduction or exemption from property taxes granted by the taxing authority. Because property taxes are local taxes imposed through the authority of state law, tax abatement programs vary largely by state. Tax abatement programs are directed at classes of property owners—such as veterans—as well as classes of property—such as historic landmarks”²⁰³.

Exemptions provide an exclusion from obligation. A property tax exemption is one example. It “is a legislatively approved program that relieves qualified individuals or organizations from all or part of their property taxes.”²⁰⁴ Exemptions can be either full or partial, depending on the program requirements and the extent to which the property is used in a qualifying manner. There are over 100 property tax exemptions in Oregon.

Most exemptions granted to non-governmental entities are granted to religious, fraternal, literary, benevolent, or charitable organizations. The exempt property must be reasonably necessary and used in a way to achieve the organization's purpose. Any portion of the property that does not meet the requirements of the exemption the program is taxable.²⁰⁵

Some property is taxed at a reduced value through a special assessment program. In that case, the lower assessed value results in a reduced tax liability. Examples of special assessment programs include “historic property, farmland, forest land, and conservation easement” according to the Oregon Department of Revenue, Property Tax Exemptions website²⁰⁴.

²⁰¹ <http://www.businessdictionary.com/definition/tax-incentive.html>

²⁰² <https://www.thebalancecareers.com/tax-abatement-1669487>

²⁰³ <https://homeguides.sfgate.com/property-tax-abatement-programs-3245.html>

²⁰⁴ <https://www.oregon.gov/dor/programs/property/Pages/exemptions.aspx>

²⁰⁵ <https://www.oregon.gov/DOR/programs/property/Pages/exemptions.aspx>

F. OTHER SOURCES OF INFORMATION ABOUT ENGINEERING GEOLOGIC REPORTS AND GEOTECHNICAL ENGINEERING REPORTS

It may be useful to look at the resources that other states use for engineering geologic reports and geotechnical engineering reports.

- California – County of Los Angeles, July 1, 2013 rev., *Manual for Preparation of Geotechnical Reports*. Geotechnical and Materials Engineering Division, 163 p. <http://dpw.lacounty.gov/gmed/manual.pdf>
- Utah – Utah Section of the Association of Engineering Geologists, 1986, *Guidelines for Preparing Engineering Geologic Reports in Utah*: Utah Geological and Mineral Survey Miscellaneous Publication MP-m, 2 p. https://ugspub.nr.utah.gov/publications/misc_pubs/mp-m.pdf
- Utah – Utah Geological Survey, 2016, Chapter 4, Guidelines for Evaluating Landslide Hazards in Utah, in *Guidelines for Investigating Geologic Hazards and Preparing Engineering-Geology Reports, with a Suggested Approach to Geologic-Hazard Ordinances in Utah*, Circular C-122, Steve D. Bowman and William R. Lund, eds, 217 p. <https://ugspub.nr.utah.gov/publications/circular/c-122.pdf>
- Washington – Washington State Geologist Licensing Board, 2006, *Guidelines for Preparing Engineering Geology Reports in Washington*: Department of Licensing, 15 p. <https://www.dol.wa.gov/business/geologist/docs/georptguide.pdf>
- Nationwide – AEG Professional Practice Handbook. <https://cdn.ymaws.com/www.aegweb.org/resource/resmgr/Publications/aegpph.pdf>

G. ADDITIONAL RESOURCES

G.1. TECHNICAL GUIDES FOR AGENCIES

G.1.a. Planning for Natural Hazards: Oregon Technical Resource Guide – Landslide Chapter

The *Planning for Natural Hazards: Oregon Technical Resource Guide*²⁰⁶ was published in 2000 by DLCD and the Oregon Partnership for Disaster Resilience / Community Planning Workshop. The purpose of this project was to develop technical resource guides (TRGs) for Oregon cities and counties to plan for, and limit the effects of,

²⁰⁶ <https://scholarsbank.uoregon.edu/xmlui/handle/1794/1909>

threats posed by natural hazards. The project intended to provide resource guides and plan evaluation tools written for local staff and officials to assist jurisdictions across the state in developing policies, plans, and non-regulatory mitigation strategies to prevent high-risk development and to understand the legal ramifications of regulating development in potential hazard areas.

G.1.b. Landslides after Wildfires

The *Oregon Post Wildfire Flood Playbook*²⁰⁷ was published by the U.S. Army Corps of Engineers (USACE) Silver Jackets on September 30, 2018. The *Playbook* contains resources for local governments to address increased flood risk and debris flows that can occur after large wildfires. This *Playbook* is a resource to communities affected by a wildfire that need to navigate the complex web of federal and state programs and agencies.

G.1.c. Landslide Mitigation Strategies

*Landslide Mitigation Strategies*²⁰⁸, prepared for Minnesota Department of Natural Resources, December 2016, provides guidance for county and municipal officials ready to take action to reduce exposure to landslide impacts. The guide recommends (p. 4):

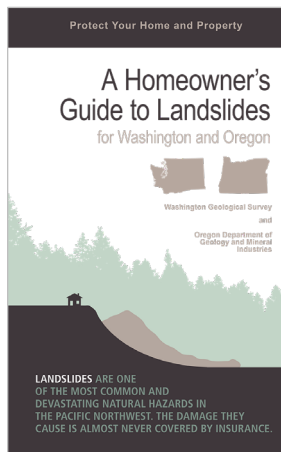
New landslide-related regulations should build on existing policy and may include the following:

- Development restrictions and moratoriums;
- Minimum structure and impervious surface setbacks based on an assessment of risk – including permit reviews and approvals with geotechnical assessment;
- Vegetation standards (native plants with strong, deep root systems);
- Open space requirements that protect sensitive slopes;
- Real estate disclosure requirement;
- Stormwater management and impervious surface restrictions;
- Landslide maintenance easements and deed restrictions; and
- Landslide hazard area building code with minimum foundation, grading, and drainage requirements.

²⁰⁷ https://silverjackets.nfrmp.us/doc/Oregon/PostFireFloodPlaybook_2018-09-30.pdf

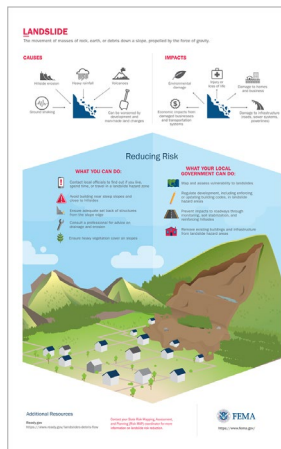
²⁰⁸ https://files.dnr.state.mn.us/waters/watermgmt_section/shoreland/landslide-mitigation.pdf

G.2. OUTREACH AND EDUCATIONAL MATERIAL FOR THE PUBLIC



A Homeowner's Guide to Landslides for Washington and Oregon was published in April 2017 and is a 12-page collaboration between the Washington Geological Survey and DOGAMI.

https://www.oregongeology.org/Landslide/ger_homeowners_guide_landslides.pdf



Landslide Information Sheet

is an older FEMA sheet about causes and impacts of landslides and ways to reduce risk.

https://www.commerce.alaska.gov/web/Portals/4/pub/RiskMAP/RX_Landslide_Info-Sheet.pdf



How to Stay Safe When a Landslide Threatens

is a 2-page FEMA flyer about preparation.

https://www.fema.gov/media-library-data/1527865658413-99f5517964a3e8402b7f00333eb2e3fc/Landslide_may_2018.pdf

G.3. AGENCY WEBSITES

Oregon Department of Geology and Mineral Industries (DOGAMI)

<https://www.oregongeology.org/>

Oregon Department of Land Conservation and Development (DLCD)

<https://www.oregon.gov/lcd/Pages/index.aspx>

Oregon Department of Forestry (ODF)

<https://www.oregon.gov/ODF/Pages/index.aspx>

Oregon Department of Consumer and Business Services – Building Codes Division

<https://www.oregon.gov/BCD/pages/index.aspx>

Oregon Department of Transportation (ODOT)

<https://www.oregon.gov/odot/pages/index.aspx>

Oregon Office of Emergency Management (OEM)

<https://www.oregon.gov/OEM/Pages/default.aspx>

Portland State University, Department of Geology

<https://www.pdx.edu/geology/welcome-to-psu-geology>

Federal Emergency Management Agency (FEMA)

<https://www.fema.gov/>

National Resource Conservation Service (NRCS)

<https://www.nrcs.usda.gov/wps/portal/nrcs/site/national/home/>

United States Geological Survey (USGS)

<https://www.usgs.gov/>

Natural Hazards Center

<https://hazards.colorado.edu/>

Minnesota Department of Natural Resources, Landslide Mitigation Strategies, 2016.

https://files.dnr.state.mn.us/waters/watermgmt_section/shoreland/landslide-mitigation.pdf

H. MORE BACKGROUND INFORMATION

H.1. LANDSLIDE TYPES AND PROCESSES

U.S. Geological Survey *Landslide Types and Processes* fact sheet, at <https://pubs.usgs.gov/fs/2004/3072/> is a good introductory guide.

For more information about landslide types and processes:

The U.S. Geological Survey Landslide Program has information, publications, and educational information on its website. Please see <https://landslides.usgs.gov/> or phone toll-free: 1-800-654-4966.

For general information about slides, debris flows, rock falls, or other types of landslides in an area, contact the city or county geology or planning office. In addition, all 50 states have state geological surveys that can be accessed through a link at the USGS website, <https://landslides.usgs.gov/>.

- For an assessment of the landslide risk to an individual property or homesite, obtain the services of a State-licensed geotechnical engineer or engineering geologist. These professionals can be found through the membership listings of two professional societies, the American Society of Civil Engineers (ASCE), <https://www.asce.org/>, and the Association of Engineering Geologists (AEG), <https://www.aegweb.org/>. Often, personnel in state or county planning or engineering departments can refer competent geotechnical engineers or engineering geologists.
- For more information about the design and construction of debris-flow mitigation measures, which may include debris basins, debris fences, deflection walls, or other protective works, consult the city or county engineer, local flood-control agency, or the U.S. Department of Agriculture, Natural Resources Conservation Service²⁰⁹.
- For photos of landslide types, see USGS Circular 1325, *The Landslide Handbook—A Guide to Understanding Landslides*²¹⁰.
- For more detailed information on landslide processes, see “Slope movement types and processes” (Varnes, 1978²¹¹).

How to Get Lidar Data

Contact Jacob Edwards, DOGAMI Lidar Project and Database Coordinator, phone 971-673-1557.

How to Get lidar-Based Landslide Maps

If lidar imagery exists for the area and lidar-based landslide maps are wanted, contact Bill Burns, DOGAMI Landslide Hazards Section Supervisor, phone 971-277-0062.

²⁰⁹ <https://www.nrcs.usda.gov/wps/portal/nrcs/main/national/ngce/>

²¹⁰ <https://pubs.usgs.gov/circ/1325/>

²¹¹ <http://onlinepubs.trb.org/Onlinepubs/sr/sr176/176-002.pdf>

H.2. COMMUNICATING LANDSLIDE HAZARD

It is important to convey landslide and other natural hazard information in a way that is useful and is understood effectively. According to the *The Landslide Handbook – A Guide to Understanding Landslides*, USGS Circular 1325²¹², a successful translation of information conveys three elements:

- Likelihood of the occurrence of an event of a size and in a location that would cause casualties, damage, or disruption to an existing standard;
- Expected location and extent of the effects of the event on the ground, structures, or socioeconomic activity; and
- Estimated severity of the effects on the ground, structures, or socioeconomic activity.

These elements are needed so that property owners, engineers, planners, and decision-makers become aware and concerned about the potential hazard. Potential hazards that are rare, have an unknown location, or a slight severity are unlikely to be of concern. When communicating landslide hazard information, identify the hazard and the location, and recognize the vulnerabilities and risks. For people to take aboard the information, they must be able to perceive the likelihood, the location, and severity of the hazard so they can become aware of the danger, convey that risk to others, and use the information to mitigate the risk.

H.3. MITIGATING LANDSLIDE HAZARDS

Oregon Interagency Hazard Mitigation Team (IHMT)²¹³

Prior to the spring of 1996, many of the agencies that now comprise the State Interagency Hazard Mitigation Team (State IHMT) each had hazard mitigation responsibilities. These agencies convened as a group only following presidentially declared major disasters to work with their federal and local government counterparts on the development of Interagency Hazard Mitigation Team Reports or Hazard Mitigation Survey Team Reports. The floods of February 1996 prompted Governor Kitzhaber to convene a hazard mitigation policy task group, which met several times during the spring of 1996.

The current membership of the State IHMT (**Table 5-5**) grew out of the events of the disastrous autumn and winter of 1996-1997. Their initial emphasis was on mitigating fast-moving debris flows like those that led to the loss of five lives in Douglas County in 1996²¹⁴. On March 4, 1997, Governor Kitzhaber directed OEM to

²¹² <https://pubs.usgs.gov/circ/1325/>

²¹³ <https://www.oregon.gov/oem/Councils-and-Committees/Pages/IHMT.aspx>

²¹⁴ <https://www.oregongeology.org/Landslide/LandslideTaskForceResults.pdf>

“make the...Interagency Hazard Mitigation Team a permanent body”²¹⁵ and directed the team to establish regular meeting dates.

Today the member agencies of the State IHMT generally meet quarterly.

The purpose of the State IHMT is to recognize and understand losses resulting from natural hazards, including cascading effects and particularly those that affect technological systems and critical infrastructure. Another purpose of IHMT is to recommend, collaboratively discuss, and provide feedback on mitigation strategies to lessen loss of life, property, economic, and natural resources in the State of Oregon. A primary way the State IHMT accomplishes these purposes is by maintaining the FEMA-approved and Governor-adopted *Oregon Natural Hazards Mitigation Plan (Oregon NHMP)*²¹⁶. The team continually reviews policies and plans, and makes recommendations in appropriate areas with mitigation and education as the cornerstone²¹⁷.

Table 5-5. Oregon Interagency Hazard Mitigation Team (IHMT) Member Agencies²¹⁷

Entity	Abbreviation
Department of Administrative Services	DAS
Oregon Department of Agriculture	ODA
Department of Consumer and Business Services, Building Codes Division	DCBS-BCD
Department of Consumer and Business Services, Insurance Division	—
Oregon Military Department, Office of Emergency Management	OEM
Department of Environmental Quality	DEQ
Office of the State Fire Marshal	OSFM
Oregon Department of Fish and Wildlife	ODFW
Oregon Department of Forestry	ODF
Department of Geology and Mineral Industries	DOGAMI
Oregon Health Authority, State Public Health Division	OHA
Department of Land Conservation and Development	DLCD
Oregon Parks and Recreation Department	OPRD
Oregon Public Utility Commission	PUC
Department of State Lands	DSL
Oregon Department of Transportation	ODOT
University of Oregon, Emergency Management and Continuity	—
University of Oregon, Oregon Partnership for Disaster Resilience	—
Water Resources Department	WRD

²¹⁵ Oregon Governor's Office. (1997). Governor's Debris Avalanche Action Plan-summary (referenced in Governor Kitzhaber's office March 4, 1997 press release: "Governor releases recommendations to address dangerous debris avalanches")

²¹⁶ <https://www.oregon.gov/lcd/NH/Pages/Mitigation-Planning.aspx>

²¹⁷ <https://www.oregon.gov/oem/Councils-and-Committees/Pages/IHMT.aspx>.

Oregon Landslide Risk Reduction Team (OLRRT) ²¹⁸

The Oregon Landslide Risk Reduction Team (OLRRT) is a subcommittee of the Oregon IHMT. OLRRT is a permanent team, recommended as a mitigation action item in the 2015 *Oregon NHMP* (DLCD, 2015), that engages state and federal agencies, university researchers, cities, counties, private consultants, and others working to reduce landslide risks. Landslide risk reduction is focused on, but not limited to, protecting natural resources and water quality, land use, transportation, and public safety. OLRRT meetings are open to the public and have an open comment period as an agenda item.

The mission of OLRRT is to work together to improve the ability of Oregonians to reduce landslide risk. To reduce risk, OLRRT commits to the following goals:

- Foster collaboration, transfer of geoscience and technical information, and productive linkages between stakeholders.
- Promote landslide awareness, education, preparedness, and risk reduction.

OLRRT is guided by a Leadership Team of eight members representing seven state agencies and the Governor's Office (**Table 5-6**). The Oregon Department of Geology and Mineral Industries (DOGAMI) provides administration for OLRRT.

Table 5-6. Oregon Landslide Risk Reduction Team (OLRRT) Member Agencies

Entity	Abbreviation
Oregon Department of Geology and Mineral Industries	DOGAMI
Oregon Department of Land Conservation and Development	DLCD
Oregon Department of Transportation	ODOT
Oregon Office of Emergency Management	OEM
Oregon Department of Forestry	ODF
Oregon Department of Environmental Quality	DEQ
Oregon Geospatial Enterprise Office	GEO
Governor's Office	—

Oregon Lidar Consortium (OLC) ²¹⁹

The Oregon Lidar Consortium (OLC), develops cooperative agreements for lidar collection. The business model leverages funding from multiple partners to cost effectively obtain lidar data. One use of lidar data is to create base maps for DOGAMI's landslide hazard mapping.

²¹⁸ <https://www.oregongeology.org/Landslide/olrrt.htm>

²¹⁹ <https://www.oregongeology.org/lidar/collectinglidar.htm>

H.4. ADDITIONAL RESOURCES BY TYPE

H.4.a. State of Oregon Laws, Statutes, and Rules; Codes

ORS 195.253, <https://www.oregonlaws.org/ors/195.253>

In ORS 195.250 the definition of rapidly moving landslide is “a landslide that is difficult for people to outrun or escape”,
<https://www.oregonlaws.org/ors/195.250>

Oregon Administrative Rule (OAR) 660-007-0045, Computation of Buildable Lands,
<https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=175194>

OAR 660-024-0065, Establishment of Study Area to Evaluate Inclusion in the UGB,
<https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=3074>

ORS 197.307, https://www.oregonlegislature.gov/bills_laws/ors/ors197.html

In Oregon, local jurisdictions must use the Oregon State Building Code,
<https://www.oregon.gov/bcd/codes-stand/Pages/index.aspx>

ORS 455.040, <https://www.oregonlaws.org/ors/455.040>

Uniform Building Code, https://en.wikipedia.org/wiki/Uniform_Building_Code

State of Oregon real estate disclosure form, <https://orefonline.com/wp-content/uploads/2018/01/OREF-020-january-changes-sample.pdf>

H.4.b. Oregon Community Laws, Statutes, Plans, Rules; Codes

City of Salem, Unified Development Code, Chapter 810, Landslide Hazards
https://library.municode.com/or/salem/codes/code_of_ordinances?nodeId=TITXUNDECO_UDC_CH810LAHA

Oregon City has adopted the DOGAMI lidar maps and has specifically referenced them in their code. Oregon City has several hazard maps available online:
<https://www.orcity.org/maps/hazards>

Oregon City Zoning Code, Title 17, Section 44, Geologic Hazards,
https://library.municode.com/or/oregon_city/codes/code_of_ordinances?nodeId=TIT17ZO_CH17.44EOHA

Oregon City, Declaration of Covenant Release and Indemnity for Geologic Hazards, <https://www.orcity.org/publicworks/indemnity-geologic-hazards>. The document indemnifies the City if anything were to happen to the property due to its geologic conditions.

City of Newport Zoning Code, Chapter 14.21, Geologic Hazards Overlay (GHO),
https://www.newportoregon.gov/dept/cdd/documents/NMC_Chap14_Zoning.pdf

Multnomah County Code, <https://multco.us/landuse/zoning-codes>

City of Portland, Code Guide (draft) for Requirements and Acceptance Standards for Slope Hazard Evaluations,
<https://www.portlandoregon.gov/bds/article/597690>

City of Medford adopted an ordinance to integrate the 2017 Natural Hazards Mitigation Plan (NHMP) into the Medford Comprehensive Plan,
<http://www.ci.medford.or.us/files/DOC.pdf>

H.4.c. Multnomah County and the City of Portland Resources

Multnomah County Geologic Hazards Permit Information Sheet
<https://multco.us/file/27933/download>

Multnomah County Geologic Hazards Permit Form-1
<https://multco.us/file/27934/download>

Multnomah County Geologic Hazards Permit Worksheet
<https://multco.us/file/27932/download>

City of Portland Landslide Hazard Information
<https://www.portlandoregon.gov/bds/article/485456>

City of Portland Landslide Hazard Study Information Sheet
<https://www.portlandoregon.gov/bds/article/403947>

City of Portland Title 33 criterion for land divisions in potential landslide hazard areas <https://www.portlandoregon.gov/bps/article/53436>

City of Portland Sites in Potential Landslide Hazards Areas Information Sheet
<https://www.portlandoregon.gov/bds/article/72539>

H.4.d. Insurance and Business

Oregon Division of Financial Regulation, Consumer Business and Business Services,
<https://dfr.oregon.gov/insure/home/Pages/index.aspx>
and from the same website, under the Flood page
<https://dfr.oregon.gov/insure/home/storm/Pages/flood.aspx>

Washington Office of the Insurance Commissioner,
<https://www.insurance.wa.gov/landslide-insurance>

Contact Trusted Choice, www.trustedchoice.com, for the member locator for the Independent Insurance Agents Association

American Modern Insurance Group (AMIG), <https://www.amig.com/insurance/full-time-home/> and <https://www.amig.com/insurance/full-time-home/full-time-home-details/>

Lloyd's of London, <https://www.lloyds.com/help-and-glossary/faqs>

Esurance web article, "Does Homeowners Insurance Cover Landslides and Mudslides?", <https://www.esurance.com/info/homeowners/does-homeowners-insurance-cover-landslides-and-mudslides>.

The Balance Small Business web article "Landslide and Mudflow, What's the Difference?", Marianne Bonner, December 21, 2018, <https://www.thebalancesmb.com/landslide-and-mudflow-what-s-the-difference-462686>

The Balance Small Business web article "The Commercial Property Policy," Marianne Bonner, November 30, 2018, <https://www.thebalancesmb.com/the-commercial-property-policy-462357>

Definition of tax abatement, <https://www.thebalancecareers.com/tax-abatement-1669487>

Definition of tax incentive, <http://www.businessdictionary.com/definition/tax-incentive.html>

Definition of property tax abatement, <https://homeguides.sfgate.com/property-tax-abatement-programs-3245.html>

Oregon Department of Revenue, Property Tax Exemptions, <https://www.oregon.gov/dor/programs/property/Pages/exemptions.aspx>

H.4.e. USGS Landslide Types and Processes Website and Glossary

Website: <https://pubs.usgs.gov/fs/2004/3072/fs-2004-3072.html>

Landslides Glossary, https://www.usgs.gov/natural-hazards/landslide-hazards/science/landslides-glossary?qt-science_center_objects=0#qt-science_center_objects

H.4.f. Federal and State Agencies and Industry Groups

Code of Federal Regulations, Mitigation Planning (44 C.F.R. Sect. 201) (2002), <https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=12&SID=840cfde8a73a0699ee3c22af2ada7df5&ty=HTML&h=L&mc=true&n=pt44.1.201&r=PART>

Also see: 44 CFR: Emergency management and assistance: Excerpts for Floodplain Managers annotated. (2017, May 19). [For flood or flooding, mudslide (mudflow), mudslide (mudflow) area management, and mudslide (mudflow) prone areas.] Retrieved from <https://www.twdb.texas.gov/flood/doc/44CFR.pdf>

- Association of Engineering Geologists (AEG), *Professional Practice Handbook*, <https://cdn.ymaws.com/www.aegweb.org/resource/resmgr/Publications/egpph.pdf>
- Association of Engineering Geologists (AEG), *Landslides: Putting experience, knowledge and emerging technologies into practice*, AEG Special Publication No. 27, p. 473–482
- Federal Emergency Management Agency (FEMA), <https://www.fema.gov/>
- Federal Emergency Management Agency (FEMA), *Building community resilience by integrating hazard mitigation into the local comprehensive plan*, <https://www.fema.gov/media-library-data/20130726-1908-25045-9918/factsheet1.pdf>
- Federal Emergency Management Agency (FEMA), *Integrating hazard mitigation into local planning: Case studies and tools for community officials*, https://www.fema.gov/media-library-data/20130726-1908-25045-0016/integrating_hazmit.pdf
- Federal Emergency Management Agency (FEMA), *What is mitigation?* Web page, <https://fema.gov/what-mitigation>
- Federal Emergency Management Agency (FEMA). (2011 October). *Local mitigation plan review guide*, https://www.fema.gov/media-library-data/20130726-1809-25045-7498/plan_review_guide_final_9_30_11.pdf
- Geological Survey of Canada, Canadian technical guidelines and best practices related to landslides: a national initiative for loss reduction (series of open-file reports): <https://geoscan.nrcan.gc.ca/starweb/geoscan/servlet.starweb?path=geoscan/shorte.web&search1=REPNO=6765;7623;7359;7311;7058;6981;6996;7059;7312>
- Oregon Department of Geology and Mineral Industries (DOGAMI), <https://www.oregongeology.org/>
- Oregon Department of Geology and Mineral Industries (DOGAMI). HazVu [Hazards Viewer] interactive map, <https://www.oregongeology.org/hazvu/index.htm>
- Oregon Department of Geology and Mineral Industries (DOGAMI). (2009). *Landslides in Oregon* (Fact Sheet FS-1), <https://www.oregongeology.org/pubs/fs/landslide-factsheet.pdf>
- Oregon Department of Forestry (ODF) <https://www.oregon.gov/ODF/Pages/index.aspx>
- Oregon Department of Consumer and Business Services – Building Codes Division, <https://www.oregon.gov/BCD/pages/index.aspx>
- Oregon Department of Land Conservation and Development (DLCD), <https://www.oregon.gov/lcd/Pages/index.aspx>

Oregon Department of Transportation (ODOT),

<https://www.oregon.gov/odot/pages/index.aspx>

Oregon Office of Emergency Management (OEM),

<https://www.oregon.gov/OEM/Pages/default.aspx>

Oregon State Board of Geologist Examiners

Guidelines for Preparing Engineering Geologic Reports in Oregon is a suggested guide for the preparation of an engineering geologic report in Oregon: [https://www.newportoregon.gov/dept/cdd/documents/Guidelines for Preparing Geologic Reports.pdf](https://www.newportoregon.gov/dept/cdd/documents/Guidelines%20for%20Preparing%20Geologic%20Reports.pdf)

Portland State University, Department of Geology,

<https://www.pdx.edu/geology/welcome-to-psu-geology>

National Resource Conservation Service (NRCS),

<https://www.nrcs.usda.gov/wps/portal/nrcs/site/national/home/>

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Tillamook County, 2017 *Tillamook County Multi-Jurisdictional Natural Hazards Mitigation Plan*,

[https://www.co.tillamook.or.us/gov/ComDev/NHMP/PlanFiles/FULL9 7 17.pdf](https://www.co.tillamook.or.us/gov/ComDev/NHMP/PlanFiles/FULL9%207%2017.pdf)

United States Geological Survey (USGS), <https://www.usgs.gov/>

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CHAPTER 6 GLOSSARY

ACRONYMS AND ABBREVIATIONS

AEG	Association of Environmental and Engineering Geologists
AGI	American Geosciences Institute
AIR	American Modern Insurance Group
AMIG	Medford-Ashland Air Quality Maintenance Area
APA	American Planning Association
AQMA	Air Quality Management Area
AQMP	Air Quality Management Plans
ASCE	American Society of Civil Engineers
BCD	Building Codes Division
BLI	Buildable Lands Inventories
BMC	Brookings Municipal Code
BOCA	Building Officials and Code Administrators
CDC	Community Development Code
CEA	California Earthquake Authority
CEG	Certified Engineering Geologist
CFR	Code of Federal Regulations
CGS	Canadian Geological Survey
CO	carbon monoxide
CP	Comprehensive Plan
CSMP	[Eugene] Construction Site Management Plan
CTP	FEMA Cooperating Technical Partner
DAAP	Debris Avalanche Action Plan [Governor Kitzhaber's Office]
DAS	Oregon Department of Administrative Services
DCBS	Oregon Department of Consumer and Business Services
	DCBS-BCD DCBS-Building Codes Division
DEQ	Oregon Department of Environmental Quality
DIC	Difference in Conditions
DLCD	Oregon Department of Land Conservation and Development

DOGAMI	Oregon Department of Geology and Mineral Industries
DR	FEMA Disaster Declaration
DSL	Oregon Department of State Lands
EPA	Environmental Protection Agency
ESC	Erosion and Sediment Control
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
FMA	Flood Mitigation Assistance
FY	Fiscal Year
GE	Geotechnical Engineer
GEO	Geologic Hazards Overlay [Newport Code]
GEO	Oregon Geospatial Enterprise Office
GHO	Geologic Hazards Overlay
GIS	Geographic Information Systems
GPS	Global Positioning System
HB	Oregon House Bill
HD	Hillside Development and Erosion Control
HDP	Hillside Development Permit
HMA	Hazard Mitigation Assistance
HMGP	Hazard Mitigation Grant Program (FEMA)
IBC	International Building Code
ICBO	International Council of Building Officials
ICC	International Code Council
IHMT	Oregon Interagency Hazard Mitigation Team
IMS	DOGAMI Interpretive Map Series publication
LCDC	Oregon Land Conservation and Development Commission
LEG	Licensed Engineering Geologist
LHS	Landslide Hazard Study
LUBA	Land Use Board of Appeals
MCC	Multnomah County Code
NAAQS	National Ambient Air Quality Standards
NFIP	National Flood Insurance Program
NHMP	Natural Hazards Mitigation Plan
NMC	Newport Municipal Code
NRCS	National Resource Conservation Service

OAPA	Oregon American Planning Association
OAR	Oregon Administrative Rule
ODA	Oregon Department of Agriculture
ODF	Oregon Department of Forestry
ODFW	Oregon Department of Fish and Wildlife
ODOT	Oregon Department of Transportation
OEM	Oregon Military Department, Office of Emergency Management
OFR	Open-File Report
OHA	Oregon Health Authority
OLC	Oregon Lidar Consortium
OLRRT	Oregon Landslide Risk Reduction Team
OPRD	Oregon Parks and Recreation Department
ORS	Oregon Revised Statute
ORSC	Oregon Residential Specialty Code
OSBEELS	Oregon State Board of Examiners for Engineering and Land Surveying
OSBGE	Oregon State Board of Geologist Examiners
OSFM	Office of the State Fire Marshal
OSLAB	Oregon State Landscape Architect Board
OSSC	Oregon Structural Specialty Code
OTCA	Oregon Tort Claims Act
PDM	Pre-Disaster Mitigation
PE	Professional Engineer
PUC	Oregon Public Utility Commission
RE	Registered Engineering Geologist
RG	Registered Geologist
RIP	Residential Infill Project
RML	rapidly moving landslide
SB	Oregon Senate Bill
SBCCI	Southern Building Code Congress International
SDCI	Seattle Department of Construction and Inspections
SIP	State Implementation Plan
SLIDO	Statewide Landslide Information Database for Oregon
SP	DOGAMI Special Paper series
SRC	Salem Revised Code
TPR	Oregon Transportation Planning Rule

TRG	Planning for Natural Hazards: Oregon Technical Resource Guide
UBC	Uniform Building Code
UDC	Unified Development Code
UGB	urban growth boundary
USACE	U.S. Army Corps of Engineers
USGS	U.S. Geological Survey
WRD	Oregon Water Resources Department
WUI	wildland urban interface

TERMS

Certified Engineering Geologist – A *Certified Engineering Geologist (CEG)* has fulfilled all of the requirements for, and has all the rights of, a Registered Geologist and has met additional examination and experience requirements to obtain certification in the specialty of engineering geology. A CEG “applies geologic data, principles and interpretation to naturally occurring materials so that geologic factors affecting planning, design, construction and maintenance of civil engineering works are properly recognized and utilized” (ORS 672.505.3²²⁰). Only a CEG can publicly practice engineering geology in Oregon.

comprehensive plan – A comprehensive plan establishes the long-term land use vision and aspirations, goals and policies of a city or county. In Oregon, state law requires each city and county to have a comprehensive plan and implementing ordinances. Comprehensive plans must be consistent with Oregon’s 19 Statewide Planning Goals.

debris flows – have a source area (where the slide originates), a transport zone (the path of the flow), and a deposition zone (the area where the landslide terminates).

Sources of slides commonly have steep or concave slopes, a relatively large up-slope drainage area, and a thick soil profile. Transport zones occur directly down-slope of the source area and are often high-gradient, first order stream channels. The transport zone is where debris flows “bulk up” and get significantly larger, due to channel and bank scouring. When debris flows do not have enough energy to transport themselves past a flow resistance area, the transport zone is extensively disturbed, but not scoured to bedrock. The deposition zone of a debris flow is its terminus. It is where the mass comes to rest. Depending on the magnitude of the debris flow, the deposition zone may contain large trees and boulders, or small gravel and vegetation.²²¹

deep landslide – In this *Guide*, deep landslides are slides with a failure plane at a depth of more than 15 feet (4.5 meters)

drainage plan – typically a site plan that visually shows the areas where drainage occurs. Requirements for drainage plans vary from jurisdiction to jurisdiction.

erosion control plan – typically a site plan that visually shows the areas where erosion control measures are shown and described. Requirements for erosion control plans vary from jurisdiction to jurisdiction.

²²⁰ <https://www.oregonlaws.org/ors/672.505>

²²¹ <https://www.oregongeology.org/Landslide/LandslideTaskForceResults.pdf>

exposure – in this *Guide*, the spatial overlap of the hazard and the assets. Illustrated in **Figure 2-8**.

further review area – At the current time, there are no official further review area maps. As a result, the ORS referenced in this definition and the reference in the *2014 Oregon Structural Specialty Code*²²² (2014 OSSC) in Chapter 18, Section 1083, on page 402 are not functional.

This definition is from Oregon Senate 12 (SB 12) that was approved in 1991 by the legislature. SB 12 directed DOGAMI to establish maps called *further review areas*. These areas of land were identified within which further site specific review should occur before land management or building activities begin. The area of land was designated this because either DOGAMI or the State Forestry Department determined that the area reasonably could have been expected to have sites that experience rapidly moving landslides (as defined in ORS 195.250) as a result of excessive rainfall.

The term further review area was changed to overview hazard areas in the final maps and report (*GIS Overview Map of Potential Rapidly Moving Landslides in Western Oregon, IMS-22*). Therefore, the ORS and 2014 OSSC provisions are not functional because they use a different term, further review area, while the final map and report use the term overview hazard areas.

engineering geologic report – While the exact requirement can vary between localities, it is common to require that an engineering geologic study be performed by a *Certified Engineering Geologist*. A local jurisdiction may also require a geotechnical engineering report by a *Geotechnical Engineer*. A geologic engineering report would be one done by or overseen by a geologic engineer. As used in this *Guide*, a geologic study is a term that means reports done by a geoprofessional.

geologic hazard layer – This is a term that local jurisdictions may sometimes use to indicate an overlay zone (a layer of zoning that is not specific to base zones such as residential, industrial, or commercial zoning); it is often used in zoning and other codes as well as maps. Supporting information such as data and reports are used as the basis for establishing the location of the geologic hazard layer.

²²² http://ecodes.biz/ecodes_support/free_resources/Oregon/14_Structural/PDFs/Chapter%2018%20-%20Soils%20and%20Foundations.pdf

Geotechnical Engineer – A *Geotechnical Engineer (GE)* is a registered Professional Engineer who has specific training, expertise, and experience in this engineering specialty. The Oregon Board of Examiners for Engineering and Land Surveying (OSBEELS) offers a GE specialty endorsement that a PE can pursue as a way to readily show to the public the expertise in geotechnical engineering. However, a PE is not required to hold the GE specialty endorsement to practice geotechnical engineering in Oregon. See OAR 820-040-0040²²³). From the OSBEELS definition of *Geotechnical Engineering*.

geotechnical engineering – The investigation and the evaluation of the physical and engineering properties of earth materials, such as soil and rock, including impacts of ground water and earthquakes, and their application to the design and construction of civil engineering works, such as foundations, earth dams, retaining walls, and similar, using soil and rock mechanics and earthquake engineering principles and related engineering laws, formula, and procedures (OAR 820-040-004).

geotechnical engineering report – The geotechnical report, provided by the *Geotechnical Engineer*, is the tool used after the site investigation to communicate the site conditions and design and construction recommendations. The information contained in this report is referred to often during the design period, construction period, and frequently after completion of the project.

The 2019 *Oregon Structural Specialty Code (OSSC)*, Chapter 18 describes geotechnical investigations and how to report them. Of note, “geotechnical investigations shall be conducted in accordance with Section 1803.2 and reported in accordance with Section 1803.6. Where required by the *building official* or where geotechnical investigations involve in-situ testing, laboratory testing or engineering calculations, such investigations shall be conducted by a *registered design professional*.” (OSSC Chapter 18, Section 1803.1).

Goal 7 – State of Oregon Planning Goal 7 (of 19). Goal 7, Areas Subject to Natural Hazards, has four mandatory sections: Natural Hazards Planning; Response to New Hazard Information; Implementation; and Coordination.

geologic report – As used in this *Guide*, a geologic report is a report – either an engineering geologic report or a geotechnical engineering report – performed by a geoprofessional.

geoprofessional – In this *Guide*, the term geoprofessional refers to a Registered Geologist (RG), Certified Engineering Geologist (CEG), Professional Engineer (PE), and a Geotechnical Engineer.

²²³ <https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=201381>

grading plan – typically a site plan that visually shows the areas where grading will occur. Cut and fill areas and amounts are identified. Erosion control measures are shown and described. Requirements for grading plans vary from jurisdiction to jurisdiction.

hazard – something that has the potential to cause harm; it is a possible source of danger. Hazard is defined in this *Guide* as the frequency and magnitude at which landslides will happen.

landslide – refers to a range of landslide types including rock falls, debris flows, earth slides, and other mass movements. ORS 195.250 defines a landslide as any detached mass of soil, rock or debris that is of sufficient size to cause damage and that moves down a slope or a stream channel.

landslide map – The USGS identifies several kinds of maps used to depict danger from landslides. “These maps might be as simple as a map that uses the locations of old landslides to indicate potential instability, or as complex as a map incorporating probabilities based on variables such as rainfall, slope angle, soil type, and levels of earthquake shaking.”²²⁴ The maps are:

landslide hazard maps – indicate the possibility of landslides occurring throughout a given area. An ideal landslide hazard map shows not only the chances that a landslide may form at a particular place, but also the chance that it may travel downslope a given distance.

landslide inventory maps – show landslide locations and may show the dimensions and geographical extent of each landslide. One clue to the location of future landsliding is the distribution of past movement, so maps that show the location and size of landslides are helpful for identifying areas that may have landslides in the future.

landslide susceptibility maps – describe the relative likelihood of future landsliding based solely on the intrinsic properties of a locale or site. Some organizations use the term “landslide potential map” for maps of this kind. Prior failure (from a landslide inventory), rock or soil strength, and steepness of slope are three of the more important site factors that determine susceptibility.

landslide risk maps – show landslide potential along with the expected losses to life and property, should a landslide occur. Risk maps combine the probability information from a landslide hazard map with an analysis of all possible consequences (property damage, casualties, and loss of service).

²²⁴ https://www.usgs.gov/faqs/what-a-landslide-hazard-map?qt-news_science_products=0#qt-news_science_products

landslide movement – All landslides can be classified into six types of movement (see **Figure 2-1**; and <https://pubs.usgs.gov/fs/2004/3072/pdf/fs2004-3072.pdf>):

falls – near-vertical, rapid movements of masses of materials, such as rocks or boulders. The rock debris sometimes accumulates as talus at the base of a cliff.

topples – distinguished by forward rotation about some pivotal point, below or low in the mass.

slides – downslope movement of soil or rock on a surface of rupture (failure plane or shear-zone).

rotational slides – move along a surface of rupture that is curved and concave.

translational slides – displace along a planar or undulating surface of rupture, sliding out over the original ground surface.

spreads – commonly triggered by earthquakes, which can cause liquefaction of an underlying layer and extension and subsidence of commonly cohesive materials overlying liquefied layers.

channelized debris flows – Commonly start on a steep, concave slope as a small slide or earth flow into a channel. As this mixture of landslide debris and water flows down the channel, it picks up more debris, water, and speed, and deposits in a fan at the outlet of the channel.

earth flows – commonly have a characteristic "hourglass" shape. The slope material liquefies and runs out, forming a bowl or depression at the head.

complex landslides – combinations of two or more types. A common complex landslide is a slump-earth flow, which usually exhibit slump features in the upper region and earth flow features near the toe.

landslide inventory – a data set that shows the locations of past landslide events and often contains common landslide features such as deposits, scarps, and flanks that have been identified by geologists.

lidar – lidar is light detection and ranging, which uses lots of accurate measurements made with a laser rangefinder to produce detailed and accurate depictions of the earth's surface. A laser rangefinder is commonly used in surveying, construction, and riflescopes. Millions of measurements are made from a precisely located aircraft, producing a three-dimensional map of the earth's surfaces as a "point cloud."

mitigation – the action of reducing the severity of the landslide hazard to reduce impacts of hazards on people, property, and the environment.

natural disaster – A disaster²²⁵ is a sudden, calamitous event that seriously disrupts the functioning of a community or society and causes human, material, and economic or environmental losses that exceed the community's or society's ability to cope using its own resources. Though often caused by nature, disasters can have human origins. When a landslide or other natural hazard impacts people, property, or assets (e.g., roads, buildings, and infrastructure), and the environment, it is a natural hazard and often it results in a natural disaster.

natural hazard – Natural hazards²²⁶ are natural events that threaten lives, property, and other assets²²⁷. Natural hazards are naturally occurring phenomena caused by either rapid or slow onset events which can be geophysical (earthquakes, landslides, tsunamis and volcanic activity), hydrological (avalanches and floods), climatological (extreme temperatures, drought, and wildfires), metrological (cyclones and storms/wave surges), or biological (disease epidemics and insect/animal plagues)²²⁸. When a landslide or other natural hazard impacts people, property, or assets (e.g., roads, buildings, and infrastructure), and the environment, it is a natural hazard and often it results in a natural disaster.

natural hazards mitigation plan (NHMP) – A natural hazard mitigation plan describes the hazards a community is most likely to face, identifies their potential impacts on people and property, and establishes a strategy to reduce those impacts. The NHMP is also developed as a condition for receiving certain types of non-emergency disaster assistance through the federal Hazard Mitigation Assistance (HMA) Programs. The HMA programs include the Hazard Mitigation Grant Program (HMGP), the Pre-Disaster Mitigation Grant Program (PDM), and the Flood Mitigation Assistance Program (FMA).

rapidly moving landslide (RML) – a landslide that is difficult for people to outrun or escape. [1999 c.1103 § 1] (defined in ORS 195.250). In **Figure 2-1** of this *Guide*, the types of common landslides in Oregon are shown in illustrated form with a text description. In that figure, the now more commonly used term, channelized debris flow is used instead of the term rapidly moving landslides. See IMS-22 for maps of areas that have the potential to have rapidly moving landslides or debris flows. IMS-22 is the best available information.

²²⁵ <https://www.ifrc.org/en/what-we-do/disaster-management/about-disasters/what-is-a-disaster/>

²²⁶ https://www.fema.gov/media-library-data/20130726-1549-20490-4629/natural_hazards_1.pdf

²²⁷ https://www.fema.gov/media-library-data/20130726-1549-20490-4629/natural_hazards_1.pdf

²²⁸ <https://www.ifrc.org/en/what-we-do/disaster-management/about-disasters/definition-of-hazard/>

Registered Geologist – According to Oregon state law, a *Registered Geologist (RG)* is someone registered by the state of Oregon as a geologist after meeting education, examination, and experience requirements as determined by the Oregon State Board of Geologist Examiners OSBGE. An RG is thereby legally allowed to provide, prepare, and officially stamp or seal geologic maps, plans, reports, or documents. An RG can work in any geology discipline or area of specialty where qualified by experience and training, except for in engineering geology.

resilience – the capacity to withstand and recover from a disaster.

risk – the probability of loss or injury. In this *Guide*, risk is the overlap of the hazard with assets (such as buildings) and their vulnerability to the hazard. The probability of loss or injury is the intersection of natural hazards and vulnerable systems. Risk is an expression of the potential magnitude of a disaster's impact. **Figure 2-8** shows risk as the intersection of natural hazards and vulnerable systems.

shallow landslide – In this *Guide*, shallow landslides are slides with a failure plane at a depth of less than 15 feet (4.5 meters).

soil study – a study or report that examines the types of soil on a particular property or area identified in the document. It is a generalized term that may be defined by a local jurisdiction and have requirements that vary by jurisdiction.

susceptibility – in this *Guide*, defined as capable of being affected by a specified action or process; and in this *Guide* the process is mass wasting by means of slope failure or landsliding.

vulnerability – the potential to be harmed. Some people and places are more vulnerable to landslide hazards than others are.

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CHAPTER 8 LANDSLIDE CODE REVIEW

DETAILS TABLE

A. INTRODUCTION

The Landslide Code Review Details Table contains the list of communities (cities and counties) in the code review performed by DLCD and DOGAMI. The majority of the code review occurred between May and December of 2017.

During the last decade, DOGAMI has produced lidar-based, detailed landslide inventory, shallow landslide susceptibility, and deep landslide susceptibility maps for many communities in Oregon. Table 1-1 is a list of all the communities with DOGAMI lidar-based landslide inventory and landslide susceptibility maps.

- There are 46 cities and 14 counties with DOGAMI lidar-based inventory maps.
- There are 35 cities and 9 counties that have DOGAMI lidar-based landslide susceptibility maps.

The Code Review Details Table contains information from 28 cities and 6 counties; it does not include every community that has either DOGAMI lidar-based landslide inventory maps and/or DOGAMI lidar-based landslide susceptibility maps. The Cities of Newport and Salem are listed in the Code Review Details Table, but they have not received DOGAMI lidar-based landslide inventory and landslide susceptibility maps. Staff included them because staff also included them as examples of jurisdictions with strong zoning codes (see **Chapter 4, Implementation**).

The Code Review Details Table is a large table split over 68 tabloid-size (11 by 17 inches) pages.

B. KEY TO CODE REVIEW DETAILS TABLE

To find information in the table on the following pages, use column A in the table key below to locate the community (city or county) of interest, note the row number, then navigate to that row in the table. Alternatively, locate in columns B through V the kind of information of interest, then navigate to that column.

Example: To find what Oregon City's Municipal Code says about land division requirements, navigate to row 29, column Q.

	Column A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V						
1	Community																											
2	CITIES																											
3	Astoria Comp Plan	Columns in this group are:							Columns in this group are:							Columns in this group are:			Columns in this group are:									
4	Astoria Dev & Zoning Codes	B - Estimated Population							I - What certification do they require for the landslide study? E.g., CEG, registered geologist etc.							O - What do the provisions say about drainage and soils types?			S - What are the connections between the landslide code info and the other codes?									
5	Banks Code of Ordinances																											
6	Beaverton Comp Plan	C - Document name							J - What is the process for the landslide study? Who reviews it and who approves it?							P - What do the provisions say about grading and erosion control?			T - Are there any disconnections between codes and maps?									
7	Beaverton City Code																											
8	Brookings Municipal Code	D - Document Web Address							K - Is the landslide hazard area mapped? If so, what is it called? Date made?							Q - What do the provisions say about land division requirements?			U - Other relevant codes/provisions									
9	Canby City Code																											
10	Clatskanie Dev Code	E - Code type							L - Associated Overlays							R - Are there any building code related provisions referenced in the land use code?			V - Other observations									
11	Clatskanie Comp Plan (1978)																											
12	Cornelius Comp Plan	F - Percent slope used as threshold for the applicable codes							M - Associated maps																			
13	Cornelius Municipal Code																											
14	Durham Dev Code	G - Is there a method to calculate slope? What is it?														N - Map Dates												
15	Durham Comp Land Use Plan																											
16	Estacada Comp Plan	H - When does the requirement for a landslide study kick in?																										
17	Estacada Dev Code																											
18	Eugene City Code																											
19	Fairview City Code																											
20	Fairview Comp Plan																											
21	Forest Grove City Code																											
22	Gladstone City Code																											
23	Gold Beach Comp Plan																											
24	Gold Beach Zoning Ord.																											
25	Gresham Dev Code, Art. 5																											
26	Maywood Park Ordinances																											
27	Medford Land Dev Code																											
28	Newport Mun Code, Ch 14.21																											
29	Oregon City Municipal Code																											
30	Port Orford Municipal Code																											
31	Portland Zoning Code																											
32	Portland City Code, Title 44																											
33	Portland Eros. Cont. Manual																											
34	Salem Revised Code																											
35	Sandy Title 17 Dev Code																											
36	Silverton Municipal Code																											
37	Springfield Dev Code																											
38	Tigard Dev Code																											
39	Vernonia Ordinances																											
40	West Linn Dev Code																											
41	COUNTIES																											
42	Clackamas County																											
43	Coos County																											
44	Curry County																											
45	Lane County																											
46	Multnomah County																											
47	Tillamook County																											
48	Tillamook																											

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Table 8.1. Landslide Code Review Details Table

	A	B	C	D	E	F	G	H
1	Community	Estimated Population (as of 2016, Source: https://factfinder.census.gov/)	Document name	Document Web Address	Code type	Percent slope used as threshold for the applicable codes	Is there a method to calculate slope? What is it?	When does the requirement for a landslide study kick in?
2	Astoria	9,802	Astoria Comprehensive Plan	http://www.astoria.or.us/Comprehensive_Plan.aspx	Comprehensive Plan	NA	No.	CP.400.02 - Where there appears to be a landslide
3	Astoria	9,802	Astoria Development and Zoning Codes	http://www.astoria.or.us/Development_Zoning.aspx	Development/Zoning	3.310.D - The City shall require a grading plan prepared by a Registered Professional Engineer and/or Registered Engineering Geologist where the disturbed area has an average slope of 35% or greater	No.	2.050.05 - Where new development is within 100 feet of a known landslide hazard. NOTE: applies to all building zone types (Residential, Commercial, institutional, etc.) except general industrial, aquatic, conservation, natural, and shorelands
4	Banks	1,987	City of Banks Code of Ordinances	http://www.amlegal.com/codes/client/banks_or/	City Code	Not referenced in code	No.	Not referenced in code

Table 8.1. Landslide Code Review Details Table

	A	I	J	K	L	M	N
1	Community	What certification do they require for the landslide study? E.g. CEG, registered geologist etc	What is the process for the landslide study? Who reviews it and who approves it?	Is the landslide hazard area mapped? If so, what is it called? Date made?	Associated Overlays	Associated maps	Map Dates
2	Astoria	CP.400.02 - City engineer, but may require CEG or Soils Engineer certification at CE discretion	CP.400 - City engineer, planning commission	CP.030 - West End Area CP.040 - Central Residential Area CP.060 - South Slope Area		Astoria Comprehensive Plan Geologic Hazards	Not Referenced
3	Astoria	2.050.05 - Site investigation report by a registered Geologist. NOTE: Applies to all building zone types	1.125.A.08 - The City planning commission retains permitting and zoning powers as laid out under ORS 227.175 2.905.A.01 - Preliminary development plan with site investigation by registered geologist, showing potential geologic hazards, submitted to PC.	Yes. The Astoria Geologic Hazards Map		The Astoria Geologic Hazards Map was put together using the DOGAMI and Astoria info. The map was approved by the Astoria City Council in August 2015. The key shows mapped areas that include: Astoria landslides observed (bright salmon color), DOGAMI scarps (line with hooks), DOGAMI headscarp / flanks (yellow), and DOGAMI landslide deposits (peach with dots). The code statement of “known landslide hazard” only refers to the Astoria landslides observed.	2015
4	Banks	Not referenced in code	Not referenced in code	not mapped		Not referenced in code	Not Referenced

Table 8.1. Landslide Code Review Details Table

	A	O	P	Q	R
1	Community	What do the provisions say about drainage and soils types?	What do the provisions say about grading and erosion control?	What do the provisions say about land division requirements?	Are there any building code related provisions referenced in the land use code?
2	Astoria	CP.390 - Drainage systems and rock fill are stop-gap measures and avoiding construction on LS prone areas is the best deterrent.	CP.400.07 - Excavation, removal of vegetation, and grading should be kept to a minimum. Erosion control measure will be employed as required by CE. No stream or drainage blockage, or stream diversion is allowed.	CP.400.04 - Divisions in areas of steep slopes, unstable soils, or landslide potential are permitted only after favorable site investigation is complete. CP.400.06 - Clustering of development on stable or less steep slopes is encouraged.	NA
3	Astoria	3.310.D.4 - Geologic reports should include the direction of drainage flow and detailed plans and locations of all surface and subsurface drainage devices to be constructed.	3.300 - 3.330 - Sections contain much information about grading permit application requirements, grading best practices, erosion control best practices, city responsibilities, and enforcement. Proposed development must include an erosion control plan.	13.480 - The Planning Commission may refuse to approve a subdivision or partition if the property is deemed unsuitable for the reason that it is in an actual landslide area.	3.305.E - All excavation permits shall be reviewed and approved by both the Engineering Department and Community Development Department for compliance with this Ordinance and other City codes and building codes.
4	Banks	Not referenced in code	152.055 - Grading of building sites, and excavation of the placement of fill, shall conform to the requirements of Chapter 70 of the Uniform Building Code. 152.055.A - cut slopes shall not exceed 2 to 1 ratio. 1513139.B.3 - Site concept plan submission requires a grading plan.	151.206.C.7.d - Division applications require ground elevations shown by contour lines at 2-foot vertical interval. May be waived when grades, on average, are less than 6%	152.206.C.8.h - Division applications require, on slopes exceeding an average grade of 10%, evidence that future development can meet minimum required setbacks and engineering design standards for streets, driveways, drainage, and retaining walls.

Table 8.1. Landslide Code Review Details Table

	A	S	T	U	V
1	Community	What are the connections between the landslide code info and the other codes?	Are there any disconnections between codes and maps?	Other relevant codes/provisions	Other observations:
2	Astoria	CP.400.01 - The city will take reasonable precautions to protect life and property from natural disasters (References City Code Ordinance 09-03)	Geologic hazards map included in Comprehensive Plan but not referenced,		Tricia: I included the City of Astoria as an example in the presentation I made on October 27, 2016 at the Oregon-Washington APA conference, "Landslides in Oregon: Integrating Science and Policy."
3	Astoria		The Astoria Geologic Hazards Map dated August 2015 is not linked fully to the Astoria code.	12.030.B.02.a - Increased potential for landslide hazard is cause to deny a variance.	DOGAMI and the City of Astoria got together to apply for and receive funds from FEMA for a landslide hazard and risk study. The study was performed from April 2008 to April 2009. As a result of the landslide hazards study, DOGAMI prepared these maps: landslide inventory, shallow and deep landslide susceptibility. Also, an open file report. 120 landslide deposits were found within the city limits. 69 were classified as deep and 51 were classified as shallow. 83 landslides in the inventory are estimated to have moved during the past 150 years (historical time). This is a very high number of active-historical landslides for a small city like Astoria. Seventeen of these eighty-three have recorded dates of movement in the landslide inventory database from 1932 to 2007. Several of these 17 landslides caused significant damage. Areas on the susceptibility maps are identified as high, medium, and low (see the DOGAMI 2013 report). In Astoria, of the areas within the landslide susceptibility area, 55% is within the high area for shallow landslides and 37% in the high for the deep landslides. Again, these results indicate a high susceptibility to both shallow- and deep-seated landslides. After the landslide inventory and susceptibility maps were complete, they were used to conduct a landslide risk assessment. The results of this analysis indicate that roughly 27% of the city is at risk to landslides. The basic process involves the identification of hazard (i.e., landslide hazards), inventory of assets, and estimation of damage and losses based on the overlap of the hazard and assets. DOGAMI created maps" Red: Historic and or active <150 years ago: Yellow: prehistoric or ancient >150 years: Orange: head scarp and flank zones. See OPEN-FILE REPORT O-13-05 LANDSLIDE INVENTORY, SUSCEPTIBILITY MAPS, AND RISK ANALYSIS FOR THE CITY OF ASTORIA, CLATSOP COUNTY, OREGON.
4	Banks	NA	NA	151.038.C.4 - Incorporation of natural features into subdivision design, or avoidance of natural hazards (e.g., geological hazards , stream corridor, or flood hazards) necessitating flexible lots sizes, cluster development plan, or other innovative design;	

Table 8.1. Landslide Code Review Details Table

	A	B	C	D	E	F	G	H
1	Community	Estimated Population (as of 2016, Source: https://factfinder.census.gov/)	Document name	Document Web Address	Code type	Percent slope used as threshold for the applicable codes	Is there a method to calculate slope? What is it?	When does the requirement for a landslide study kick in?
5	Beaverton	97,590	Beaverton Comprehensive Plan	http://www.beavertonoregon.gov/461/Comprehensive-Plan	Comprehensive Plan	8.6.1.a Action 3 - Adopt and apply land use regulations requiring that building sites, streets and other improvements in areas with 25% or greater slopes have best management practices for erosion control integrated into the design.	No.	Not referenced in comp plan
6	Beaverton	97,590	Beaverton City Code - The City Code contains Title 9 Community Development, and within Title 9 is Chapter 9.05 Site Development	https://www.beavertonoregon.gov/463/Development-Code AND THE FULL CITY CODE https://www.codepublishing.com/OR/Beaverton/	City Code	NA	No.	(http://www.codepublishing.com/OR/H7Beaverton/html/pdfs/beavertonfullcode0117.pdf#page=391) ("9.05.035.B.10 - An engineering geological investigation, based on the plan for the work proposed under the permit. The engineering geological report shall include an adequate description of the geology of the site, and conclusions and recommendations regarding the effect of geologic conditions, including consideration of seismic hazards and slope stability in natural materials on the proposed development. All reports shall be subject to approval by the city engineer and supplemental reports and data may be required as the city engineer considers necessary. Recommendations included in the report and approved by the city engineer shall be incorporated in the grading plan. This requirement may be waived by the city engineer when it appears from the condition of the property that such a report is not necessary;") Chapter 9.05 is the Site Development Chapter in Title 9 of the City Code

Table 8.1. Landslide Code Review Details Table

Item 6a.

	A	I	J	K	L	M	N
1	Community	What certification do they require for the landslide study? E.g. CEG, registered geologist etc	What is the process for the landslide study? Who reviews it and who approves it?	Is the landslide hazard area mapped? If so, what is it called? Date made?	Associated Overlays	Associated maps	Map Dates
5	Beaverton	Not referenced in comp plan	Not referenced in comp plan	not mapped	Natural Hazards Map - https://www.beavertonoregon.gov/DocumentCenter/View/874	Not referenced in code	
6	Beaverton	http://www.codepublishing.com/OR/Beaverton/html/pdfs/beavertonfullcode0117.pdf#page=391 9.05.035.B.10 - Engineering geological investigation. 9.05.035.E - The persons supplying information to the City Engineer 'shall be qualified with regard to education, training, and experience'")	HYPERLINK("http://www.codepublishing.com/OR/Beaverton/html/pdfs/beavertonfullcode0117.pdf#page=391", C12 https://C11/Local Codes and Policies/!H13/default/files/fileattachments/community_development_amp_planning/page/521/https://Local Codes and Policies/!Local Codes and Policies/!Local Codes and Policies/!H36/ /www.ci.cornelius.or.us/sites/default/files/fileattachments/community_development_amp_planning/page/521/comp_plan_final_updated_2018_20180205.pdf 'Local Codes and Policies' 'Local Codes and Policies'!G36!F36	not mapped		Not referenced in code	

Table 8.1. Landslide Code Review Details Table

	A	O	P	Q	R
1	Community	What do the provisions say about drainage and soils types?	What do the provisions say about grading and erosion control?	What do the provisions say about land division requirements?	Are there any building code related provisions referenced in the land use code?
5	Beaverton	Not referenced in comp plan	Not referenced in comp plan	Not referenced in comp plan	NA
6	Beaverton	9.05.110.D - All building permit applications must contain a soil engineering investigation report, including data on soil type, strength, distribution, and proposed corrective measures. 5.05.110.A - No owner or person in charge of any building or structure shall cause, suffer or permit rain water, ice or snow to fall from the building or structure onto a street or public sidewalk or to allow concentrated water flow across the sidewalk.	9.05.110.D - All grading/excavation sites must conform to City, County, and Oregon DEQ erosion control standards , whichever is greater. Also lists city requirements and construction activities triggering this ordinance.	9.05.060.C - Subdivision requirements are lumped into general site development codes. However, in areas of flooding, special requirements exist for subdivisions. No mention of special requirements for landslides.	NA

Table 8.1. Landslide Code Review Details Table

	A	S	T	U	V
1	Community	What are the connections between the landslide code info and the other codes?	Are there any disconnections between codes and maps?	Other relevant codes/provisions	Other observations:
5	Beaverton	NA	NA	https://www.beavertonoregon.gov/DocumentCenter/View/1188/CP-Vol-I-Chpt-8-Environl-Qual--Safety-Element?bidId= "Geological hazards include unstable steep slopes, erosion and deposition, and weak foundation soils. In the interest of public safety, the location of natural hazards should be determined, and the degree of hazard present should be evaluated. Based on this evaluation, decisions should be made about the amount of development, if any, that should be allowed at the location. If development is to be allowed, consideration should be given to conditioning development approval to limit potential losses resulting from natural disasters." made about the amount of development, if any, that should be allowed at the location. If allowed, limit potential losses resulting from natural disasters.")	8.6.1.a - The plan lays out unstable slope identification, periodic update, and regulation as a goal.
6	Beaverton	NA		9.05.115.A - All fills and excavations may not have an exposed slope steeper than 1.5 to 1. 8.05.070 - No swimming pool can be installed within the angle of repose(determined by City Engineer) of the soil supporting nearby structures.	9.05.035.E - The City Engineer may request any additional soil/geologic reports deemed necessary. Note: Integration of the Flood Insurance Rate Map (FIRM) with their development code is similar to other cities and could provide a template for our work.

Table 8.1. Landslide Code Review Details Table

	A	B	C	D	E	F	G	H
1	Community	Estimated Population (as of 2016, Source: https://factfinder.census.gov/)	Document name	Document Web Address	Code type	Percent slope used as threshold for the applicable codes	Is there a method to calculate slope? What is it?	When does the requirement for a landslide study kick in?
7	Brookings	6,526	Brookings Municipal Code	http://www.codepublishing.com/OR/Brookings/	City Code	17.100.020.B - Where lot average slopes are 15% or greater, or development is specifically on a slope of >15% but lot average slopes are <15% .	Yes. 17.100.020.A - “Average slope” means the overall increase/ decrease in elevation over the area proposed for development or the subject property, expressed as a percentage based on the following formula: difference in elevation over horizontal distance. 17.100.020.B - “Determination of 15 Percent Slopes.” The applicant may be required to provide a topographic map prepared by a licensed engineer or surveyor. The topographic map shall contain lines drawn approximately perpendicular to the contours indicating the percent of slope. In some instances, the city engineer may accept a sketch and/or certificate prepared by a licensed individual indicating the average slope of the property.	17.100.060.A - When developing on a site with average slopes of 15% or greater, or where known hazards exist (as defined by 17.100.020 and 010), or when required by city manager (17.100.050).
8	Canby	17,653	Canby City Code	http://www.amlegal.com/code/client/canby_or/	City Code	15.20.080.A.1 - 10%	No.	Not referenced in code

Table 8.1. Landslide Code Review Details Table

	A	I	J	K	L	M	N
1	Community	What certification do they require for the landslide study? E.g. CEG, registered geologist etc	What is the process for the landslide study? Who reviews it and who approves it?	Is the landslide hazard area mapped? If so, what is it called? Date made?	Associated Overlays	Associated maps	Map Dates
7	Brookings	17.100.020.D - "Geologic report" means a report prepared by a qualified professional geologic consultant – A geologist or engineering geologist working under their professional guidelines, and registered by the state of Oregon.	HYPERLINK("http://www.codepublishing.com/OR/Brookings/#!/Brookings17/Brookings17100.html#17.100.040", "17.100.040 - (A)The city manager reviews land use applications, (B) AND the planning commission reviews land use applications, (C) Planning commission decisions can be appealed to city council.")	not mapped		Not referenced in code	
8	Canby	Not referenced in code	HYPERLINK("http://canbyoregon.gov/Chap16/Title16Complete3.22.13.pdf#page=351", "16.89.020 - Issuance of building permits is considered a Type I Procedure and made by the Planning Director.")	not mapped	Hazard Overlay Zone (covers steep slopes and flooding) – https://www.canbyoregon.gov/Chap16/16.40HAZARD_OVERLAY_ZONE(H).pdf	Not referenced in code	

Table 8.1. Landslide Code Review Details Table

	A	O	P	Q	R
1	Community	What do the provisions say about drainage and soils types?	What do the provisions say about grading and erosion control?	What do the provisions say about land division requirements?	Are there any building code related provisions referenced in the land use code?
7	Brookings	17.100.070.B.3.a - Site drainage must be designed by a civil engineer. References city comprehensive plan and chapter 8.10 'Watercourses, Drainage channel maintenance, storm drain protection.' See also 13.35.027	17.100.030.B - Prior to development, applicant must provide erosion mitigation plan. 17.100.070 - Lays out in detail the requirements for erosion control and plans mentioned above. Includes required use of erosion mitigation methods.	17.172.060.A.9 - Land division parcels must conform to the provisions of chapter 17.100. 17.100.060.B - Geologic report required when dividing property w/ slope >15% and adjacent to ocean or Chetco River.	NA
8	Canby	16.64.070.D.2 - Stormwater management should focus on emulating predevelopment hydrologic conditions using site design and stormwater management practices.	16.64.050 - Planning commission may impose bonding requirements to ensure that grading will create no hazard where slopes or unstable soils exist. 15.20 - Section deals with erosion control. Includes detailed requirements for sediment control during development.	16.64.070.L.5 - Public facilities/utilities associated with subdivisions in an area subject to slope instability shall be designed to protect such facility/utility. Adverse effects on wildlife/Natural areas shall be considered in design.	NA

Table 8.1. Landslide Code Review Details Table

	A	S	T	U	V
1	Community	What are the connections between the landslide code info and the other codes?	Are there any disconnections between codes and maps?	Other relevant codes/provisions	Other observations:
7	Brookings	NA		17.100.080 - Lays out enforcement of hazard area development related ordinances.	
8	Canby	NA		16.40.20 - Low density housing, agriculture, accessory structures, Sewer inflow and outflow structures permitted outright within HOZ.	16.40 - Flood and Slide dangers are both incorporated into a 'Hazard Overlay Zone' which triggers specific code requirements. However, while this incorporates the FIRM, there is no relevant landslide map and no regulations requiring hazard studies pertaining to slope stability.

Table 8.1. Landslide Code Review Details Table

	A	B	C	D	E	F	G	H
1	Community	Estimated Population (as of 2016, Source: https://factfinder.census.gov/)	Document name	Document Web Address	Code type	Percent slope used as threshold for the applicable codes	Is there a method to calculate slope? What is it?	When does the requirement for a landslide study kick in?
9	Clatskanie	1,792	Clatskanie Development Code	http://www.sterlingcodifiers.com/cod ebook/m_index.php?book_id=702 PDF: https://scholarsbank.uoregon.edu/xmlui/bitstream/handle/1794/8805/Clatskanie_Development_Code_2007.pdf	City Code	NA	Yes. 9-2-2 - A steep slope is defined as: "A slope with a gradient of twenty five percent (25%) or greater (see definition of Grade)" 9-2-2 - Grade is defined as: The degree or rise of a sloping surface (see illustration, appendix A, on file at city hall).	9-16-10.B - 'Where the site is subject to landslides or other potential hazards'
10	Clatskanie	1,792	Clatskanie Comprehensive Plan (1978)	Not online. Download available at: https://scholarsbank.uoregon.edu/xmlui/handle/1794/9275	Comprehensive Plan	Page 26,1st Para.: Excessive sloping terrain is defined as >20%.		Not referenced
11	Cornelius	12,414	Cornelius Comprehensive Plan	http://www.ci.cornelius.or.us/vertical/sites/%7B74DDA728-822C-4D15-9791-000615642E9D%7D/uploads/Comp_Plan_Final_updated_2016_20160726.pdf	Comprehensive Plan	NA	No.	NA
12	Cornelius	12,414	Cornelius Municipal Code	http://www.codepublishing.com/OR/Cornelius/	City Code	NA	No.	NA
13	Durham	1,935	Durham Development Code	https://durham-oregon.us/wp-content/uploads/2018/09/DevelopmentCode-Revised-10.24.17.pdf	City Code	4.2.3 - All permit application require submission of site map contour lines. Contour interval less for slopes below 5%.	No.	None required - but the city may require any study or analysis it deems necessary before approving a land use application of any kind.

Table 8.1. Landslide Code Review Details Table

	A	I	J	K	L	M	N
1	Community	What certification do they require for the landslide study? E.g. CEG, registered geologist etc	What is the process for the landslide study? Who reviews it and who approves it?	Is the landslide hazard area mapped? If so, what is it called? Date made?	Associated Overlays	Associated maps	Map Dates
9	Clatskanie	9-16-8.D.1 - Development plan approval may require 'soils and/or an engineering geologic study' if site subject to slumping or sliding.	9-9B-3.A - The planning commission shall grant or deny development permit applications. 9-3-2.D - May be appealed to City Council.	not mapped		Not referenced in Code	NA
10	Clatskanie	Not referenced	Not referenced	not mapped		Not referenced	
11	Cornelius	NA	NA	Cornelius Area		The 1974 Community Development Plan Map	1974
12	Cornelius	NA	18.10.010.C - The community development director shall be responsible for the coordination of the development permit application and decision-making procedure.	Not Mapped		NA	NA
13	Durham	Not referenced in code	Not referenced in code	not mapped		NA	NA

Table 8.1. Landslide Code Review Details Table

	A	O	P	Q	R
1	Community	What do the provisions say about drainage and soils types?	What do the provisions say about grading and erosion control?	What do the provisions say about land division requirements?	Are there any building code related provisions referenced in the land use code?
9	Clatskanie	9-11-3.E - Building permit applications require a 'Grade and drainage' plan.	9-13-7 - Requires vegetative cover on slopes greater than 20% for stability and erosion control. Outlines when and how to reseed/plant.	9-15-4.B.5 - Subdivision plans require locations of rock outcrops, floodplains, and drainageways (but not landslides) 9-15-4.B.10 - Slopes of >10% require submission of 2ft. contour lines with division plans.	NA
10	Clatskanie	Not referenced	Not referenced	Not referenced	NA
11	Cornelius	Soils are primarily Class I-IV, and erosion hazards are very low because the area is so flat			
12	Cornelius		18.05.060.E - Minor clearing or grading is exempt from approval if under direction of soils engineer or geologist. 18.100.040.A.8 - The grading and contouring of the site takes place and site surface drainage and on-site storage of surface waters facilities are constructed so there is no adverse affect on neighboring properties, public rights-of-way or the public storm drainage system and that said site development work will take place in accordance with the city site development code;	17.05.030.E - In cases where physical conditions warrant it, special soils analysis or engineering designs may be required by the city engineer.	
13	Durham	7.2.13.8 - Building crawlspace design must include adequate drainage for floodwaters through either permeable soils or man made drainage system.	4.5.3 - Project areas within the Natural Resources Overlay zone and a flood management area must provide proposed methods for controlling erosion. 4.2.3 - All development projects must include a preliminary grading plan. 10.4.3.3 - Building addition or alteration work must conform to erosion control as per current Clean Water Services district standards.	Land division is included in the general land use provisions. Permitting process applies to both site development and division in the same manner.	7.4.2 - The site design and structural requirements of a live-work residence shall conform to the Uniform Building Code (UBC) as enforced in the City. In case of any conflict the UBC requirements shall control.

Table 8.1. Landslide Code Review Details Table

	A	S	T	U	V
1	Community	What are the connections between the landslide code info and the other codes?	Are there any disconnections between codes and maps?	Other relevant codes/provisions	Other observations:
9	Clatskanie	NA		9-9C-10.B.1 - Within fifty feet (50') of any protected water resources, excavation and vegetation removal shall be prohibited on slopes of twenty five percent (25%) or greater in slide hazard areas, with exceptions.	City code sites specific report and maps for flood insurance requirements as well as Significant Wetland and Riparian Corridors, so a similar provision could be added for landslide susceptibility maps. They also contain more detailed provisions for these mapped areas. (Chapter 9, Articles B and C)
10	Clatskanie	NA		Page 71, Action 2: City plan includes 'Define and map those locations within the urban growth boundary and the existing city limits that are known or suspect to be subject to natural disasters and hazards such as floods, slides and subsidence, and the like.	
11	Cornelius			There are no other major hazards (other than floods) in Cornelius. The 1974 plan shows there are no major slope areas greater than five percent in the area. Soils are primarily Class I-IV, and erosion hazards are very low because the area is so flat.	
12	Cornelius			18.160.020.D.1 - Shade point adjustment for Solar panels can be altered based on soil instability.	According to Cornelius comprehensive plan, besides flooding, there are not other major hazards in Cornelius. Therefore, the city defers to the Uniform Building Code for safety regulations and standards. 18.195.210 - "Undevelopable area" means an area that cannot be used practicably for a habitable structure because of natural conditions, such as slopes exceeding 20 percent in a direction greater than 45 degrees east or west of true south or severe topographic relief.
13	Durham		No LS Maps	3.2.4.1 - Common open space required for all developments should avoid geologic hazards.	Landslides and mitigation thereof are not directly referenced in the city code.

Table 8.1. Landslide Code Review Details Table

	A	B	C	D	E	F	G	H
1	Community	Estimated Population (as of 2016, Source: https://factfinder.census.gov/)	Document name	Document Web Address	Code type	Percent slope used as threshold for the applicable codes	Is there a method to calculate slope? What is it?	When does the requirement for a landslide study kick in?
14	Durham	1,935	Comprehensive Land Use Plan	http://www.durham-oregon.us/LinkClick.aspx?fileticket=BbvQLR0Ew4Y%3d&tabid=6076&mid=13607&language=en-US	Comprehensive Plan	Not referenced	No.	Pg. 30 D.2.b - Natural hazards, including landslides, should be adequately incorporated into project design.
15	Estacada	3,313	Estacada Comprehensive Plan	http://www.cityofestacada.org/sites/default/files/fileattachments/administration/page/5771/2009_comprehensive_plan.pdf	Comprehensive Plan	Pg.118 - A review of excess slope (20% +) or drainage basins are considered to be unbuildable. The Uniform Building Code, Chapter 40, will preclude the development of these lands without having to designate them on the Plan Map.	No.	Pg42, #9 - The city will require site-specific information from applicants seeking approval to develop known hazard areas.
16	Estacada	3,313	Estacada Development Code	http://www.cityofestacada.org/sites/default/files/fileattachments/city_hall/page/5501/title_16-updated_with_r_added_in.pdf	City Code	33%	No.	Any property identified as a geological natural hazard area as listed in Section 16.68.030 or any property that has a slope of thirty-three (33) percent or greater.

Table 8.1. Landslide Code Review Details Table

	A	I	J	K	L	M	N
1	Community	What certification do they require for the landslide study? E.g. CEG, registered geologist etc	What is the process for the landslide study? Who reviews it and who approves it?	Is the landslide hazard area mapped? If so, what is it called? Date made?	Associated Overlays	Associated maps	Map Dates
14	Durham	Not referenced	Not referenced	not mapped		NA	NA
15	Estacada	Not referenced	Not Referenced	The Estacada comprehensive plan slopes map, undated, Figure 8 and the Estacada comprehensive plan hazards map, undated, Figure 9		The Estacada comprehensive plan slopes map, undated, Figure 8 and the Estacada comprehensive plan hazards map, undated, Figure 9	Undated
16	Estacada	Varies: 16.68.030.D.1 - Locations of recent landslide (or slope greater than 33%) activity require a site specified geotechnical analysis by a qualified professional geologist or engineering geologist. 16.68.030.D.1 - Areas of weak foundational soil require a detailed soils analysis by a qualified soils expert.	15.12.020.B - The building official receives and makes determinations on building permit applications.	Yes - Code refers to two maps, the Estacada comprehensive plan hazards map, undated, and the DOGAMI Bulletin 78, Environmental Hazard Inventory, Clackamas County, Oregon (This second map may be mislabeled and actually refer to bulletin 99, Geology and Geologic Hazards of Northwestern Clackamas County, Oregon. 1979)		Estacada comprehensive plan hazards map DOGAMI Bulletin 78, Environmental Hazard Inventory, Clackamas County, Oregon (This second map may be mislabeled and actually refer to bulletin 99, Geology and Geologic Hazards of Northwestern Clackamas County, Oregon. 1979)	1979

Table 8.1. Landslide Code Review Details Table

	A	O	P	Q	R
1	Community	What do the provisions say about drainage and soils types?	What do the provisions say about grading and erosion control?	What do the provisions say about land division requirements?	Are there any building code related provisions referenced in the land use code?
14	Durham	Appendix Table 1: Soils and Slopes table outlining soil types and slopes in various areas around Durham. Appendix Figure 1: Soils map. Not included with Comprehensive Plan PDF.	Not referenced	Not referenced	Not referenced
15	Estacada	Provisions primarily focus on preserving soil types I-IV for agricultural zoning. Pg.33 - Outlines general soil types and their distribution in city. Pg.42, #9 - References soil types as a factor in determining slide hazards area on Fig. 9 Map.	Pg. 18 - The city will consider erosion control measures in all development proposals. The city has adopted Chapter 70 of the uniform Building Code which sets forth regulations to control excavation, grading, and earthwork construction, including erosion control and drainage requirements	Pg.118 - Subdivided lots will be reviewed during the subdivision process.	Pg.18 - City has adopted UBC Chapter 70. Pg.118 - UBC Chapter 40 precludes development on excessive slopes.
16	Estacada	16.68.030.D - Areas of weak foundational soil require a soils expert study prior to development. 16.108.020.C.2 - Before subdividing property, consideration must be given to the erosion potential, stability, bearing qualities of the soil and geologic formations; soil permeability and infiltration rates.	16.52.030.A.3.c - Development proposals require submission of a grading concept plan. 16.108.020.C.2 - proposed subdivisions should include an impact statement taking into consideration erosion potential, stability, bearing qualities of the soil and geologic formations; soil permeability and infiltration rates.	16.108.020.C.2 - proposed subdivisions should include an impact statement taking into consideration erosion potential, stability, bearing qualities of the soil and geologic formations; soil permeability and infiltration rates.	15.04.030 - Excavation and Grading. The city adopts by reference Chapter 33 of the Uniform Building Code adopted by the International Conference of Building Officials, 1994 Edition, and as amended.

Table 8.1. Landslide Code Review Details Table

	A	S	T	U	V
1	Community	What are the connections between the landslide code info and the other codes?	Are there any disconnections between codes and maps?	Other relevant codes/provisions	Other observations:
14	Durham	Not referenced			
15	Estacada				
16	Estacada		Uncertain if referenced DOGAMI map is correctly labeled		

Table 8.1. Landslide Code Review Details Table

	A	B	C	D	E	F	G	H
	Community	Estimated Population (as of 2016, Source: https://factfinder.census.gov/)	Document name	Document Web Address	Code type	Percent slope used as threshold for the applicable codes	Is there a method to calculate slope? What is it?	When does the requirement for a landslide study kick in?
17	Eugene	166,575	Eugene City Code	https://www.eugene-or.gov/523/City-Code	City Code	9.6710.2.a - properties with slopes equal to or greater than 5%	No.	9.6710.2 - Required for all proposed tentative planned unit development, site review, or subdivision applications, on properties with slopes equal to or greater than 5%, or ALL proposed development that includes dedication or construction of a public street or alley or the construction of public drainage systems or public wastewater sewers - with exemptions (see notes).
18	Fairview	9,290	Fairview City Code	https://www.codepublishing.com/OR/Fairview/	City Code	19.425.020.A.3 - Site design review application must include "Identification of slopes greater than 25%". No specific trigger for further study is mentioned. Professional geologic study not required.		19.425.020.A.5 - Site design review application must include "potential natural hazard areas, including... areas mapped by the city, county, or state as having a potential for geologic hazards". No specific requirement for a professional geologic landslide study are included.
19	Fairview	9,290	Fairview Comprehensive Plan	http://fairvieworegon.gov/DocumentCenter/Home/View/1461	Comprehensive Plan	Not referenced		Not referenced
20	Forest Grove	24,058	City of Forest Grove city code	http://www.forestgrove-or.gov/sites/default/files/fileattachments/planning/page/701/a_code.master.update.2014.pdf	city code	Not referenced		Not referenced

Table 8.1. Landslide Code Review Details Table

	A	I	J	K	L	M	N
1	Community	What certification do they require for the landslide study? E.g. CEG, registered geologist etc	What is the process for the landslide study? Who reviews it and who approves it?	Is the landslide hazard area mapped? If so, what is it called? Date made?	Associated Overlays	Associated maps	Map Dates
17	Eugene	9.6710.2 - Geotechnical analysis must be done by an Oregon licensed Engineering Geologist or an Oregon licensed Civil Engineer with geotechnical experience, and must conform with standards, procedures and content as defined in the Standards for Geological and Geotechnical Analysis adopted by the city in the manner set forth in EC 2.019 City Manager - Administrative and Rulemaking Authority and Procedures. See "other notes" for info on survey levels.	Varies depending on permit and development type: 9.8100 - Conditional use permit - Hearings Official 9.8215,8220 - Partition, tentative Plan approval - Planning director 9.8320,8325 - Tentative Planned Unit Development - Hearings Official 9.8440,8445 - Site review Approval - Planning Director 9.8515,8520 - Subdivision, Tentative Plan - Planning Director See "other notes" for info on survey levels	No maps specifically addressing landslides included in chapter 9 Land use map packet: https://www.eugene-or.gov/DocumentCenter/View/2702	Hillside development overlay zone - https://www.eugene-or.gov/DocumentCenter/View/2704	NA	NA
18	Fairview	NA	NA	Not referenced		NA	NA
19	Fairview	Not referenced	Not referenced	Not referenced		NA	NA
20	Forest Grove	Not referenced	Not referenced	Not referenced		NA	NA

Table 8.1. Landslide Code Review Details Table

	A	O	P	Q	R
1	Community	What do the provisions say about drainage and soils types?	What do the provisions say about grading and erosion control?	What do the provisions say about land division requirements?	Are there any building code related provisions referenced in the land use code?
17	Eugene	9.6710.4.b - Level two geotechnical analysis includes a required sub-surface investigation to determine soil type and distribution. 9.6710.5.c - "variation in soil type" triggers a level three geotechnical report requirement. 9.4780.4.c.1 - Per water quality standards, pervious surfaces of construction sites within the WQ overlay zone shall be returned to pre-construction permeability and sheet-flow conditions. No specific code regarding relationship between slides and drainage.	6.625 - Section lays out erosion control standards and construction permitting related to erosion control. Denotes applicable construction activities, permitting classes and requirements, application method and fees, review and issuance, duration, appeal process and exemptions, enforcement and rule adoption process. 9.4780.2 - Areas of bare soil existing as a result of plant or vegetation removal shall be protected or covered consistent with EC 6.625 through EC 6.645 or replanted as soon as practicable, but no later than March 15 of the calendar year following disturbance; and If not replanted within 15 days of disturbance, areas of bare soil shall be mulched and seeded with straw mulch and native seed for temporary stabilization within 15 days of disturbance.	9.6710.2.a - geotech report requirement are applicable for subdivision applications as well as development. The same standards apply for unit construction or subdivision proposals.	9.9590.1.c.1 - within the laurel hill plan policies section: If, in the opinion of the responsible City official, an adverse geological condition exists upon a parcel of land proposed for a subdivision, or before any major hillside clearing, excavation, filling or construction is contemplated, the requirements of the Uniform Building Code, Chapter 70, Excavation and Grading, and those sections of the code relative to foundation design may be invoked. Generally - UBC referenced in several locations, but with no specific code mentioned. Primarily, "The UBC shall be conformed to".
18	Fairview		16.15.010 - The city of Fairview does here adopt the City of Gresham’s “Erosion Prevention and Sediment Control Manual,” revised January 2011* and attached to the ordinance codified in this chapter, to promote and encourage construction practices which minimize the amount of disturbed land area and avoid or minimize work on steep slopes. 19.425.020.D - Site design review application must include a "Preliminary Grading Plan. A preliminary grading plan prepared by a registered engineer shall be required for developments which would result in the grading (cut or fill) of 1,000 cubic yards or greater. The preliminary grading plan shall show the location and extent to which grading will take place, indicating general changes to contour lines, slope ratios, slope stabilization proposals, and location and height of retaining walls, if proposed. Surface water detention and treatment plans may also be required."	19.430.140.B.2.d - Plat application must include site analysis that shows ground elevations shown by contour lines at five-foot vertical intervals for ground slopes exceeding 10 percent and at two-foot intervals for ground slopes of less than 10 percent. 19.430.140.B.2.f - Application must also include potential natural hazard areas, including landslide areas, and areas having a high erosion potential;	NA
19	Fairview	Pg.65,66 - Outlines primary soil types within Fairview and drainage characteristics for each soil.	Pg.62 - Development and earth disturbing activities shall follow the City Erosion Control Ordinance.	Not referenced	Not referenced
20	Forest Grove	Not referenced	9.810 - Erosion Control Plan. All development applications require a soil erosion control plan. This section outlines requirements of plan in detail.	Not referenced in relation to landslides, soils, or erosion.	Not referenced

Table 8.1. Landslide Code Review Details Table

	A	S	T	U	V
1	Community	What are the connections between the landslide code info and the other codes?	Are there any disconnections between codes and maps?	Other relevant codes/provisions	Other observations:
17	Eugene	9590.1.c.1 - Direct reference to chapter 70, excavation and grading, of UBC in regards to grading and excavation of hillsides.	NA	9.6710.3 - Maintenance, operation, reconstruction of existing streets, driveways, and utility lines, emergency actions which must be undertaken immediately or for which there is insufficient time for full compliance to prevent or abate threat to people, property, or environment, street and alley dedications that widen existing public right-of-way, residential building permits for lots that were subject to previous reports and assessments, new construction, building alterations and building additions that will not result in soil disturbance, and activities on land included on the city's acknowledged Goal 5 inventory, are EXEMPT from geotechnical report.	96710.4 and 5 - Geotech report requirements are divided into three categories based on site geologic conditions. Level one being the most basic report, and level three being the most detailed. Site slope less than 10% requires a level one, while slope greater than 10% requires a level 2. Level three report is required when Level One or Two Analysis reveals evidence of existing or potential stability problems or where site conditions such as springs or seeps, depth of soil to bedrock, variations in soil types, or a combination of these conditions, in the opinion of the professional, impact the design parameters of the structure. 9.6710.6 - Propositions for needed housing are exempt from geotechnical report given that they include certification from an Oregon licensed Engineering Geologist or Civil Engineer with "geologic experience" stating the development will not be impacted by site geology, or any impact will be mitigated.
18	Fairview	NA	NA		
19	Fairview	NA			
20	Forest Grove	NA			Forest Grove code does not specifically address landslides or dangerous slopes in any portion. This is most likely due to Forest Grove's generally flat topography.

Table 8.1. Landslide Code Review Details Table

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1	Community	Estimated Population (as of 2016, Source: https://factfinder.census.gov/)	Document name	Document Web Address	Code type	Percent slope used as threshold for the applicable codes	Is there a method to calculate slope? What is it?	When does the requirement for a landslide study kick in?
21	Gladstone	12,116	Gladstone Municipal Code	https://www.codepublishing.com/OR/Gladstone	city code	Not referenced		17.80.061.b.D - Application for design review must include areas of potential geologic hazards. 15.06.030.1.c - An engineering geology report is required when the application is for earthwork in excess of 5,000 cubic yards or affects one acre or more of land or is requested by the City Administrator.
22	Gold Beach	2,305	City of Gold Beach Comprehensive Plan	file:///C:/Users/justin.mccarley/Downloads/HT168_G64G64_1982_OCR.pdf , https://scholarsbank.uoregon.edu/xmlui/handle/1794/9341	Comprehensive Plan	Not reference	The Comp Plan describes four categories of slope: Class A is relatively flat <12%, Class B is moderate slope 12-30%, Class C is relatively steep slope 30-50%, and Class D is steep slopes.	Not referenced
23	Gold Beach	2,305	City of Gold Beach Zoning Ordinance	https://www.goldbeachoregon.gov/vertical/sites/%7B95824C9A-6BB0-47B3-83E2-3D2AE3179E09%7D/uploads/2018_full_GBZO.pdf	City Code	Not Referenced 1.030 - Definitions section "Geologic Hazard Area" describes physical traits of areas with evidence of recent mass movement or slope failure quite well. This definition is used as a trigger for sites requiring a geologic study in favor of a simple slope value.		2.1210 - When development is to take place within areas known to contain mapped geologic hazards, as per the cited maps or as identified by the engineer or geologist.
24	Gresham	111,523	City of Gresham Development Code Article 5 - Overlay Districts	file:///C:/Users/justin.mccarley/Downloads/Development%20Code%20Article%205.pdf	City Development Code	5.0202.A.1 - 15% or greater (before development)		5.0202.B.1 - Before any development (with exceptions; see notes) occurs within the Hillside Physical Constraint Overlay District, as defined by the Community Development Hillside Special Purpose District Map or where contiguous slope is 15% or greater with an area of 10,000 sq.ft.

Table 8.1. Landslide Code Review Details Table

	A	I	J	K	L	M	N
1	Community	What certification do they require for the landslide study? E.g. CEG, registered geologist etc	What is the process for the landslide study? Who reviews it and who approves it?	Is the landslide hazard area mapped? If so, what is it called? Date made?	Associated Overlays	Associated maps	Map Dates
21	Gladstone	15.06.010.2 - “Civil Engineer” shall mean a professional engineer registered in this state to practice in the field of civil works. 15.06.010.11 - “Soil Engineer” shall mean a civil engineer experienced and knowledgeable in the practice of soil engineering.	15.06.030.4 - the engineering geology report is approved by the City Administrator.	No		NA	NA
22	Gold Beach	Not referenced	Not referenced	There is a Natural Hazards Map as Appendix C (page 215 out of 266 in the PDF of the Comp Plan).	Comp Plan does not list overlays.	The 1982 Gold Beach Comp Plan includes quite a few maps, including those related land use, natural hazards, natural resources, and soil types. There is a bibliography that lists the sources of information.	1982
23	Gold Beach	2.1210.3 - Code only mentions that the assessment must be completed by a Geologist.	2.1210.3 - the city Planning Director 2.1230.9 - Appeals of the Planning Directors decision may, at the Planning Director's discretion, be submitted to an independent engineer or geologist for peer review, the cost of which is to be split evenly between the appellant and applicant.	2.1210 - the Natural Hazard Inventory map (including DOGAMI maps "Provisional Maps of Rapidly Moving Landslides" and "Further Review Areas" as well as maps from the DOGAMI Bulletin 90: Land Use Geology of Western City of Gold Beach, Oregon) NOTE: Bulletin 90 mislabeled; should read "Land-use Geology of Western Curry County, Oregon."	Natural Hazards overlay - http://www.goldbeachoregon.gov/vertical/sites/%7B95824C9A-6BB0-47B3-83E2-3D2AE3179E09%7D/uploads/Zoning_Ordinance-City_of_Gold_Beach-1.pdf	DOGAMI "Provisional Maps of Rapidly Moving Landslides" (Possibly referencing "Map of Potentially Rapidly Moving Landslide Hazards in Western Oregon" - http://www.oregongeology.org/sub/publications/ims/ims-022/ims-22_GoldBeach.pdf) and "Further Review Areas", and maps from the DOGAMI Bulletin 90 Land Use Geology of Western City of Gold Beach, Oregon (Most likely referencing "Geologic Hazard Map of the Gold Beach Quadrangle" http://www.oregongeology.org/pubs/B/B-090.pdf#page=163 from that publication)	Bulletin 90 - 1976 PMRML - 2002?
24	Gresham	5.0202.F - Certified Engineering Geologist – any State of Oregon Registered Geologist who is certified in the specialty of Engineering Geology under provisions of ORS 672.505 to 672.705. 5.0202.G - Geotechnical Engineer – a Professional Engineer, registered in the State of Oregon provided by ORS 672.002 to 672.325, who by training, education and experience is qualified in the practice of geotechnical or soils engineering practices.	The City Manager of the City of Gresham. While not explicitly stated as the responsible party for approving permits, the Manager is referenced in several codes (5.0210.C, 5.0210.C.1, 5.0222.C, 5.0223.B, 5.0226.G,) as the approving or discretionary body.	Yes. 5.020.A - The Community Development Hillside Special Purpose District Map. Hazardous areas are divided into three categories; Higher landslide risk, Transition area, and Further review area.	Hillside physical constraint overlay - file:///C:/Users/justin.mccarley/Downloads/Development%20Code%20Article%205.pdf	The Community Development Hillside Special Purpose District Map	Not Referenced

Table 8.1. Landslide Code Review Details Table

	A	O	P	Q	R
1	Community	What do the provisions say about drainage and soils types?	What do the provisions say about grading and erosion control?	What do the provisions say about land division requirements?	Are there any building code related provisions referenced in the land use code?
21	Gladstone	17.56.020 - Adequate provisions shall be made to ensure proper drainage of surface waters and to prevent soil erosion and flooding of neighboring properties or streets.	17.58.020.1 - Grading and fill of building sites shall conform to Chapter 70 of the Uniform Building Code.	17.32.020 - Subdivision plans require contour intervals, and locations of waterways, wetlands, large trees, and rock outcrops but no reference to landslides or geologic hazards.	Not referenced
22	Gold Beach	There are descriptions of soil types and there are maps showing the location of the soils, the estuary, etc.	Not specifically discussed.	Not specifically discussed.	NA to the Comp Plan.
23	Gold Beach	Not Referenced	2.1230.1 - The geologic hazard assessment shall also assess erosion and any increase in storm water runoff and any diversion or alteration of natural storm water runoff patterns resulting from the development activity.	2.1230.7.b - In the event that the development activity is a division of land, the mitigation plan shall specify mitigation measures or improvements that must be implemented on each parcel to assure the protection of the subject property and of other properties from the hazards identified in the geologic hazard mitigation report.	Not Referenced
24	Gresham	5.0210.C.3 - Geologic mapping and investigation of the parcel shall be completed in sufficient detail to describe the geology of the parcel, and evaluate and describe existing or potential geologic hazards associated with the parcel and shall address (Among other things): Soil and rock types and groundwater conditions	5.0210.C.5.c - The required geologic study must include recommendations for site grading and drainage. This must address specific requirements including: prediction of soil material and structures, soil stability, soil permeability, protection from gully and sheet erosion, bedrock and groundwater considerations, fill considerations, suitability of on site material as fill, recommendations for fill drainage, vegetation removal and erosion concerns, recommendation to minimize site disturbance, other considerations. 5.0210.D - Application must include Preliminary Site Grading Plan	5.0221 - The underlying land use district regulations shall apply to parcels within the HPCD, for areas of less than 15%. Minimum and maximum number of units is dependent upon amount of lot that is less than 15% slope. Maximum can be increased through a Planned Development (6.0300). 5.0221.D - Lots within the HPCD are exempt from certain design standards for specific land use districts.	5.0220.D - Exemption from the safe neighborhood design standard (4.0132)

Table 8.1. Landslide Code Review Details Table

	A	S	T	U	V
1	Community	What are the connections between the landslide code info and the other codes?	Are there any disconnections between codes and maps?	Other relevant codes/provisions	Other observations:
21	Gladstone	NA			
22	Gold Beach	NA to the Comp Plan.	There are quite a few maps in the Comp Plan.	Related policies are those for Goals 5, 6, 17, and 18.	The Comp Plan includes this: GOAL 7 - AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS Goal: To protect life and property from Natural Hazards and disasters. Policies: a) To insure that development in the floodplain conforms to the National Flood Insurance Act. b) To discourage development in natural drainage ways, on excessive slopes and in other hazardous areas by careful review of development proposals in those areas with such identified problems. c) To require site information prior to development in those identified hazardous areas through implementation of the Zoning Ordinance
23	Gold Beach	NA		2.750 - Describes requirements for a geologic study to address impact on beach and foredunes when development occurs in these areas. This section describes Geologist credential requirements, geologic study content requirements, and study approval process in greater detail than any other section. 2.1230.10 - Unmapped geologic hazards brought to the city's attention must be investigated by a city hired geologist prior to development. The cost of this is passed on to the applicant.	2.1210.4 - Code describes in detail the requirements for information contained in the geologic hazard mitigation report and the site technical analysis. Note: Gold Beach code does a fantastic job of laying out the application, geologic study, and approval process for areas with possible geologic hazards relative to other communities. Some things that could be improved are the maps used to denote the areas of possible geologic hazards, and a better definition of geologist or engineer qualifications. Was unable to find the maps cited in the code, and suspect that they are well out of date.
24	Gresham	5.0210.D - Code includes requirements for grading plans from section 9.0500. 5.0221.A.4 - References Planned Developments section 6.0300. 5.0221.D - References Safe Neighborhood Design Performance Standards section 4.0132.D.		5.0222 - Development of any kind other than public facilities and utilities is restricted on slopes greater than 35% except for specific instances where lot size does not allow any other development or is of a size larger than 10 acres.	The Hillside Physical Constraint Overlay District Regulations, Section 5.0200 are much more extensive in detail than can be reflected in this spreadsheet. Section includes information on applicability, submittal requirements, development and lot development standards, grading standards, specific regulations for slopes greater than 35%, trees and vegetation on site, Surface and groundwater drainage, and development in further review areas.

Table 8.1. Landslide Code Review Details Table

	A	B	C	D	E	F	G	H
1	Community	Estimated Population (as of 2016, Source: https://factfinder.census.gov/)	Document name	Document Web Address	Code type	Percent slope used as threshold for the applicable codes	Is there a method to calculate slope? What is it?	When does the requirement for a landslide study kick in?
25	Maywood Park	828	Maywood Park Ordinances	http://cityofmaywoodpark.com/city-ordinances/	City Code	Not Referenced		Not Referenced
26	Medford	81,636	Land Development Code	http://www.ci.medford.or.us/Page.asp?NavID=447	City Code	10.931: For parcels containing Slopes greater than fifteen percent (15%), as shown on the 2009 City of Medford Slope Map, a copy of which is maintained on file in the Planning Department, a Slope Analysis is required to be submitted with: (1) Class “C” applications (except for zone changes); and, (2) Building permit applications, if a Slope Analysis of the parcel was not previously submitted with a development application. Medford’s zoning provision for slopes that are 15% or greater limits residential development to two units per acre (SFR-2).		The Medford City Council adopted a Hillside Ordinance in 2009 as an amendment to the Land Development Code (10.929-10.933). Requirements include submittal of a Constraints Analysis to the City Engineer of the Public Works Department, consisting of a Geology and Soils Report and a Hydrology and Grading Report. 10.929 Purpose; Applicability. Sections 10.929 to 10.933 establish procedural requirements for development on Slopes in excess of fifteen percent (15%) to decrease soil erosion and protect public safety. Sections 10.929 to 10.933 apply in addition to all other requirements set forth by ordinance. In the case of conflict between Sections 10.929 to 10.933 and other requirements set forth by ordinance, Sections 10.929 to 10.933 shall govern. [Added, Sec. 1, Ord. No. 2009-193, Aug. 20, 2009, effective Oct. 15, 2009.]

Table 8.1. Landslide Code Review Details Table

	A	I	J	K	L	M	N
1	Community	What certification do they require for the landslide study? E.g. CEG, registered geologist etc	What is the process for the landslide study? Who reviews it and who approves it?	Is the landslide hazard area mapped? If so, what is it called? Date made?	Associated Overlays	Associated maps	Map Dates
25	Maywood Park	Not Referenced	Not Referenced	Not Referenced		NA	NA
26	Medford	A “complete” Constraints Analysis is one that contains all items in Sections 10.933(A) (1)-(7) and 10.933(B) (1)-(4). Both a Geology and Soils Report, prepared by an Oregon licensed geologist or engineering geologist, and a Hydrology and Grading Report prepared by an Oregon registered civil engineer, must be provided.	The Slope Analysis shall be reviewed by the City Director of Public Works or designee.	Medford Slope Map approved in 2009.		DOGAMI's Open File Report 0-16-02, Landslide Susceptibility Overview Map of Oregon (Burns et al., 2016) has relevant landslide information. The 2017 Medford Natural Hazards Mitigation Plan includes Medford data related to landslides in susceptibility areas, steep slopes, and the Medford Slope Map.	

Table 8.1. Landslide Code Review Details Table

	A	O	P	Q	R
1	Community	What do the provisions say about drainage and soils types?	What do the provisions say about grading and erosion control?	What do the provisions say about land division requirements?	Are there any building code related provisions referenced in the land use code?
25	Maywood Park	Not Referenced	Not Referenced	Not Referenced	Not Referenced
26	Medford	The Constraints Analysis requires that there is a description of the nature, distribution, and strength of the existing soils on the site relative to their adequacy for the proposed development; and a determination of the suitability of the geology and soils on the site for the proposed development.	10.931: Issuance of an Excavation and Grading permit shall be required prior to any excavation or grading, except for the types of excavation or grading exempted in Appendix J of the 2007 Oregon Structural Specialty Code, a copy of which is maintained on file in the Planning Department. The permit application shall be reviewed and approved by the City Building Official or designee. An application for an Excavation and Grading Permit shall be subject to the requirements set forth in Sections 10.727 and 10.728.	There appear to be no specific references to landslides within the land division application requirements and the approval criteria.	Yes. There is a reference to the 2007 Oregon Structural Specialty Code in Section 10.931.

Table 8.1. Landslide Code Review Details Table

	A	S	T	U	V
1	Community	What are the connections between the landslide code info and the other codes?	Are there any disconnections between codes and maps?	Other relevant codes/provisions	Other observations:
25	Maywood Park	Not Referenced	Not Referenced	Article 9 - Adopts Multnomah County Zoning Ordinance 100.	There are no land use codes referenced within the City of Maywood Park Ordinances.
26	Medford	10.931: For parcels containing Slopes greater than fifteen percent (15%), as shown on the 2009 City of Medford Slope Map, a copy of which is maintained on file in the Planning Department, a Slope Analysis is required to be submitted with: (1) Class “C” applications (except for zone changes); and, (2) Building permit applications, if a Slope Analysis of the parcel was not previously submitted with a development application.	The Medford Slope Map is linked to the existing codes. The DOGAMI Landslide Susceptibility Overview Map , and the Landslide Hazard map in the Medford Natural Hazards Mitigation Plan are not otherwise linked to the Medford codes.		On steep slopes, water and sewer lines must be “keyed into” hillsides. This entails the burying of a concrete anchor into the subsurface rock, a structural technique that holds the lines in place. City not currently LiDAR mapped by DOGAMI

Table 8.1. Landslide Code Review Details Table

	A	B	C	D	E	F	G	H
1	Community	Estimated Population (as of 2016, Source: https://factfinder.census.gov/)	Document name	Document Web Address	Code type	Percent slope used as threshold for the applicable codes	Is there a method to calculate slope? What is it?	When does the requirement for a landslide study kick in?
27	Newport	10,393	Newport Municipal Code: Chapter 14.21 Geologic Hazards Overlay	http://www.newportoregon.gov/dept/cdd/documents/NMC_Chap14_Zonin g.pdf	City Code	Chapter 14.21 does not specify a slope % threshold. In Newport, it's still ok to build on 25% slopes, if the proper studies and reviews are accomplished.		14.21.020 Applicability of Geologic Hazards Regulations: A. The following are areas of known geologic hazards or are potentially hazardous and are therefore subject to the requirements of Section 14.21: 1. Bluff or dune backed shoreline areas within high or active hazard zones identified in the Department of Geology and Mineral Industries (DOGAMI) Open File Report 0-04-09 Evaluation of Coastal Erosion Hazard Zones along Dune and Bluff Backed Shorelines inLincoln County, Oregon: Cascade Head to Seal Rock, Technical Report to Lincoln County, dated 2004. 2. Active or potential landslide areas, prehistoric landslides, or other landslide risk areas identified in the DOGAMI Open File Report 0-04-09. 3. Any other documented geologic hazard area on file, at the time of inquiry, in the office of the City of Newport Community Development Department. A “documented geologic hazard area” means a unit of land that is shown by reasonable written evidence to contain geological characteristics/conditions which are hazardous or potentially hazardous for the improvement thereof. B. The DOGAMI Open File Report 0-04-09 is not intended as a site specific analysis tool. The City will use DOGAMI Open File Report 0-04-09 to identify when a Geologic Report is needed on property prior to development. A Geologic Report that applies to a specific property and that identifies a proposed development on the property as being in a different hazard zone than that identified in DOGAMI Open File Report 0-04-09, shall control over DOGAMI Open File Report 0-04-09 and shall establish the bluff or dune-backed shoreline hazard zone or landslide risk area that applies to that specific property. The time restriction set forth in subsection 14.21.030 shall not apply to such determinations. C. In circumstances where a property owner establishes or a Geologic Report identifies that development, construction, or site clearing (including tree removal) will occur outside of a bluff or dune-backed shoreline

Table 8.1. Landslide Code Review Details Table

	A	I	J	K	L	M	N
1	Community	What certification do they require for the landslide study? E.g. CEG, registered geologist etc	What is the process for the landslide study? Who reviews it and who approves it?	Is the landslide hazard area mapped? If so, what is it called? Date made?	Associated Overlays	Associated maps	Map Dates
27	Newport	14.21.030. All persons proposing development, construction, or siteclearing (including tree removal) within a geologic hazard area as defined in 14.21 .010 shall obtain a Geologic Permit. The Geologic Permit may be applied for prior to or in conjunction with a building permit, grading permit, or any other permit required by the city. Unless otherwise provided by city ordinance or other provision of law, any Geologic Permit so issued shall be valid for the same period of time as a building permit issued under the Uniform Building Code then in effect. A Geologic Permit requires: C. Identification of the bluff or dune-backed hazard zone or landslide hazard zone for the parcel or lot upon which development is to occur. In cases where properties are mapped with more than one hazard zone, a certified engineering geologist shall identify the hazard zone(s) within which development is proposed; and D. A Geologic Report prepared by a certified engineering geologist, establishing that the site is suitable for the proposed development; and E. An engineering report, prepared by a licensed civil engineer, geotechnical engineer, or certified engineering geologist (to the extent qualified), must be provided if engineering remediation is anticipated to make the site suitable for the proposed development.	An application shall be processed and authorized using a Type I decision-making process. Any appeal from the issuance or denial of a Geologic Permit shall be filed within 15 calendar days of the date the city issues a final order as provided by Section 14.52.050. Appellants challenging substantive elements of a Geologic Report shall submit their own analysis prepared by a certified engineering geologist. Such report shall be provided within 30 days of the date the appeal is filed. A failure to submit a report within this timeframe is grounds for dismissal of the appeal.No development requiring a Geologic Report shall receive final approval (e.g. certificate of occupancy, final inspection, etc.) until the city receives a written statement by a certified engineering geologist indicating that all performance, mitigation, and monitoring measures contained in the report have been satisfied. If mitigation measures involve engineering solutions prepared by a licensed professional engineer, then the city must also receive an additional written statement of compliance by the design engineer.	The City will use DOGAMI Open File Report 0-04-09 to identify when a Geologic Report is needed on property prior to development. The City of Newport also has maps called the Natural Hazard Overlay Zones: North Newport and South Newport. The maps include geologic hazards, FEMA floodway, 100-yr floodplain, base flood elevation, and the SB 379 tsunami inundation line.	Natural hazards Overlay Zones: North Newport - http://www.newportoregon.gov/dep/t/cdd/documents/North_Newport_Hazards.pdf South Newport - http://www.newportoregon.gov/dep/t/cdd/documents/South_Newport_Hazards.pdf	When Derrick Tokos, the current Community Development Director, arrived in 2009, he quickly set out to revise the geologic hazard code. The code was from the 1970s. He used DOGAMI's Open File Report O-04-09 as a basis to do the updates.	

Table 8.1. Landslide Code Review Details Table

	A	O	P	Q	R
1	Community	What do the provisions say about drainage and soils types?	What do the provisions say about grading and erosion control?	What do the provisions say about land division requirements?	Are there any building code related provisions referenced in the land use code?
27	Newport	Geologic Report Guidelines: Geologic Reports shall be prepared consistent with standard geologic practices employing generally accepted scientific and engineering principles and shall, at a minimum, contain the items outlined in the Oregon State Board of Geologist Examiners “Guidelines for Preparing Engineering Geologic Reports in Oregon,” in use on the effective date of this section. Such reports shall address subsections 14.21.070 to 14.21.090, as applicable. For oceanfront property, reports shall also address the “Geological Report Guidelines for New Development on Oceanfront Properties,” prepared by the Oregon Coastal Management Program of the Department of Land Conservation and Development, in use as of the effective date of this section. All Geologic Reports are valid as prima facie evidence of the information therein contained for a period of five (5) years. They are only valid for the development plan addressed in the report. The city assumes no responsibility for the quality or accuracy of such reports.	For structures, driveways, parking areas, or other impervious surfaces in areas of 12% slope or greater, the release rate and sedimentation of storm water shall be controlled by the use of retention facilities as specified by the City Engineer. The retention facilities shall be designed for storms having a 20- year recurrence frequency. Storm waters shall be directed into a drainage with adequate capacity so as not to flood adjacent or downstream property. There is a section on erosion control measures. Within that section there info requestion on vegetation removal, cut and fill, stormwater, etc.	These code provisions do not specifically mention land divisions.	These code provisions do not specifically mention the building code. There are provisions related to stormwater retention.

Table 8.1. Landslide Code Review Details Table

	A	S	T	U	V
1	Community	What are the connections between the landslide code info and the other codes?	Are there any disconnections between codes and maps?	Other relevant codes/provisions	Other observations:
27	Newport	There are links to the conforming and non-conforming structures and uses.	Chapter 14.21 does not specifically reference the Natural Hazards Overlays which are two maps, North Newport and South Newport. The maps are dated Junen 29, 2016 and located on the website at these two links: http://www.newportoregon.gov/dept/cdd/documents/North_Newport_Hazards.pdf and http://www.newportoregon.gov/dept/cdd/documents/South_Newport_Hazards.pdf . I looked through the chapters in the Municipal Code and did not see these Natural Hazards Overlays listed or described. These links are on the Newport website: Geologic Hazards Permit, -Report Guidelines - new oceanfront developments, - Guidelines for preparing Geologic Reports, -Exemption to Geologic Permit Requirements on this link: http://www.newportoregon.gov/dept/cdd/planningAppsChecks.asp .	There is a section, 14.21.150, about conforming and non-conforming uses and structures that are damaged.	Tricia: I included the City of Newport as an example in the presentation I made on October 27, 2016 at the Oregon-Washington APA conference, "Landslides in Oregon: Integrating Science and Policy." Contacts there include Derrick Tokos, Community Development Director. I will add some thoughts here. From the Newport code: "If the results of a Geologic Report are substantially different than the hazard designations contained in DOGAMI Open File Report 0-04-09 then the city shall provide notice to the Department of Geology and Mineral Industries (DOGAMI) and Department of Land Conservation and Development (DLCD). The agencies will have 14 days to provide comments and the city shall consider agency comments and determine whether or not it is appropriate to issue a Geologic Permit." To date, they have not had this issue come up. City not currently LiDAR mapped by DOGAMI

Table 8.1. Landslide Code Review Details Table

	A	B	C	D	E	F	G	H
1	Community	Estimated Population (as of 2016, Source: https://factfinder.census.gov/)	Document name	Document Web Address	Code type	Percent slope used as threshold for the applicable codes	Is there a method to calculate slope? What is it?	When does the requirement for a landslide study kick in?
28	Oregon City	36,286	Oregon City Municipal Code	http://library.municode.com/index.aspx?clientId=16540	City Code	Chapter 17.44.060.H and I contain density/slope requirements.		17.44.025 - No development is allowed within the Geologic hazards overlay zone without prior approval. 17.04.515 - The geologic hazards overlay zone is defined thusly: The following areas identified on the city's slope and geology map which represents: a. Areas within fifty feet of the crest or toe of a slope that is twenty-five percent or greater, or within two hundred feet of the crest or toe of a landslide geologic units Qls and Qf identified by DOGAMI and derived from LIDAR IMS-29 and IMS-26 publications in 2009, whichever is greater; b. Areas with a slope of twenty-five percent or more; c. Geologic Hazards areas identified by the State of Oregon Department of Geology and Mineral Industries (DOGAMI) as landslide or debris flow fan (Qls and Qf geologic units derived from LIDAR IMS-29 and IMS-26 publications in 2009); d. Geologic Hazards areas identified in Bulletin 99, Geology and Geologic Hazards of Northwestern Clackamas County, Oregon (1979); and; 2. Any other area that is identified by a suitably qualified geotechnical engineer or engineering geologist who is licensed in Oregon and derives his or her livelihood principally from that profession as being subject to soil instability, slumping or earth flow, high groundwater level, and landslide.
29	Port Orford	1,159	Port Orford Municipal Code	http://www.portorford.org/municipalcode.html	City Code	17.16.080 - 15%		17.16.080 - Whenever development is to occur within the Geologic Hazards Overlay Zone or on slopes of greater than 15%

Table 8.1. Landslide Code Review Details Table

	A	I	J	K	L	M	N
1	Community	What certification do they require for the landslide study? E.g. CEG, registered geologist etc	What is the process for the landslide study? Who reviews it and who approves it?	Is the landslide hazard area mapped? If so, what is it called? Date made?	Associated Overlays	Associated maps	Map Dates
28	Oregon City	17.04.520 - "Geotechnical engineer" is a Professional Engineer, registered in the State of Oregon as provided by ORS 672.002 to 672.325, who by training, education and experience is qualified in the practice of geotechnical or soils engineering practices. 17.04.510 - "a suitably qualified geotechnical engineer or engineering geologist who is licensed in Oregon and derives his or her livelihood principally from that profession as being subject to soil instability, slumping or earth flow, high groundwater level, landslide, or seismic activity".	17.50.030 - Decisions regarding land use applications involving geologic hazards go through a type II decision making process, which is defined thusly: 17.050.030.2.B - Type II decisions involve the exercise of limited interpretation and discretion in evaluating approval criteria, similar to the limited land use decision-making process under state law. Applications evaluated through this process are assumed to be allowable in the underlying zone, and the inquiry typically focuses on what form the use will take or how it will look. Notice of application and an invitation to comment is mailed to the applicant, recognized active neighborhood association(s) and property owners within three hundred feet. The community development director accepts comments for a minimum of fourteen days and renders a decision. The community development director's decision is appealable to the city commission with notice to the planning commission, by any party with standing (i.e., applicant and any party who submitted comments during the comment period). The city commission decision is the city's final decision and is appealable to the land use board of appeals (LUBA) within twenty-one days of when it becomes final.	17.04.515.1 - Yes. The area is mapped as the 'geologic hazards overlay zone'. This is an amalgamation of several maps and reports, including: DOGAMI publications from 2009 and 1979. Based on "LIDAR IMS-29 and IMS-26 publications".	Oregon City Geologic Hazards Overlay Zone – https://www.orcity.org/publicworks/geologic-hazards	Oregon city online maps page down at time of writing. http://webmaps.orcity.org/	2009 and 1979
29	Port Orford	17.16.080.A - Engineering Geologist licensed by the State of Oregon as provided by ORS 672.505 to 672.705	.	Yes. 17.16.080 - Port Orford Geologic Areas Map 3-A and Landslide Inventory Map of Coastal Curry County Oregon 2014	Port Orford – Mention of proposed Natural Hazards Overlay Zone in 2015 planning document, but nothing yet available online.		2014 (both)

Table 8.1. Landslide Code Review Details Table

	A	O	P	Q	R
1	Community	What do the provisions say about drainage and soils types?	What do the provisions say about grading and erosion control?	What do the provisions say about land division requirements?	Are there any building code related provisions referenced in the land use code?
28	Oregon City	13.12.080 - All development plans require engineered drainage plans, drainage reports, and design flow calculation reports in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards and each project site shall have a separate valid city approved plan and report before proceeding with construction. 17.44.050.A.2 - Geologic reports must include information and recommendations regarding existing local drainage, proposed permit activity impacts on local drainage, and mitigation to address adverse impacts. 17.44.050.A.1 - Geologic reports must include information and data regarding the physical and chemical properties of existing soils and groundwater.	17.44.050.A.7/8 - Geologic site report must include conclusions regarding the effect of geologic conditions on the grading activity and specific requirements and recommendations for plan modification, corrective grading, and special techniques and systems to facilitate a safe and stable site. 17.44.050.A.9 - Geologic report must include recommendations and considerations for erosion control techniques applicable to the site.	16.08.025 - Subdivision applications must include a Natural Features Plan and Topography, Preliminary Grading and Drainage Plan, including: All known geologic and flood hazards, landslides or faults, and areas with a water table within one foot of the surface.	Not referenced
29	Port Orford	17.16.080.4.a.iv.2.a - The results of all test performed on soils, material, and rock at the site must be included in the technical analysis from the geologist.	17.17.060.1 - Applications for development shall include an Erosion Prevention and Sediment Control Plan.	17.16.080.8.b - For development involving land divisions, a mitigation plan must be included that shows measures necessary to protect each parcel from geologic hazards.	

Table 8.1. Landslide Code Review Details Table

	A	S	T	U	V
1	Community	What are the connections between the landslide code info and the other codes?	Are there any disconnections between codes and maps?	Other relevant codes/provisions	Other observations:
28	Oregon City			17.44.050.B.3 - All geologic assessments and geotechnical reports shall be reviewed by an engineer certified for expertise in geology or geologic engineering and geotechnical engineering, respectively, as determined by the city. The city will prepare a list of prequalified consultants for this purpose. The cost of review by independent review shall be paid by the applicant.	17.04.1145 - Oregon City specifically outlines the method to be used for calculating slope: 1. For lots or parcels individually or cumulatively greater than ten thousand square feet in size, between grade breaks, obtain the vertical distance, divide by the horizontal distance and multiply by one hundred. The horizontal distance to be used in determining the location of grade breaks shall be fifty feet; 2. For lots or parcels ten thousand square feet or smaller in size, obtain the vertical distance across the lot or parcel, divide by the horizontal distance and multiply by one hundred;
29	Port Orford				

Table 8.1. Landslide Code Review Details Table

	A	B	C	D	E	F	G	H
1	Community	Estimated Population (as of 2016, Source: https://factfinder.census.gov/)	Document name	Document Web Address	Code type	Percent slope used as threshold for the applicable codes	Is there a method to calculate slope? What is it?	When does the requirement for a landslide study kick in?
30	Portland	639,863	Portland Zoning Code (Title 33 of the City Code)	https://www.portlandoregon.gov/bps/31612?	City Codes	Related to 33.632.020, there is no percent slope identified. The trigger is a proposed land division with any portion of the land within the potential landslide hazard area. That area is mapped.		Chapter 33.632 Sites in Potential Landslide Hazard Areas. 33.632.020 Where This Approval Criterion Applies: The approval criterion of this chapter applies to all proposals for land divisions where any portion of the site is within a potential landslide hazard area.
31	Portland	639,863	Portland City Code, Title 24	https://www.portlandoregon.gov/citycode/28188	City Codes			
32	Portland	639,863	City of Portland Erosion Control Manual (March 2008)	https://www.portlandoregon.gov/bds/article/94539	City Codes			

Table 8.1. Landslide Code Review Details Table

	A	I	J	K	L	M	N
1	Community	What certification do they require for the landslide study? E.g. CEG, registered geologist etc	What is the process for the landslide study? Who reviews it and who approves it?	Is the landslide hazard area mapped? If so, what is it called? Date made?	Associated Overlays	Associated maps	Map Dates
30	Portland	The Landslide Hazard Study (LHS) must be prepared by a Certified Engineering Geologist (CEG) and Geotechnical Engineer (PE). Handout at: https://www.portlandoregon.gov/bds/article/403947 and additional related provisions in Section 33.730.060.D.1.f.	The Bureau of Development Services Site Development staff will review the LHS. The LHS will also be reviewed by the planner assigned to the land division application.	The potential landslide hazard area is mapped on Portland Maps at: https://www.portlandmaps.com/	Portland – Potential Landslide Hazards Area – https://www.portlandoregon.gov/bds/article/72539	Portland Maps includes categories of: Mapped Landslide Inventory Area; Title 33 Potential Landslide Hazard Area; and Steep Slope Area (25%).	On Portland Maps, the dates are generally showing the data is updated through April 2017.
31	Portland						
32	Portland						

Table 8.1. Landslide Code Review Details Table

	A	O	P	Q	R
1	Community	What do the provisions say about drainage and soils types?	What do the provisions say about grading and erosion control?	What do the provisions say about land division requirements?	Are there any building code related provisions referenced in the land use code?
30	Portland	Chapter 33.635 Clearing and Grading and Land Suitability. 33.635.020 Where This Approval Criterion Applies: The approval criteria of this chapter apply to proposals for land divisions in all zones. Nothing about soil types. Section 33.635.100: Existing contours and drainage patterns of the site must be left intact wherever practicable. Where alteration to existing drainage patterns is proposed, it must not adversely impact adjacent properties by significantly increasing volume of runoff or erosion;	33.635.100: Clearing and grading should be sufficient for construction of development shown on the Preliminary Clearing and Grading Plan; Clearing and grading should be limited to areas of the site that are reasonably necessary for construction of development shown on the Preliminary Clearing and Grading Plan; Topsoil must be preserved on site to the extent practicable for use on the site after grading is complete; Soil stockpiles must be kept on the site and located in areas designated for clearing and grading as much as is practicable; and The limits of disturbance and tree protection measures shown on the Preliminary Clearing and Grading Plan must be adequate to protect trees to be retained on the tree preservation plan.	The Landslide Hazard Study and the potential landslide hazard map are related to land divisions.	No.
31	Portland		24.70.10: The provisions of this Chapter shall regulate clearing, grading and earthwork construction on private property. Tree removal, whether associated with clearing, grading, earthwork construction or conducted separately shall be regulated pursuant to Title 11, Trees. Erosion control is regulated by Title 10. Section 24.70.30 specifically relates to hazards.		Title 24 is Building Regulations
32	Portland				Title 10 is Erosion and Sediment Control

Table 8.1. Landslide Code Review Details Table

	A	S	T	U	V
1	Community	What are the connections between the landslide code info and the other codes?	Are there any disconnections between codes and maps?	Other relevant codes/provisions	Other observations:
30	Portland	Portland Maps includes categories of: Mapped Landslide Inventory Area; Title 33 Potential Landslide Hazard Area; and Steep Slope Area (25%). What are the code links to the Steep Slopes Area (25%) and the Mapped Landslide Inventory Area?	At this point, yes, but perhaps it is a matter of more research.	Site development permits are reviewed by BDS geotechnical and join/or civil engineers and Planning and Zoning staff, and potentially other bureaus. There are several situations when a project would require a site development permit: 1.Clearing - For cutting or removal of vegetation which results in exposing any bare soil. 2.Grading - For earthwork, excavation or filling in excess of 10 cubic yards. 3.Tree Cutting - For tree cutting on slopes with gradients which exceed 25% when more than five trees of six-inch diameter are to be cut or the area to be cleared is greater than 2,500 square feet. 4.Private Right-of-ways - For construction of streets, alleys, common greens and pedestrian connections located within a private right-of-way.	City of Portland has a Landslide Hazard Area (LHA) map and code provisions. The map and code provisions are specifically linked to the Land Divisions. If a Land Division is proposed within the LHA, a Landslide Hazard Study (LHS) is required. There are specific requirements for the LHS. The requirements for the LHS include: The Landslide Hazard Study (LHS) must be prepared by a Certified Engineering Geologist (CEG) and Geotechnical Engineer (PE). A copy of the LHS handout can be found at: https://www.portlandoregon.gov/bds/article/403947 and additional related provisions in Section 33.730.060.D.1.f.
31	Portland				
32	Portland				When a Land Division is not proposed, but some other land use application is, there are no other Zoning Code (Title 33 of City Code) provisions that apply. The provisions that apply are part of City Code (but not Zoning Code) and are overseen by the Site Development staff. The Site Development staff can invoke City Code provisions (e.g. erosion control, steep slope, whatever) pursuant to Title 24 (building code regulations) and Title 10 (erosion and grading control regulations). They have the ability to ask for additional studies and reports as needed. They use two maps that are not related to the Zoning Code: Mapped Landslide Inventory Area and Areas with Steep Slopes (25%). All three maps: Steep slopes (25%); Mapped Landslide Inventory Area; and Landslide Hazard Area are found online on the City of Portland's site called Portland Maps.

Table 8.1. Landslide Code Review Details Table

	A	B	C	D	E	F	G	H
1	Community	Estimated Population (as of 2016, Source: https://factfinder.census.gov/)	Document name	Document Web Address	Code type	Percent slope used as threshold for the applicable codes	Is there a method to calculate slope? What is it?	When does the requirement for a landslide study kick in?
33	Salem	167,419	Salem Revised Code	http://www.cityofsalem.net/Pages/salem-revised-code.aspx	City Code	NA		810.020.a.1 - Prior to development in areas designated as moderate or high total landslide hazard risk as a determined by the landslide hazard risk assessment worksheet score in section 810.025. Scores are based off a matrix of site geology and development activity landslide susceptibility. A score of 5 or higher triggers a Geologic assessment requirement for the application process.
34	Sandy	11,005	Title 17 Development Code	http://www.ci.sandy.or.us/Development-Code/	City Code	17.56.10 - 25%		17.56.10 - Applies to all development that "require a building, grading, tree removal, and/or land use permit" within the Hillside Development Overlay District, or in areas with slope hazards as mapped by DOGAMI. With limited exceptions. 17.56.40 - Three different levels of study may be required based upon site factors including slope and location within DOGAMI mapped hazard areas.
35	Silverton	10,002	Silverton Municipal Code	http://www.codepublishing.com/OR/Silverton/	City Code	18.2.6.100 - 12%		18.2.6.130 - Prior to development on land that exceeds 12 percent average slope or contains areas classified as having moderate or high susceptibility to shallow-seated and deep-seated landslides by DOGAMI

Table 8.1. Landslide Code Review Details Table

	A	I	J	K	L	M	N
1	Community	What certification do they require for the landslide study? E.g. CEG, registered geologist etc	What is the process for the landslide study? Who reviews it and who approves it?	Is the landslide hazard area mapped? If so, what is it called? Date made?	Associated Overlays	Associated maps	Map Dates
33	Salem	810.010.a/c - Certified Engineering Geologist: Any Registered Geologist who is certified in the specialty of Engineering Geology under provisions of ORS 672.505 to 672.705. Geotechnical Engineer: A Professional Engineer, registered in the State of Oregon as provided by ORS 672.002 to 672.325, who by training, education and experience is qualified in the practice of geotechnical or soils engineering practices.	810.020.b - A landslide hazard construction permit is processed as a Type I procedure under SRC Chapter 300. Table 300-2 - Landslide hazard construction permits are approved by the Public Works Director.	810.015 - Areas subject to this Chapter shall be shown on Landslide Hazard Susceptibility Maps, which shall be adopted by administrative rule by the Director pursuant to SRC Chapter 20J. The Landslide Hazard Susceptibility Maps shall indicate the general location of areas of low, moderate, and high susceptibility to landslides, areas of known slide hazards, and slope contours. These maps shall be based on the best available information. (Ord No. 31-13)	Mention of updating landslide overlay maps in 2012 natural hazards mitigation plan. Nothing available online	810.010.g - Cumulatively, the Oregon Department of Geology and Mineral Industries (DOGAMI) Interpretive Map Series IMS-5, IMS-6, IMS-17, IMS-18, and IMS-22 maps, together with the slope contour map	IMS-5: 2000 IMS-6: 1998 IMS-17: 2000 IMS-18: 2000 IMS-22: 2002
34	Sandy	17.56.30.B - Certified Engineering Geologist or Geotechnical Engineer depending on the level of study required.	17.56.50 - The Planning and Development Director of the City of Sandy or designee	Yes. The Hillside Development Overlay District Map (Multnomah County?)	Sandy - Hillside Development Overlay District Map – Section 17.56 https://evogov.s3.amazonaws.com/media/88/media/20570.PDF		
35	Silverton	18.2.6.130 - geotechnical engineer and certified engineering geologist	18.4.1.300 - The community development director. Section 18, chapter 4.1 outlines review process in detail. Review process differs for different type of development.	18.2.6.110 - Map not reference directly, but code applies to "areas classified as having moderate or high susceptibility to shallow and deep seated landslides by the Department of Geology and Mineral Industries (DOGAMI)"	Silverton – Hillside protection overlay district – http://www.codepublishing.com/OR/Silverton/Silverton18/Silverton180206.html	NA	NA

Table 8.1. Landslide Code Review Details Table

	A	O	P	Q	R
1	Community	What do the provisions say about drainage and soils types?	What do the provisions say about grading and erosion control?	What do the provisions say about land division requirements?	Are there any building code related provisions referenced in the land use code?
33	Salem	A soils study or soils type report does not seem to be required as part of the code.	75.030 - Erosion is prohibited. No person shall cause or suffer visible and measurable erosion or sediment which enters or is likely to enter the public storm drainage system, drainage courses, or wetlands. (Ord No. 39-2001) 75.050.a - All development projects require an erosion control permit with exceptions. 82.030 - a Clearing and Grading Permit is required for any activity that involves ground disturbing activity exceeding two feet in depth or 25 cubic yards of volume with exceptions. A technical report is required as part of the application process if excavation requirements and standards cannot otherwise be met.	205.005 - All parcel division plans must include as part of the applications process, any special development standards and geological ot geotechnical analysis.	
34	Sandy	17.56.Apendix A - Geologic assessments must include information on soil types, structure, development, and information on hydrologic conditions at the site, including spring, water table, and drainage. 17.60.50.A - Development applications must include a hydrology and soils report that outlines the current status and effect of changes to the hydrology, and erosion concerns of the development area and downstream. Report must include soil characteristics including strength, erosion and slumping susceptibility.	17.60.50.B - Development applications must include a grading plan completed by a licensed professional engineer registered in Oregon outlining effect of development on contours, water quality, dams, basins, and more. Report erosion control plan must be consistant with the provisions of section 15.44.	17.54.00.G - New construction and land divisions shall meet any development, land division and design standards of the applicable specific area plan.	Appendix B - The reccommended techniques portion of the OBGE guidelines for preparing geologic reports includes the following: "Commonly accepted grading requirements are described in Chapter 70 of the Uniform Building Code."
35	Silverton	18.2.6.130 - Reports required with application include a description of project drainage and drainage control methods. 18.2.6.180.G.2 - Existing natural drainage systems shall be utilized, as much as possible, in their natural state, recognizing the erosion potential from increased storm drainage. 18.2.6.190 - In all slope areas, impervious surface drainage from roofs, driveways, and parking areas must be directed to a city storm drain or other city-approved drainage system. 18.2.6.130.E - Applications must include reports detailing soil depth and soil structure.	18.2.6.180 - Code has extensive rules regarding grading and erosion control. Requirements include grading plans, designed by a geotech engineer, prior to development, restriction of grading projects to summer (low rainfall) months, specific cut standards for hillsides, standards for fill, requirements for re-vegetation, enforcement for grading regulations, and general site grading review considerations.	18.2.6.140 - Code sets out minimum lot sizes based on slope grade. There are two options for developers to follow. Option A allows for a strick lot size based on slope grade. Option B allows the developer to transfer density to locations of less than 12%, retaining steeper areas as open space.	None referenced

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1	Community	What are the connections between the landslide code info and the other codes?	Are there any disconnections between codes and maps?	Other relevant codes/provisions	Other observations:
33	Salem	810.020 - Reference to SRC Chapter 20J regarding authority of the Director 810.020.c - Reference to SRC Chapter 300 regarding application type 1 procedure.			City not currently LiDAR mapped by DOGAMI Salem uses a landslide hazard susceptibility calculation method unlike any of the other entities in the review. This requires the applicant derive values from three matrices, the combined value of which is their total landslide susceptibility risk value. Based on this value, the development application process may require the inclusion of geologic assessment and/or a geotechnical report. The matrices include various values assigned for earthquake induced landslide susceptibility, water induced landslide susceptibility, and activity susceptibility (ie., required grading, vegetaion removal, etc.)
34	Sandy			17.56.40 - Sandy requires three different levels of site review based on site conditions. Determining factors are site slope percentage, and whether the site is located within a DOGAMI mapped hazard area.	Good outline of requirements for geologic assessment. Sandy includes the following disclaimer in their code: 17.60.110 - The degree of hazard protection afforded by adherence to the provisions of this chapter is considered reasonable for regulatory purposes, and is based on the best available engineering and scientific information available to the City. Larger floods than those anticipated by the chapter may occur. Landslides may occur on rare occasions in areas outside of the delineated steep slope and constrained slope boundaries. This chapter does not imply that areas outside FSH overlay district or land use permitted within FSH boundaries will be free from any significant flooding, mass movement, landslide damage, erosion or water pollution. This chapter shall not create liability on the part of the City of Sandy for any damage that results from reliance on the provisions of this chapter or any administrative decision lawfully made thereunder.
35	Silverton	NA	Code references areas classified as having moderate or high susceptibility to shallow and deep seated landslides by the Department of Geology and Mineral Industries (DOGAMI), but does not denote how to determine what these areas are.	18.2.6.130 - Reports required as part of the application process include a required Inspection schedule, and a discussion of off site geology that might present a hazard.	Silverton code is a good example of umambiguous hillside hazard regulation compared to some other localities.

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36	Springfield	61,893	Springfield Development Code	http://qcode.us/codes/springfield-development/	City Code	3.3-530 - 15% as defined by the formula in section 3.3-520		3.3-530 - Where the buildable portion of the property exceeds 15% as defined by the formula in section 3.3-520
37	Tigard	51,902	Community Development Code	http://www.tigard-or.gov/business/titl	City Code	18.775.010.G.4 - Slopes of 25% or greater;		18.775.020.F.1 - None required. The Director of Community development approves or denies development permit based on Type II Community outreach and input decision making process.
38	Vernonia	2,194	City of Vernonia Ordinances	http://www.vernonia-or.gov/Forms/Ordinances.asp	City Codes	Not referenced in code		Not referenced in code
39	West Linn	26,859	West Linn community Development Code	https://www.codepublishing.com/OR/WestLinn/#!/WestLinnCDC/WestLinnCDCNT.html	City Code	85.200.E.7.b - 12% 55.110.B.3 - 15%		55.110 - Site slope analysis must be completed for all development applications.
40								
41	COUNTIES							

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1	Community	What certification do they require for the landslide study? E.g. CEG, registered geologist etc	What is the process for the landslide study? Who reviews it and who approves it?	Is the landslide hazard area mapped? If so, what is it called? Date made?	Associated Overlays	Associated maps	Map Dates
36	Springfield	3.3-530 - A civil engineer, geologist, or geotechnical engineer.	2.1-120 - The Development Services Director or duly appointed representative.	3.3-510 - No. The code references the Hillside Development Overlay District, but does not reference maps of this area. The Overlay District is defined as any area above 670ft. elevation or below 670ft. With a greater than 15% grade.	Springfield – Hillside Development Overlay District – http://qcode.us/codes/springfield-development/view.php?topic=3-3_3_500&frames=on	Not referenced	NA
37	Tigard	NA	18.360.090 - The Director of Community Development for the City of Tigard, Oregon, or designee.	Not referenced		NA	NA
38	Vernonia	Not referenced in code	Not referenced in code	Not referenced in code		Not referenced in code	
39	West Linn	55.110.B.3 - Design review process requires a site analysis that includes a slope analysis. Slope is divided into four categories, Type 1, 2, 3, and 4, based on slope grade.	NA - Code does not reference landslide study requirements	Not referenced in code	West Linn – Natural Hazards Mitigation Map (Potential Landslides)- http://westlinnoregon.gov/sites/default/files/gis/natural_hazards/Map11_PotentialLandslides.pdf	Not referenced in code	
40							
41	COUNTIES						

Table 8.1. Landslide Code Review Details Table

	A	O	P	Q	R
1	Community	What do the provisions say about drainage and soils types?	What do the provisions say about grading and erosion control?	What do the provisions say about land division requirements?	Are there any building code related provisions referenced in the land use code?
36	Springfield	3.3-530.B.2 - Applications for development must include a grading plan report which outlines the current state of terrain and drainage at the site, drainage vectors and street grades, proposed alterations to drainage at site, and any currently existing drainage devices, dams, etc.	3.3-530.B.2 - Applications for development must include a grading plan report completed by a civil engineer which contains current site contours, location of buildings in relation to topography, and a schedule of work to be done.	3.3-520 - Lots which are above 670ft. elevation and/or above a certain slope grade are limited in density. The code includes a formula which determines the average slope. Based on the slope determined by this formula, the minimum allowable lot size, and therefore maximum allowable dwelling density for the lot can be determined by a table included in 3.3-520.B.1.c. For lots both below 670ft. elevation AND 15% grade, the lot size regulations are determined by section 3.2-215.	3.3-535.A - Yard setback restrictions may be reduced to zero by the Director as long as permitted by building code standards.
37	Tigard	18.360.090.B.1 - Buildings shall be located to preserve existing topography and natural drainage where possible based upon existing site conditions;	18.775.070.C.3 - Permits for development on steep slopes require that the development will not result in erosion, stream sedimentation, ground instability	Not referenced	Not Referenced
38	Vernonia	Not referenced in code	Not referenced in code	Not referenced in code	
39	West Linn	Not referenced in code	5.477.1 - No owner or person in charge of any project, building, structure, or parcel of land may intentionally or inadvertently allow any visible or measurable erosion. This includes due to earth slides, mud flows, land slumping, slope failure, or other earth movement that leaves, or is likely to leave, the property of origin. 85.200.E.7 - Grading on slopes greater than 12% may not remove the toe of any slope where a severe landslide or erosion hazard exists (as described in subsection (G)(5) of this section). 55.130.A - Site development plans must include a grading plan.	85.160.F.2.c - Earth slides, mud flows, land slumping, slope failure, or other earth movement that is likely to leave the property of origin must be shown on tentative plan included with subdivision application.	Not referenced in code
40					
41	COUNTIES				

Table 8.1. Landslide Code Review Details Table

	A	S	T	U	V
1	Community	What are the connections between the landslide code info and the other codes?	Are there any disconnections between codes and maps?	Other relevant codes/provisions	Other observations:
36	Springfield	3.3-350.C - Applications for development must include a site vegetation and re-vegetation report as outlined in section 5.19-120 if any trees are to be cut down on site. Additionally, a tree felling permit must be applied for as outlined in section 5.19-100. 3.3-530.E - A development plan report, included as a requirement for the application, shall be based on the lot standards set forth in section 3.2-215.			3.3-530 - The development applicant shall fund peer review of the geologic reports as deemed necessary by the City Engineer.
37	Tigard	Not Referenced			Tigard prohibits all development on slopes greater than 25%, and "unstable ground" with exceptions for yards, farmlands, community recreation areas, conservation areas, fencing, accessory buildings less than 120 sq.ft., or removal of noxious or invasive plants.
38	Vernonia				Unable to find any provisions on city website relating to landslides, slope, grading, or landslip.
39	West Linn				
40					
41	COUNTIES				

Table 8.1. Landslide Code Review Details Table

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1	Community	Estimated Population (as of 2016, Source: https://factfinder.census.gov/)	Document name	Document Web Address	Code type	Percent slope used as threshold for the applicable codes	Is there a method to calculate slope? What is it?	When does the requirement for a landslide study kick in?
42	Clackamas County	408,062	Clackamas County Zoning and Development Ordinance	http://www.clackamas.us/planning/zdo.html	County Zoning Code	1003.02.A - 20% or greater		1003.02.A - For any development proposed on slopes of 20% or greater.
43	Coos County	63,761	Coos County comprehensive Plan Volume 1 Part 1	http://www.co.coos.or.us/Portals/0/Planning/Vol%201%20Part%201%20CCP.pdf?ver=2015-05-19-132047-017	Comprehensive Plan	Not referenced		1.1.6 - Any new dwellings developed in in known areas potentially subject to mass movement.

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	A	I	J	K	L	M	N
1	Community	What certification do they require for the landslide study? E.g. CEG, registered geologist etc	What is the process for the landslide study? Who reviews it and who approves it?	Is the landslide hazard area mapped? If so, what is it called? Date made?	Associated Overlays	Associated maps	Map Dates
42	Clackamas County	1003.02.B.i - Engineer or engineering geologist registered in the State of Oregon	1102.04.A - Either the Planning Director or a hearings officer depending on the development type and whether the application is for a type 1 or 2 permit. See table 1307-1 for approval body matrix. 1307.03.E - The planning director may forward the request to the Design Review Committee. The DRC is a seven member board appointed by the board of county commissioners and must include: one landscape architect, one architect, one registered engineer, one graphic designer, and one rep from finance or construction industry.	1003.02.E - The principal source of information for determining mass movement hazards is the State Department of Geology and Mineral Industries (DOGAMI) Bulletin 99 and accompanying maps.		http://www.oregongeology.org/pubs/B/B-099.pdf#page=86	1979
43	Coos County	1.1.6.ii - "a qualified geologist or civil engineer"	The Planning Director (referenced not in comprehensive plan but in planning ordinance 6.2.375.6)	Not referenced		Not referenced	

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1	Community	What do the provisions say about drainage and soils types?	What do the provisions say about grading and erosion control?	What do the provisions say about land division requirements?	Are there any building code related provisions referenced in the land use code?
42	Clackamas County	1003.02.B.c - Site study must include "description of bedrock and surficial materials including artificial fill". 1003.02.B.g - Site study must include "seepage and drainage control, or other design criteria to mitigate geologic hazards".	1003.02.B - No grading or development is allowed without stabilization of hazardous areas, or geologic report stating site is stable for proposed use. 1003.02.C - Vegetative cover shall be maintained or established for stability and erosion control purposes. 1002.02.A.2.b - The additional lot coverage, grading, or stripping shall not decrease the stability of the slope, appreciably increase erosion, sedimentation, or drainage flow from the property. 1002.02.A.2.c/d - Measures shall be employed to minimize grading or filling to accomplish the development, disturbed areas shall be compacted if necessary and re-vegetated as soon as practical and before the annual wet season.	1002.02.A.1 - No partition or subdivision shall create any new lot or parcel which cannot be developed under the provisions of this code.	Not Referenced
43	Coos County	Not referenced	Not referenced	The Planning Director may impose special conditions upon the approval of a land division plan when it is deemed to cause danger from geologic hazards. (Planning ordinance 6.2.375.6)	Not referenced

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1	Community	What are the connections between the landslide code info and the other codes?	Are there any disconnections between codes and maps?	Other relevant codes/provisions	Other observations:
42	Clackamas County	Development Standards Section 1003 Hazards to Safety is closely tied to Section 1002 Protection of Natural Areas.		1102.02.I - Development applications must include a grading plan detailing adherence to sections 1002 and 1003.	1003.02.B.2 - Contains description of required contents of engineering geologic report. Not as detailed as entities like Sandy or Gold Beach. 1002.02.B - Slopes greater than 20% but less than 35% require a type 1 permit. Slopes above 35% require a type 2 permit. Type 2 permits include all the requirements of a type 1 permit with additional requirements.
43	Coos County				From Meg Reed of DLCD email 5/15/15 For Coos County "I'm going to hold off sending you what they've recently adopted since we are working through potentially updating/streamlining their process to review hazards, including landslides, now and so what they have in place may change. For context, right now they have one process for reviewing applications for development in mapped landslide, liquefaction, and erosion hazard areas. We are working with them to somewhat redo that process (which they call a "geologic assessment review") to be in compliance with the Oregon State Board of Geologist Examiners "Guidelines for Preparation of Engineering Geologic Reports.""

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1	Community	Estimated Population (as of 2016, Source: https://factfinder.census.gov/)	Document name	Document Web Address	Code type	Percent slope used as threshold for the applicable codes	Is there a method to calculate slope? What is it?	When does the requirement for a landslide study kick in?
44	Curry County	22,713	Curry County Zoning Ordinance	http://www.co.curry.or.us/Portals/0/Documents/public_services/Planning/2009%20zoning%20ord.pdf	County Code	No slope grade mentioned. Study trigger based solely on natural hazards overlay zone.		3.252 - For any development taking place in an area of "geologic hazards" as defined by the natural hazards overlay zone. Based on maps adapted into goal 7 of the county comprehensive plan OR by section 3.250 OR by the geologist performing the site study.
45	Lane County	369,519	Lane Code	https://www.lanecounty.org/cms/one.aspx?portalId=3585881&pageId=4119453	County Code			

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	A	I	J	K	L	M	N
1	Community	What certification do they require for the landslide study? E.g. CEG, registered geologist etc	What is the process for the landslide study? Who reviews it and who approves it?	Is the landslide hazard area mapped? If so, what is it called? Date made?	Associated Overlays	Associated maps	Map Dates
44	Curry County	1.030.57 - A certified engineering geologist licensed by the State of Oregon as provided by ORS 672.505 to 672.705	3.252 - The planning director. Curry County does an excellent job of outlining the application process as it pertains to the geologic study, including following up on hazard mitigation recommendations after the work is completed.	yes. 3.250 - The maps include the Oregon Department of Geology and Mining Industries Bulletin 90 Land Use Geology of Western Curry County, Oregon the DOGAMI maps known variously as the “Provisional Maps of Rapidly Moving Landslides” and the “Further Review Areas” maps. NOTE: Curry county includes links to DOGAMI liquefaction and landslide inventory maps, 2014, on their community development webpage. No reference to these in code.	Curry County – Curry County DOGAMI Landslides Hazard Data Layer http://lcmaps.lanecounty.org/LaneCountyMaps/CurryCountyApp/index.html	http://www.co.curry.or.us/Portals/0/Documents/public_services/Hazards/Landslide%20set%20reduced.pdf	
45	Lane County		10.340-50 - Applications for Site Reviews shall be reviewed by the Director pursuant to LC 14.100.	Not referenced			

Table 8.1. Landslide Code Review Details Table

	A	O	P	Q	R
1	Community	What do the provisions say about drainage and soils types?	What do the provisions say about grading and erosion control?	What do the provisions say about land division requirements?	Are there any building code related provisions referenced in the land use code?
44	Curry County	3.252.4.a.ii.2.a - Geologic study technical analysis narrative section must include the results of all geologic and/or engineering tests performed on soils, material, and rock type subsurface data from drill holes.	3.300 - Curry county has a section dedicated to erosion prevention and control separate from LS hazard code. Applications for development must be accompanied by an erosion control plan. Curry county does a great job of detailing the requirements for this plan.	3.252.7.b - In the event that the development activity is a division of land, the mitigation plan shall specify mitigation measures or improvements that must be implemented on each parcel to assure the protection of the subject property and of other properties from the hazards identified in the geologic hazard mitigation report.	Not referenced
45	Lane County		10.335-20.4 - Site review criteria requires that suitable planting of ground cover or other surfacing is provided to prevent erosion and reduce dust. 9.945 Applicable Erosion Control Prevention Regulations. Lane County has adopted the following erosion control regulations to be applied by Eugene on urbanizable land within the Eugene Urban Growth Boundary, as set forth in LC 10.600-20. (1) The Eugene Erosion Prevention regulations as adopted by the Lane County Board of Commissioners as part of Ordinance No. 2-04. (2) Copies of the applicable erosion prevention regulations shall be on file at the Lane County Land Management Division. (Revised by Ordinance 2-04, Effective 4.9.04)		

Table 8.1. Landslide Code Review Details Table

	A	S	T	U	V
1	Community	What are the connections between the landslide code info and the other codes?	Are there any disconnections between codes and maps?	Other relevant codes/provisions	Other observations:
44	Curry County		There appears to be a disconnection between the liquifaction and landslide susceptibility maps on the website and the code itself. Code does not reference these maps directly.	3.055.5. Citing fire fighting hazards, a new dwelling shall not be sited on a slope greater than 40 percent.	Meg Reed of DLCD email on 4/19/17 noted this "As I mentioned on the call, you can find the comp plan policies and code language we assisted Curry County with here: S:\MReed\Risk MAP Curry County All Hazards Project. These are for five hazards that were updated through a Risk MAP grant." Meg Reed email 5/15/17 "For Curry County – in the folder I shared with you below, I would recommend two documents to look at for landslides specifically: “Chapter 7 Update” for general comp plan policies, and “Section 3.255 Landslides Final” for code policies." County comprehensive plan notes inventory of geologic hazards but does not provide map or data.
45	Lane County				

Table 8.1. Landslide Code Review Details Table

	A	B	C	D	E	F	G	H
1	Community	Estimated Population (as of 2016, Source: https://factfinder.census.gov/)	Document name	Document Web Address	Code type	Percent slope used as threshold for the applicable codes	Is there a method to calculate slope? What is it?	When does the requirement for a landslide study kick in?
46	Multnomah County	799,766	Multnomah County Zoning Code	The Multnomah County Zoning Code is divided into sections on their website: https://multco.us/landuse/zoning-codes. The rural zoning codes include • Chapter 33: West Hills Rural Plan Area (1.99 MB) • Chapter 34: Sauvie Island/Multnomah Channel Rural Plan Area (1.6 MB) • Chapter 35: East of Sandy River Rural Plan Area (1.82 MB) • Chapter 36: West of Sandy River Rural Plan Area (1.93 MB) • Chapter 37: Administration and Procedures (167.97 KB) • Chapter 38 - Columbia River Gorge National Scenic Area (2.1 MB) Development Code • Chapter 29: Building Regulations (674.32 KB) Urban Zoning Codes Multnomah County's urban planning areas are the Interlachen Urban Plan Area and the Pleasant Valley Urban Plan Area. Zoning in these areas is governed by MCC 11.15 and 11.45, the Multnomah County Zoning Ordinance. • Chapter 11.45: Urban Land Division	Zoning Code	25% or as shown on the Slope Hazard Map		Hillside Development Permit: All persons proposing development, construction, or site clearing (including tree removal) on property located in hazard areas as identified on the "Slope Hazard Map", or on lands with average slopes of 25 percent or more shall obtain a Hillside Development Permit as prescribed by this subdistrict, unless specifically exempted by MCC 33.5510.

Table 8.1. Landslide Code Review Details Table

	A	I	J	K	L	M	N
1	Community	What certification do they require for the landslide study? E.g. CEG, registered geologist etc	What is the process for the landslide study? Who reviews it and who approves it?	Is the landslide hazard area mapped? If so, what is it called? Date made?	Associated Overlays	Associated maps	Map Dates
46	Multnomah County	A geological report prepared by a Certified Engineering Geologist or Geotechnical Engineer certifying that the site is suitable for the proposed development; or,	Planner reviews the information. Consults with Multnomah County engineering staff as needed. Code states: (E) A Hillside Development permit may be approved by the Director only after the applicant provides: (1) Additional topographic information showing that the proposed development to be on land with average slopes less than 25 percent, and located more than 200 feet from a known landslide, and that no cuts or fills in excess of 6 feet in depth are planned. High groundwater conditions shall be assumed unless documentation is available, demonstrating otherwise; or (2) A geological report prepared by a Certified Engineering Geologist or Geotechnical Engineer certifying that the site is suitable for the proposed development; or, (3) An HDP Form– 1 completed, signed and certified by a Certified Engineering Geologist or Geotechnical Engineer with his/her stamp and signature affixed indicating that the site is suitable for the proposed development. (a) If the HDP Form– 1 indicates a need for further investigation, or if the Director requires further study based upon in-formation contained in the HDP Form– 1, a geotechnical report as specified by the Director shall be prepared and submitted.	Slope Hazard Map	Geologic Hazards data layer - https://pdx.maps.arcgis.com/apps/webappviewer/index.html?id=0aafd41ec7f845078162f0cdfe4c33b6	There is a report related to the Slope Hazard Map.	I believe it was crafted in the 1970s.

Table 8.1. Landslide Code Review Details Table

	A	O	P	Q	R
1	Community	What do the provisions say about drainage and soils types?	What do the provisions say about grading and erosion control?	What do the provisions say about land division requirements?	Are there any building code related provisions referenced in the land use code?
46	Multnomah County	(D) Narrative, map or plan information necessary to demonstrate compliance with MCC 33.5520 (A). The application shall provide applicable supplemental reports, certifications, or plans relative to: engineering, soil characteristics, stormwater drainage, stream protection, erosion control, and/or replanting.	(D) Narrative, map or plan information necessary to demonstrate compliance with MCC 33.5520 (A). The application shall provide applicable supplemental reports, certifications, or plans relative to: engineering, soil characteristics, stormwater drainage, stream protection, erosion control, and/or replanting.	11:45.020 Intent: In the regulation of the division of land, it is intended that this Chapter shall minimize street congestion, secure safety from fire, flood, geologic hazards, pollution and other dangers, provide for adequate light and air, prevent the overcrowding of land and facilitate adequate provisions for transportation, water supply, sewage disposal, drainage, education, recreation and other public services and facilities, all in accord with Oregon Revised Statutes, Chapter 92.	Not in the Hillside Development portions of the Zoning Code.

Table 8.1. Landslide Code Review Details Table

	A	S	T	U	V
1	Community	What are the connections between the landslide code info and the other codes?	Are there any disconnections between codes and maps?	Other relevant codes/provisions	Other observations:
46	Multnomah County	Good connections that link the landslide hazard to erosion control, watercourse, drainfields, drywells, vegetation, etc.	Codes and maps seem to be linked. Good question to ask the staff.	The website contains three HD related links: • Hillside Development Permit Brochure (70.86 KB) • Hillside Development Permit Application (52.59 KB) This includes the HDP Form-1 • Hillside Development Permit Worksheet (107.48 KB)	Tricia: I included Multnomah County as an example in the presentation I made on October 27, 2016 at the Oregon-Washington APA conference, "Landslides in Oregon: Integrating Science and Policy." Contacts there include Adam Barber, Senior Planner. I will add some thoughts here. Multnomah County has plan areas in rural and urban areas. The plan areas are similarly set up with regulations; for example each includes a reference to the Hillside Development and Erosion Control (HD) section. In Chapter 33 that would be Section 33.5500-33.5525. The purposes of the Hillside Development and Erosion Control subdistrict are to promote the public health, safety and general welfare, and minimize public and private losses due to earth movement hazards in specified areas and minimize erosion and related environmental damage in unincorporated Multnomah County, all in accordance with ORS 215, LCDC Statewide Planning Goal No. 7 and OAR 340– 41– 455 for the Tualatin River Basin, and the Multnomah County Comprehensive Frame-work Plan Policy No. 14. It should be noted there are exemptions to the HD provisions. OTHER: From the DOGAMI Landslide Susceptibility Overview Map of Oregon released in Feb. 2016: About 25% of Multnomah County is categorized as "high" risk and about 5% falls into "very high." More detailed maps for Mult Co will be published this year. Hillside Development Permit: All persons proposing development, construction, or site clearing (including tree removal) on property located in hazard areas as identified on the "Slope Hazard Map", or on lands with average slopes of 25 percent or more shall obtain a Hillside Development Permit as pre-scribed by this subdistrict, unless specifically exempted by MCC 33.5510.

Table 8.1. Landslide Code Review Details Table

	A	B	C	D	E	F	G	H
1	Community	Estimated Population (as of 2016, Source: https://factfinder.census.gov/)	Document name	Document Web Address	Code type	Percent slope used as threshold for the applicable codes	Is there a method to calculate slope? What is it?	When does the requirement for a landslide study kick in?
47	Tillamook County	26,143	Tillamook County Development Standards	http://www.co.tillamook.or.us/gov/ComDev/documents/luo/05272015LUO/Final%20Article%204.pdf	County Code	4.130.3.b - 19%		4.130.3 - Prior to any development or land division in locations defined as geologic hazard areas by section 4.130.1. This includes: Active landslides identified in DOGMI Bulletins 74 and 79, Inactive landslides, landslide topography and mass movement topography identified in DOGMI bulletins 74 and 79 where slopes are greater than 19 percent, Areas prone to mudflows identified in DOGMI Bulletin 79, Brallier Peat soils identified in Soil Survey, Tillamook Area, Oregon (USDA, Soil Conservation Service, 1964) and the unpublished Soil Conservation Service soils survey for coastal Tillamook County, Ocean front lots on bluffs in areas where erosion and sliding are identified as problems in the Goal 18 element of the Comprehensive Plan, Other locally known areas of GEOLOGIC HAZARD based on evidence of past occurrences.
48	Tillamook County	26,143	Tillamook County Comprehensive Plan Goal 7 Hazards	http://www.co.tillamook.or.us/gov/ComDev/documents/compplan/07Hazards.pdf	Comprehensive Plan	Not Referenced		7.2.1.Policies.k - Proposed development in close proximity to active or inactive landslides shall require site investigation.

Table 8.1. Landslide Code Review Details Table

	A	I	J	K	L	M	N
1	Community	What certification do they require for the landslide study? E.g. CEG, registered geologist etc	What is the process for the landslide study? Who reviews it and who approves it?	Is the landslide hazard area mapped? If so, what is it called? Date made?	Associated Overlays	Associated maps	Map Dates
47	Tillamook County	4.130.5 - Either an Oregon Certified Engineering Geologist OR both an Oregon registered geologist and a qualified Oregon registered engineer.	4.130.5 - The planning director or a person designated by the planning director.	Yes. Various maps listed in DOGAMI bulletin 74 and 79. All DOGAMI maps are dated 1972. Brallier Peat soils identified in Soil Survey, Tillamook Area, Oregon (USDA, Soil Conservation Service, 1964); Ocean front lots on bluffs in areas where erosion and sliding are identified as problems in the Goal 18 element of the Comprehensive Plan (Note, Comprehensive plan PDFs online reference maps but they are not included in the documents. Source and date unknown);		From DOGAMI Bulletin 74; Engineering Hazard Map of Cannon Beach Quadrangle, Oregon, Engineering Hazard Map of the Hebo Quadrangle, Oregon, Engineering Hazard Map of the Nehalem Quadrangle, Oregon, Engineering Hazard Map of the Tillamook Quadrangle, Oregon, All dated 1972 From DOGAMI bulletin 79; Hazard Map of the Blaine Quadrangle, Oregon, Hazard Map of the Enright Quadrangle, Oregon, Hazard Maps of portions of the Grand Ronde and Timber Quadrangles, Oregon, Hazard Map of the Saddle Mountain Quadrangle, Oregon, All dated 1972	1972
48	Tillamook County	Not Referenced	Not Referenced	Pages 7, 8, 9 - Comprehensive plan includes three maps outlining landslide areas, but maps are poorly photocopied and practically illegible. Maps are also not titled other than "VII-8", "VII-9", and "VII-10" Dates not listed		Map data cited as derived from: Oregon Department of Geology and Mineral Industries. "Environmental Geology of Inland Tillamook and Clatsop Counties, Oregon". Portland, Oregon. 1972. 65 pp., Oregon Department of Geology and Mineral Industries. "Environmental Geology of the Coastal Region of Tillamook and Clatsop Counties, Oregon". Portland, Oregon. 1972. 164 pp., Oregon Department of Geology and Mineral Industries. "Geologic Hazards Inventory of the Oregon Coastal Zone". Portland, Oregon. 94 pp., Oregon State Soil and Water Conservation Commission. "Streambank Erosion in Oregon". Salem, Oregon. 151 pp.	

Table 8.1. Landslide Code Review Details Table

	A	O	P	Q	R
1	Community	What do the provisions say about drainage and soils types?	What do the provisions say about grading and erosion control?	What do the provisions say about land division requirements?	Are there any building code related provisions referenced in the land use code?
47	Tillamook County	4.130.6.a - The geologic report must include water drainage patterns, soil and bedrock types, soil depth, and other relevant soils engineering data. 4.130.6.c - In brallier peat soils, report must include boring log, bearing capacity and drainage patterns.	4.130.7 - The geologic hazards report must include reccomendations on standards for grading practices, vegetation removal and replacement, and management of stormwater runoff during and after construction.	4.130.2 - A geologic hazard report is required for both proposed development AND subdivisions and partitions.	Not referenced in code
48	Tillamook County	7.2.1.Policies.b - Zoning regulations should incorporate the grading requirements as stipulated under Chapter 70 of the Uniform Building Code. 7.2.1.Policies.h - Projects which include plans for modifying the topography of sloping areas should be evaluated in terms of the effect these changes would have on drainage and slope stability. 7.2.1.Policies.i - Projects or long-range plans involving urbanization of given areas should be evaluated in terms of the long-range influence the proposed land use would have on land stability; drainage is particularly critical.	7.2.1.Policies.d - All excavations, fills and drainage changes, and vegetation removal programs in areas of mass movement topography shall be engineered to minimize the possibility of sliding. 7.2.1.Policies.f - Where strata slope toward cuts, slides are easily initiated, and excavation in areas with such unfavorable bedrock conditions should be properly excavated.		7.2.1.Policies.c - Standards of the Uniform Building Code and the density and nature of developments should be keyed to slide potential.

Table 8.1. Landslide Code Review Details Table

	A	S	T	U	V
1	Community	What are the connections between the landslide code info and the other codes?	Are there any disconnections between codes and maps?	Other relevant codes/provisions	Other observations:
47	Tillamook County	NA	Tillamook county has a great webmap on their community development page which includes development zodes and SLIDO, but the development standards code does not reference any DOGAMI maps younger than 1972.		Tillamook county has a webmap showing zoning districts and SLIDO linked on their community development/County code page. Beautiful! http://tillamookcountymaps.co.tillamook.or.us/geomoose2/geomoose.html
48	Tillamook County	NA	Maps included but not referenced in CP	7.2.1.Policies.j - Closely spaced drainfields and septic tanks should be restricted from moderate to steeply sloping areas because of the potential for sliding.	Tillamook County comprehensive plan denotes State Planning requirements and specifications:

Oregon's Statewide Planning Goals and Guidelines

GOAL 7: AREAS SUBJECT TO NATURAL HAZARDS

To protect people and property from natural hazards.

A. NATURAL HAZARD PLANNING

1. Local governments shall adopt comprehensive plans (inventories, policies and implementing measures) to reduce risk to people and property from natural hazards.

2. Natural hazards for purposes of this goal are: floods (coastal and riverine), landslides,¹ earthquakes and related hazards, tsunamis, coastal erosion, and wildfires. Local governments may identify and plan for other natural hazards.

B. RESPONSE TO NEW HAZARD INFORMATION

1. New hazard inventory information provided by federal and state agencies shall be reviewed by the Department in consultation with affected state and local government representatives.

2. After such consultation, the Department shall notify local governments if the new hazard information requires a local response.

3. Local governments shall respond to new inventory information on natural hazards within 36 months after being notified by the Department of Land Conservation and Development, unless extended by the Department.

C. IMPLEMENTATION

Upon receiving notice from the Department, a local government shall:

1. Evaluate the risk to people and

property based on the new inventory information and an assessment of:

a. the frequency, severity and location of the hazard;

b. the effects of the hazard on existing and future development;

c. the potential for development in the hazard area to increase the frequency and severity of the hazard; and

d. the types and intensities of land uses to be allowed in the hazard area.

2. Allow an opportunity for citizen review and comment on the new inventory information and the results of the evaluation and incorporate such information into the comprehensive plan, as necessary.

3. Adopt or amend, as necessary, based on the evaluation of risk, plan policies and implementing measures consistent with the following principles:

a. avoiding development in hazard areas where the risk to people and property cannot be mitigated; and

b. prohibiting the siting of essential facilities, major structures, hazardous facilities and special occupancy structures, as defined in the state building code (ORS 455.447(1)

(a)(b)(c) and (e)), in identified hazard areas, where the risk to public safety cannot be mitigated, unless an essential facility is needed within a hazard area in order to provide essential emergency response services in a timely manner.²

4. Local governments will be deemed to comply with Goal 7 for coastal and riverine flood hazards by adopting and

¹ For "rapidly moving landslides," the requirements of ORS 195.250-195.275 (1999 edition) apply.

² For purposes of constructing essential facilities, and special occupancy structures in tsunami inundation zones, the requirements of the state building code - ORS 455.446 and 455.447 (1999 edition) and OAR chapter 632, division 5 apply.

implementing local floodplain regulations that meet the minimum National Flood Insurance Program (NFIP) requirements.

D. COORDINATION

1. In accordance with ORS 197.180 and Goal 2, state agencies shall coordinate their natural hazard plans and programs with local governments and provide local governments with hazard inventory information and technical assistance including development of model ordinances and risk evaluation methodologies.

2. Local governments and state agencies shall follow such procedures, standards and definitions as may be contained in statewide planning goals and commission rules in developing programs to achieve this goal.

GUIDELINES

A. PLANNING

1. In adopting plan policies and implementing measures to protect people and property from natural hazards, local governments should consider:

- a. the benefits of maintaining natural hazard areas as open space, recreation and other low density uses;
- b. the beneficial effects that natural hazards can have on natural resources and the environment; and
- c. the effects of development and mitigation measures in identified hazard areas on the management of natural resources.

2. Local governments should coordinate their land use plans and decisions with emergency preparedness, response, recovery and mitigation programs.

B. IMPLEMENTATION

1. Local governments should give special attention to emergency access when considering development in identified hazard areas.

2. Local governments should consider programs to manage stormwater runoff as a means to help address flood and landslide hazards.

3. Local governments should consider nonregulatory approaches to help implement this goal, including but not limited to:

- a. providing financial incentives and disincentives;
- b. providing public information and education materials;
- c. establishing or making use of existing programs to retrofit, relocate, or acquire existing dwellings and structures at risk from natural disasters.

4. When reviewing development requests in high hazard areas, local governments should require site-specific reports, appropriate for the level and type of hazard (e.g., hydrologic reports, geotechnical reports or other scientific or engineering reports) prepared by a licensed professional. Such reports should evaluate the risk to the site as well as the risk the proposed development may pose to other properties.

5. Local governments should consider measures that exceed the National Flood Insurance Program (NFIP) such as:

- a. limiting placement of fill in floodplains;
- b. prohibiting the storage of hazardous materials in floodplains or providing for safe storage of such materials; and
- c. elevating structures to a level higher than that required by the NFIP and the state building code.

Flood insurance policy holders may be eligible for reduced insurance rates through the NFIP's Community Rating System Program when local governments adopt these and other flood protection measures.



CITY OF OREGON CITY

Staff Report

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

To: City Commission
From: City Manager Tony Konkol

Agenda Date: 11/18/2020

SUBJECT:

Second Reading of Ordinance No. 20-1010, Designating Property Adjacent to Waterboard Park as Part of Waterboard Park and Designating the Area as a Park Under Oregon City Charter Chapter X

STAFF RECOMMENDATION:

Approve the Second Reading of Ordinance No. 20-1010, designating property adjacent to Waterboard Park as part of Waterboard Park and designating the areas as a Park under Oregon City Charter Chapter X.

EXECUTIVE SUMMARY:

Ordinance Number 20-1010 will designate Tract 2, consisting of the Public Works Upper Yard and the Armory site, as a Charter park under Oregon City Charter Chapter X. As directed by the Commission, the demolition contract to remove the two outbuildings has been approved and is expected to begin the week of November 2, 2020. The Commission approved the first reading of Ordinance No. 20-1010 at the November 4, 2020 Commission meeting.

BACKGROUND:

The Commission directed staff to prepare an ordinance designating the Public Works Upper Yard as a Charter Park and to proceed with the removal of the two outbuildings on the property. The proposed area of the park includes the property that has historically been identified as the Armory property, which reverted back to City ownership once the demolition of the Armory building was completed by the State.

Included in the ordinance is the legal descriptions of Tract 2 (upper yard and Armory site) which is to become the park, the easement language for the existing utilities and access along the bluff edge and identification of the two outbuildings that are to be removed from the property. The ordinance will take effect 30 days after the 2nd reading of the proposed ordinance or upon the removal of the two outbuildings.

The following is a general outline of the direction provided by the Commission.

On March 18, 2020, City Commission directed staff to identify the Public Works Upper Yard property boundary and bring back to a future meeting for further discussion to consider designating this area as a charter park. At this time, the Oregon Military Department was considering demolition of the Armory building and asked for City support of this action. To align with the State's decision, the Commission instructed staff to start the Request for Proposal process for demolition of the two (2) Camp Adair buildings, otherwise known as the Cannery and Warehouse buildings, and rescind the 2017 Historic Review Board application for Phase 1 of the Master Plan.

On May 6, 2020, City Commission directed staff to prepare an Ordinance designating the Public Works Upper Yard as an addition to Water Board Park and to explore removal, salvage, or demolition of the two Camp Adair buildings. The Commission expressed their support of the State's demolition of the Armory building.

At the May 20, 2020 City Commission meeting, City Manager Tony Konkol provided an update to City Commission on the current Operations Center property tax lots. The Commission directed staff to obtain values of the Public Works properties and provide a preliminary map demonstrating the potential lot line adjustment for tax lot 500. In addition, they asked staff to bring back information on access to tax lot 1700. The Commission indicated their support for the City Manager to continue moving forward with advertising the purchase and removal of the two (2) Camp Adair Buildings, as well as soliciting for demolition based on the desire to remove the buildings in preparation of dedicating the land as a charter park.

A Broker's Opinion of Value was presented to the City Commission at the July 1, 2020 City Commission meeting for the seven (7) properties associated with the current Public Works Operations Center. A map was provided of the potential boundary of the Upper Yard, Armory property, and tax lot 1700. The Armory building demolition was completed in early July.

At the August 5, 2020 City Commission meeting, the City Manager provided an update on the process to designate the Upper Yard as a charter park. He informed the Commission that the surveying of the property and the phase 1 environmental assessment had begun to help inform the scope of work for the demolition contract. A quitclaim deed to transfer the Armory property back to the City was underway.

The Quitclaim Deed for the Armory property was recorded on September 2, 2020 reverting the real property back to the City.

At the September 16, 2020 City Commission meeting the City Manager provided a status update on the progress of the lot line adjustment and designation of the Upper Yard and Waterboard Park, the posting of the advertisement for the sale and removal of the Camp Adair buildings as well as the invitation to bid on the demolition of the buildings.

The advertisement for the sale and removal of the Camp Adair buildings ran from September 9 to October 9, 2020 without receiving a responsible bid.

The invitation to bid for the demolition of the buildings ran from September 9 to September 24, 2020 with five (5) bids received. The lowest responsible bidder was Pleasant Hill Development Company, LLC for \$22,550.00.

On October 9, 2020, James Nicita filed an application to designate the Cannery and Warehouse buildings as historic landmarks on the City's local historic inventory. Mr. Nicita withdrew his application on October 23, 2020.

OPTIONS:

1. Approve Ordinance No. 20-1010
2. Do not approve Ordinance No. 20-1010
3. Direct staff to amend the proposed Ordinance

ORDINANCE NO. 20-1010

AN ORDINANCE OF THE CITY OF OREGON CITY DESIGNATING PROPERTY ADJACENT TO WATERBOARD PARK AS PART OF WATERBOARD PARK AND DESIGNATING THE AREA AS A PARK UNDER OREGON CITY CHARTER CHAPTER X

WHEREAS, the Board of Water Commissioners of Oregon City purchased approximately 13 ½ acres of property from Harry and Edith Jones in 1910, which property was later transferred to the ownership of the City of Oregon City; and

WHEREAS, the property purchased by the Board of Water Commissioners was used for a variety of purposes since coming into the possession of the City, including for recreational, educational, and other City purposes; and

WHEREAS, in 1972, the voters of Oregon City approved an amendment to the Charter of the City of Oregon City, now known as Chapter X of the Charter, which includes Section 42(e), which designates a portion of the property purchased by the Board of Water Commissioners as a charter park as follows:

“The area designated as WATERBOARD PARK on the map of Oregon City revised 1969, and the adjoining areas thereof lying below the high bluff, the westerly end of which area is at the southwesterly corner of Tract 19, FIELDS ADDITION, and the easterly end of which area is approximately at the intersection of Quarry and Third Streets; except any portion thereof lying north of the road running from John Adams Street and the extension thereof around the south side of the Armory and connecting to South 2nd Street. WATERBOARD PARK as above described is designated as a natural park;”

and

WHEREAS, the City disposed of and acquired properties adjacent to the property purchased by the Board of Water Commissioners, resulting in a property that the City has now performed a Lot Line Adjustment and a Lot Line Abandonment, survey number LL 20-00009, to create a tract of land to be added to Waterboard Park; and

WHEREAS, the tract to be added to Waterboard Park is identified as Tract 2 in the Record of Survey attached to this Ordinance as Exhibit A, which tract is adjacent to boundaries of Waterboard Park as described in Section 42(e) of the Oregon City Charter; and

WHEREAS, Tract 2 is subject to several exceptions from title, including a dedicated right of way, a sewer easement, a water line easement, an access easement, and a powerline easement, to be referred to collectively below as “the Easements,” as shown in the maps and legal descriptions attached to this Ordinance as Exhibit B; and

WHEREAS, the easements and encumbrances in existence at the time of designation are exempt from the limitations of the Charter; and

WHEREAS, there are two buildings, commonly known as the Cannery Building and Outbuilding 2, that have most recently been used by the Oregon City Department of Public Works

and are currently located on Tract 2 as shown in red on the map attached to this Ordinance as Exhibit C, to be referred to below as “the Outbuildings;” and

WHEREAS, it is the intent of the City Commission to exclude the Outbuildings currently located on Tract 2 from any designation as part of a City park and to ensure that the Outbuildings can be removed or demolished without seeking a vote of the citizens of Oregon City; and

WHEREAS, adding Tract 2 as shown in the attached Record of Survey as part of Waterboard Park and designating it as a park under Chapter X of the City Charter would ensure protection of the park by preventing the transfer, sale, vacation or major changes to this park without a legal vote of the people; and

NOW, THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:

Section 1. Tract 2 on the Record of Survey attached to this Ordinance as Exhibit A, and as described in the accompanying legal description, is hereby added to Waterboard Park and designated as a park in accordance with the Charter of Oregon City, Chapter X, Section 43, creating a permanent park for the enjoyment of the citizens of Oregon City. The newly added portion of Waterboard Park is not designated as a natural park.

Section 2. The designation of Tract 2 as a park does not include the Easements identified in Exhibit 2 of this ordinance, nor does it include the Outbuildings identified in Exhibit 3 of this Ordinance.

Section 3. This Ordinance takes effect 30 days from the final adoption, or the day after the removal or demolition of the Outbuildings, whichever is later.

Read for the first time at a regular meeting of the City Commission held on the 4th day of November 2020, and the City Commission finally enacted the foregoing Ordinance this 18th day of November 2020.

DAN HOLLADAY, Mayor

Attested to this 18th day of November 2020:

Approved as to legal sufficiency:

Kattie Riggs, City Recorder

City Attorney

Attachment:

Exhibit A – Record of Survey and Legal Description

Exhibit B – Easement Maps and Legal Descriptions

Exhibit C – Map of Area with Outbuildings designated in red

AREA TABLE

TRACT 1 - ORIGINAL AREA, INCLUDING DN 2006-010483 AREA
= 201,674 SF, OR 4.630 ACRES

TRACT 1 - ADJUSTED AREA = 45,245 SF OR 1.05 ACRES

TRACT 2 - ORIGINAL AREA = 95,885 SF, OR 2.201 ACRES

TRACT 2 - ADJUSTED AREA = 251,814 SF OR 5.781 ACRES

EXCHANGE TRACT = 155,929 SF OR 3.580 ACRES
INCLUDES DN 2006-010483 AREA

RECORD OF SURVEY

PROPOSED PROPERTY LINE ADJUSTMENT AND LOT CONSOLIDATION

SITUATED IN THE SOUTH HALF OF SECTION 31, T.2S., R.2E., W.M.,
CITY OF OREGON CITY, CLACKAMAS COUNTY, OREGON
FOR: CITY OF OREGON CITY PUBLIC WORKS

CLACKAMAS COUNTY SURVEYOR

RECEIVED: _____

ACCEPTED FOR FILING: _____

SURVEY NUMBER: _____

CITY APPROVAL

OREGON CITY PLANNING DEPARTMENT FILE NO. _____

APPROVED THIS ____ DAY OF _____, 2020

BY: _____
PLANNING DIRECTOR**LEGEND**

- = 5/8" X 30" IRON ROD WITH YELLOW
PLASTIC CAP STAMPED "REPPETO &
ASSOC. INC." SET _____, 2020.
- = FOUND 5/8" IRON ROD WITH YELLOW
PLASTIC CAP STAMPED "REPPETO &
ASSOC. INC." HELD AS PER R1,
UNLESS OTHERWISE NOTED.
- ▲ = FOUND BRASS SCREW WITH A 3/4" BRASS WASHER
STAMPED "REPPETO & ASSOC. INC.", HELP PER R1.
- = FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP
STAMPED "PACIFIC SURVEYS PLS 2319", HELD
AS PER SN 27049
- CCDR = CLACKAMAS COUNTY DEED RECORDS
CLF = CHAIN LINK FENCE
DN = DEED DOCUMENT NUMBER, CCDR
D1 = DN 2005-030395
FNC = FENCE
R1 = DATA PER SN 2005-328
R2 = DATA PER SN 27049
SF = SQUARE FEET
SN = SURVEY NUMBER, CLACKAMAS COUNTY SURVEY RECORDS
() = RECORD DATA

NARRATIVE

THE PURPOSE OF THIS SURVEY IS MONUMENT THE PROPOSED
ADJUSTMENT TO THE BOUNDARY LINES IN COMMON WITH THAT
TRACT OF LAND AS DESCRIBED BY DEED RECORDED AS
DOCUMENT NUMBER 2020-072273 AND THAT TRACT OF LAND
AS DESCRIBED BY DEED AS PARCEL II RECORDED AS
DOCUMENT NUMBER 2005-030395, CLACKAMAS COUNTY DEED
RECORDS. THAT TRACT OF LAND AS DESCRIBED BY DEED
RECORDED AS DOCUMENT NUMBER 2006-010483, CLACKAMAS
COUNTY DEED RECORDS IS BEING CONSOLIDATED TO BE PART
OF TRACT 2.

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE NORTH LINE
OF THE ARCHIBALD MCKINLAY DLC SHOWN AS SOUTH 89°54'44"
EAST BETWEEN FOUND MONUMENTS "A" AND "B" AS PER
SURVEY NUMBER 2005-328, CLACKAMAS COUNTY SURVEY
RECORDS.

SAID SURVEY NUMBER 2005-328 ESTABLISHED THE PERIMETER
BOUNDARY OF THE TRACTS OF LAND BEING SURVEYED AND WAS
HELD FOR THE ORIGINAL BOUNDARY LINES OF THE TRACTS
SHOWN ON THIS PROPERTY LINE ADJUSTMENT SURVEY. THE
MONUMENTS WERE FIELD VERIFIED AND HELD AS SHOWN.

RECORD DATA FROM SURVEY NUMBER 27049 WAS HELD TO
ESTABLISH THE PERIMETER BOUNDARY LINES AS DESCRIBED IN
SAID DOCUMENT NO. 2006-010483, AS SHOWN.

THE PROPOSED ADJUSTED PROPERTY LINE WAS ESTABLISHED AT
THE REQUEST OF THE CITY OF OREGON CITY AND FOLLOWS THE
TOP OF THE BLUFF, AS APPROVED IN CITY PLANNING CASE FILE
NO. _____.

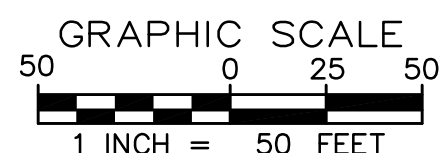
REGISTERED
PROFESSIONAL
LAND SURVEYOROREGON
JULY 17, 1986
STEVEN P. BUCKLES
2231
RENEW: 12/31/21**REPPETO & ASSOCIATES, INC.**
LAND SURVEYORSPlaza 125, Building G
12730 SE Stark Street
Portland, Oregon 97233
Phone: (503) 408-1507
www.reppetosurveying.com

DATE: SEPT. 30, 2020

FILE: 004019-ROS.DWG

DRAWN BY: RL/SB

JOB NO. 004019



Reppeto & Associates, Inc.
Land Surveyors

12730 SE Stark St.
Plaza 125, Building G
Portland, OR 97233

Phone: 503-408-1507
Fax: 503-408-2370

EXHIBIT "B"

TRACT 2

A TRACT OF LAND SITUATED IN THE SOUTH HALF OF SECTION 31, TOWNSHIP 2 SOUTH, RANGE 2 EAST, WILLAMEETE MERIDIAN, IN THE CITY OF OREGON CITY, CLACKAMAS COUNTY, STATE OF OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A BRASS SCREW WITH A 3/4 INCH BRASS WASHER STAMPED "REPPETO & ASSOC. INC." FOUND AT THE SOUTHWEST CORNER OF PARCEL II OF THAT TRACT OF LAND AS DESCRIBED BY DEED CONVEYED TO OREGON CITY RECORDED AS DOCUMENT NUMBER 2005-030395, CLACKAMAS COUNTY DEED RECORDS, SAID POINT ALSO BEING ON THE WEST LINE OF THAT TRACT OF LAND AS DESCRIBED IN DEED BOOK 417, PAGE 385, CLACKAMAS COUNTY DEED RECORDS, AND BEING ON THE NORTHEASTERLY LINE OF LOT 8, BLOCK 86, "OREGON CITY", CLACKAMAS COUNTY PLAT RECORDS; THENCE, ALONG THE WEST LINE OF SAID OREGON CITY TRACT, NORTH 00°11'18" EAST A DISTANCE OF 105.66 FEET TO A BRASS SCREW WITH A 3/4 INCH BRASS WASHER STAMPED "REPPETO & ASSOC. INC." FOUND AT A POINT ON THE EASTERLY RIGHT OF WAY LINE OF S. CENTER STREET; THENCE, ALONG SAID EASTERLY RIGHT OF WAY LINE, NORTH 35°24'54" EAST A DISTANCE OF 76.51 FEET; THENCE, LEAVING SAID RIGHT OF WAY LINE, SOUTH 56°07'38" EAST A DISTANCE OF 119.28 FEET; THENCE, NORTH 47°18'13" EAST A DISTANCE OF 133.40 FEET; THENCE, NORTH 40°47'51" EAST A DISTANCE OF 114.22 FEET; THENCE, NORTH 17°37'32" EAST A DISTANCE OF 41.46 FEET; THENCE, NORTH 00°17'51" WEST A DISTANCE OF 47.48 FEET; THENCE, NORTH 53°25'26" EAST A DISTANCE OF 36.71 FEET; THENCE, SOUTH 74°47'39" EAST A DISTANCE OF 24.90 FEET; THENCE, NORTH 36°37'03" EAST A DISTANCE OF 42.73 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "PACIFIC SURVEYS PLS 2319" FOUND ON THE NORTH LINE OF SAID PARCEL II; THENCE, ALONG THE NORTH LINE OF SAID PARCEL II, NORTH 89°54'44" WEST A DISTANCE OF 5.00 FEET TO THE SOUTHWEST CORNER OF THAT TRACT OF LAND AS DESCRIBED BY DEED CONVEYED TO THE CITY OF OREGON CITY, RECORDED AS DOCUMENT NUMBER 2006-010483 CLACKAMAS COUNTY DEED RECORDS; THENCE, ALONG THE WESTERLY, NORTHERLY AND EASTERLY LINES OF SAID CITY OF OREGON CITY TRACT THE FOLLOWING FOUR COURSES: NORTH 35°25'09" EAST A DISTANCE OF 30.40 FEET; THENCE, NORTH 42°45'19" EAST A DISTANCE OF 66.48

FEET TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "PACIFIC SURVEYS PLS 2319" FOUND ON THE SOUTHERLY RIGHT OF WAY LINE OF N 1ST STREET; THENCE, ALONG THE SAID SOUTHERLY RIGHT OF WAY LINE, SOUTH 54°34'51" EAST A DISTANCE OF 53.01 FEET TO A FOUND 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "PACIFIC SURVEYS PLS 2319"; THENCE, SOUTH 35°25'09" EAST A DISTANCE OF 52.74 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "PACIFIC SURVEYS PLS 2319" FOUND ON THE NORTH LINE OF SAID PARCEL II; THENCE, ALONG THE NORTH LINE OF SAID PARCEL II, SOUTH 89°54'44" EAST A DISTANCE OF 91.19 FEET TO A FOUND 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "REPPETO & ASSOC. INC."; THENCE, ALONG THE NORTHERLY LINE OF SAID PARCEL II, SOUTH 54°34'51" EAST A DISTANCE OF 194.78 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "REPPETO & ASSOC. INC." FOUND ON THE NORTH LINE OF THAT TRACT OF LAND AS DESCRIBED BY DEED CONVEYED TO THE CITY OREGON CITY, RECORDED AS DOCUMENT NUMBER 2020-072273, CLACKAMAS COUNTY DEED RECORDS; THENCE, ALONG THE NORTH, EAST AND SOUTH LINES OF SAID CITY OF OREGON CITY TRACT, THE FOLLOWING SIX COURSES: SOUTH 87°54'29" EAST A DISTANCE OF 36.94 FEET; THENCE, SOUTH 30°58'58" WEST A DISTANCE OF 177.06 FEET; THENCE, SOUTH 04°09'29" EAST A DISTANCE OF 200.00 FEET; THENCE, SOUTH 29°21'31" WEST A DISTANCE OF 100.00 FEET; THENCE, NORTH 88°55'29' WEST A DISTANCE OF 100.40 FEET; THENCE, NORTH 67°47'29" WEST A DISTANCE OF 216.50 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "REPPETO & ASSOC. INC" FOUND AT THE SOUTHWEST CORNER THEREOF; THENCE, ALONG THE SOUTH LINE OF SAID PARCEL II, NORTH 80°55'04" WEST A DISTANCE OF 342.73 FEET THE POINT OF BEGINNING.

CONTAINS 251,663 SQUARE FEET, OR 5.777 ACRES, MORE OR LESS.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 17, 1986
STEVEN P. BUCKLES
2231

RENEWS 12-31-21

68

AFTER RECORDING RETURN TO:

City of Oregon City, City Recorder
P.O. Box 3040
Oregon City, Oregon 97045-0304

Clackamas County Official Records
Sherry Hall, County Clerk

2020-01 Item 7a.



\$118.00

10/21/2020 09:51:37 AM

D-E Cnt=1 Stn=9 COUNTER1
\$30.00 \$16.00 \$62.00 \$10.00

Planning No.: CI-20-006

Tax Map & Lot: 2-2E-31 -00400

GRANTOR: City of Oregon City

CITY OF OREGON CITY, OREGON PUBLIC ACCESS EASEMENT

KNOW ALL BY THESE PRESENTS, THAT City of Oregon City, hereinafter called "**Grantor**", does hereby grant unto the City of Oregon City, hereinafter called the "**City**", and its successors in interest and assigns, a permanent easement, including the permanent right to access, operate, and conduct activity within the easement, described as follows:

See attached **Exhibit A** Legal Description, and

Exhibit B Drawing for Legal Description

TO HAVE AND TO HOLD, the above described easement unto the CITY, its successors in interest and assigns forever.

Upon completion of the construction, the CITY shall restore the surface of the property to its original condition and shall indemnify and hold the GRANTOR harmless against all loss, cost, or damage arising out of the exercise of the rights granted herein.

GRANTOR reserves the right to use the surface of the land for walkways, plantings, parking, and related uses. Such uses undertaken by the GRANTOR shall not be inconsistent or interfere with the use of the subject easement area by the CITY. No building or utility shall be placed upon, under, or within the property subject to the foregoing easement during the term thereof, however, without the written permission of the CITY.

The true consideration of this conveyance is for other value given, the receipt of which is hereby acknowledged by GRANTOR.

And the GRANTOR above named hereby covenants to and with the CITY, and CITY's successors in interest and assigns that GRANTOR is lawfully seized in fee simple of the above granted premises, free from all encumbrances (no exceptions), and that GRANTOR and their heirs and personal representatives shall warrant and forever defend the said premises and every part thereof to the CITY, its successors in interest and assigns against the lawful claims and demands of all persons claiming by, through or under the GRANTOR.

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

IN WITNESS WHEREOF, the Permittee has executed this instrument this 20th day of October, 20 20. The person(s) whose name(s) is/are subscribed to the within instrument acknowledge that he/she/they executed the instrument in his/her/their legally authorized capacity(ies), and that by his/her/their signature(s) on the instrument, the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

[Signature Page(s) Follow]

GRANTOR: City of Oregon City
 As shown on Page 1 (name of organization or individual property owner(s))

Anthony J. Konkol III
 Signature No. 1

Anthony J. Konkol III CITY MANAGER
 Signer printed name, Title (if any)

Signature No. 2

Signer printed name, Title (if any)

STATE OF OREGON)
)
 County of Clackamas)

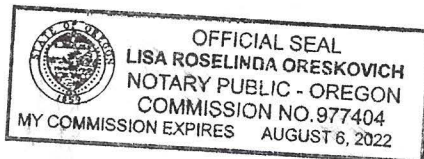
This record was acknowledged before me on (date) October 20, 2020

by Anthony J. Konkol, III
 Signer's printed name

as City Manager of the City of Oregon City
 Title and (if applicable) Name of Corporation or Party on whose behalf the record is executed

Stamp notary seal:

WITNESS my hand and official seal.



Lisa R Oreskovich
 Signature of Notary Public

My commission expires: August 6, 2022

Accepted on behalf of the City of Oregon City:

Anthony J. Konkol III
 By: Anthony J. Konkol III, City Manager

John M. Lewis
 By: John M. Lewis, Public Works Director

Kattie Riggs
 Attest: Kattie Riggs, City Recorder

Reppeto & Associates, Inc.
Land Surveyors

12730 SE Stark St.
Portland, OR 97233

Phone: 503-408-1507
www.reppetosurveying.com

EXHIBIT "A"

ACCESS EASEMENT
LEGAL DESCRIPTION

A TRACT OF LAND, SITUATED IN THE SOUTHEAST AND SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 2 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, CITY OF OREGON CITY, CLACKAMAS COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF PARCEL II OF THAT TRACT OF LAND AS DESCRIBED BY DEED CONVEYED TO OREGON CITY RECORDED AS DOCUMENT NUMBER 2005-030395, CLACKAMAS COUNTY DEED RECORDS; THENCE, ALONG THE WEST LINE OF SAID OREGON CITY TRACT, NORTH 00°11'18" EAST A DISTANCE OF 28.40 FEET TO THE POINT OF BEGINNING; THENCE, CONTINUING ALONG THE WESTERLY LINE OF SAID PARCEL II, NORTH 35°24'54" EAST A DISTANCE OF 18.65 FEET; THENCE, SOUTH 74°46'32" EAST A DISTANCE OF 45.55 FEET; THENCE, NORTH 88°28'24" EAST A DISTANCE OF 31.09 FEET; THENCE, NORTH 59°52'24" EAST A DISTANCE OF 20.61 FEET; THENCE, NORTH 48°38'45" EAST A DISTANCE OF 61.19 FEET; THENCE, NORTH 56°07'38" WEST A DISTANCE OF 123.66 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF S. CENTER STREET; THENCE, ALONG SAID EASTERLY RIGHT OF WAY LINE, NORTH 35°24'54" EAST A DISTANCE OF 15.00 FEET; THENCE, SOUTH 56°07'38" EAST A DISTANCE OF 119.28 FEET; THENCE, NORTH 47°18'13" EAST A DISTANCE OF 133.40 FEET; THENCE, NORTH 40°47'51" EAST A DISTANCE OF 144.22 FEET; THENCE, NORTH 17°37'32" EAST A DISTANCE OF 41.46 FEET; THENCE, NORTH 00°17'51" WEST A DISTANCE OF 47.48 FEET; THENCE, NORTH 53°25'26" EAST A DISTANCE OF 36.71 FEET; THENCE, SOUTH 74°47'39" EAST A DISTANCE OF 24.90 FEET; THENCE, SOUTH 36°48'03" EAST A DISTANCE OF 58.26 FEET; THENCE, SOUTH 28°40'29" WEST A DISTANCE OF 46.65 FEET; THENCE, SOUTH 13°44'19" WEST A DISTANCE OF 45.15 FEET; THENCE, SOUTH 05°54'48" WEST A DISTANCE OF 52.03 FEET; THENCE, NORTH 84°57'38" WEST A DISTANCE OF 25.71 FEET; THENCE, SOUTH 82°14'21" WEST A DISTANCE OF 29.20 FEET; THENCE, SOUTH 68°09'18" WEST A DISTANCE OF 27.04 FEET; THENCE, SOUTH 57°50'27" WEST A DISTANCE OF 23.50 FEET; THENCE, SOUTH 53°22'57" WEST A DISTANCE OF 139.15 FEET; THENCE, SOUTH 48°05'34" WEST A DISTANCE OF 49.93 FEET; THENCE, SOUTH 34°26'57" WEST A DISTANCE OF 21.33 FEET; THENCE, SOUTH

30°09'33" WEST A DISTANCE OF 19.49 FEET; THENCE, SOUTH 79°34'36" WEST A DISTANCE OF 44.85 FEET; THENCE, NORTH 85°52'25" WEST A DISTANCE OF 21.62 FEET; THENCE, NORTH 73°48'15" WEST A DISTANCE OF 44.39 FEET TO THE POINT OF BEGINNING.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Steven P. Buckles

OREGON
JULY 17, 1986
STEVEN P. BUCKLES
2231

RENEWS 12-31-21

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Steven P. Buckles

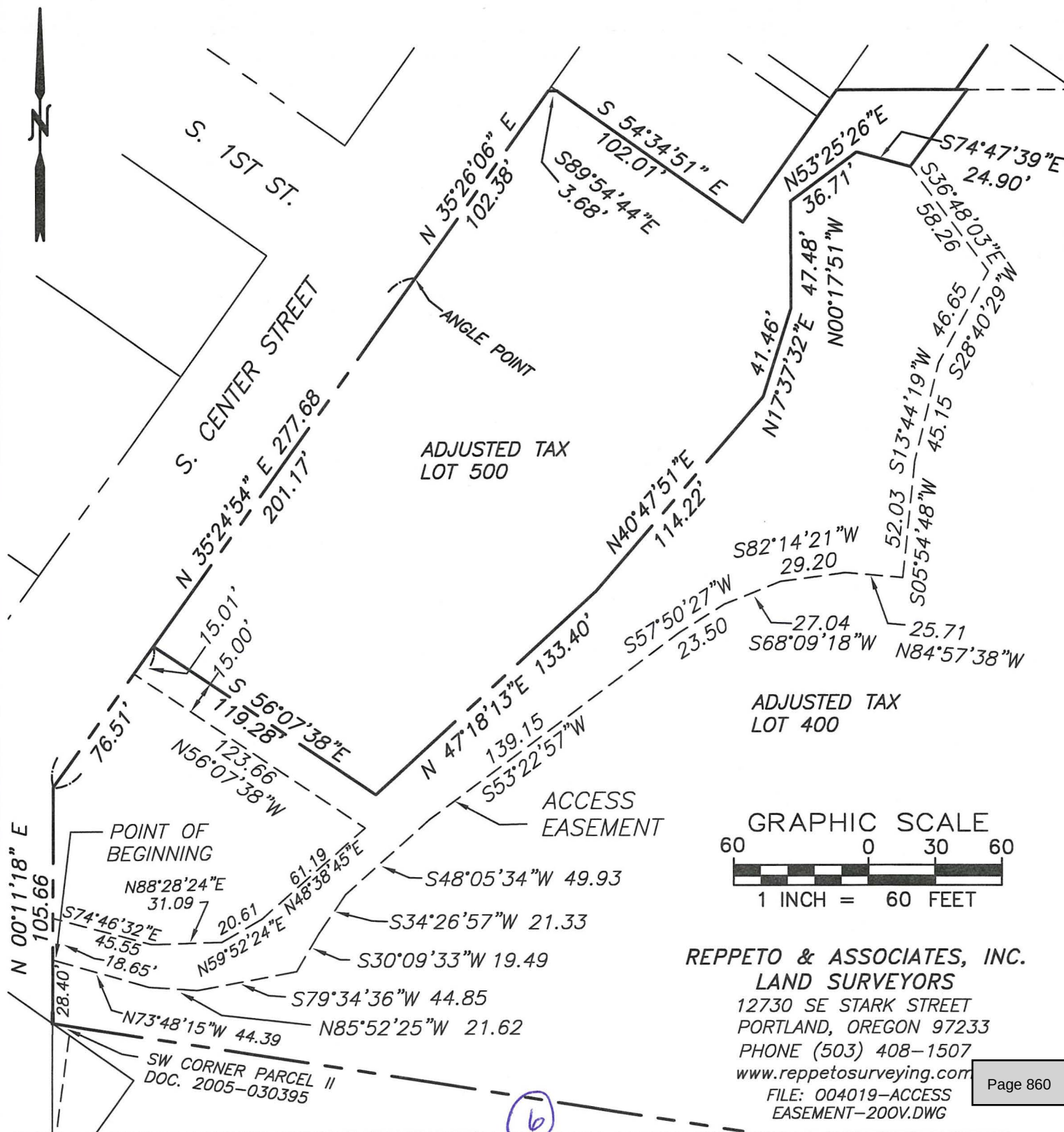
OREGON
JULY 17, 1986
STEVEN P. BUCKLES
2231

RENEWS: 12/31/21

EXHIBIT "B"

ACCESS EASEMENT

IN THE SE AND SW QUARTER OF SECTION
31, T.2S., R.2E., W.M., CITY OF OREGON
CITY, CLACKAMAS COUNTY, OREGON



5P

AFTER RECORDING RETURN TO:

City of Oregon City, City Recorder
P.O. Box 3040
Oregon City, Oregon 97045-0304

Planning No.: CI-20-006

Tax Map & Lot: 2-2E-31 -00400

GRANTOR: City of Oregon City

Clackamas County Official Records
Sherry Hall, County Clerk

2020-08 Item 7a.



\$113.00

10/21/2020 09:51:37 AM

D-E Cnt=1 Stn=9 COUNTER1
\$25.00 \$16.00 \$62.00 \$10.00

CITY OF OREGON CITY, OREGON PUBLIC WATER UTILITY EASEMENT

KNOW ALL BY THESE PRESENTS, THAT City of Oregon City, hereinafter called "**Grantor**", does hereby grant unto the City of Oregon City, hereinafter called the "**City**", and its successors in interest and assigns, a permanent easement, including the permanent right to construct, reconstruct, operate, and maintain water lines within the easement, described as follows:

See attached **Exhibit A** Legal Description, and

Exhibit B Drawing for Legal Description

TO HAVE AND TO HOLD, the above described easement unto the CITY, its successors in interest and assigns forever.

Upon completion of the construction, the CITY shall restore the surface of the property to its original condition and shall indemnify and hold the GRANTOR harmless against all loss, cost, or damage arising out of the exercise of the rights granted herein.

GRANTOR reserves the right to use the surface of the land for walkways, plantings, parking, and related uses. Such uses undertaken by the GRANTOR shall not be inconsistent or interfere with the use of the subject easement area by the CITY. No building or utility shall be placed upon, under, or within the property subject to the foregoing easement during the term thereof, however, without the written permission of the CITY.

The true consideration of this conveyance is for other value given, the receipt of which is hereby acknowledged by GRANTOR.

And the GRANTOR above named hereby covenants to and with the CITY, and CITY's successors in interest and assigns that GRANTOR is lawfully seized in fee simple of the above granted premises, free from all encumbrances (no exceptions), and that GRANTOR and their heirs and personal representatives shall warrant and forever defend the said premises and every part thereof to the CITY, its successors in interest and assigns against the lawful claims and demands of all persons claiming by, through or under the GRANTOR.

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

IN WITNESS WHEREOF, the Permittee has executed this instrument this 20th day of October, 20 20. The person(s) whose name(s) is/are subscribed to the within instrument acknowledge that he/she/they executed the instrument in his/her/their legally authorized capacity(ies), and that by his/her/their signature(s) on the instrument, the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

[Signature Page(s) Follow]

GRANTOR: City of Oregon City
 As shown on Page 1 (name of organization or individual property owner(s))

Anthony J. Konkol III
 Signature No. 1

Anthony J. Konkol III CITY MANAGER
 Signer printed name, Title (if any)

Signature No. 2

Signer printed name, Title (if any)

STATE OF OREGON)
)
 County of Clackamas)

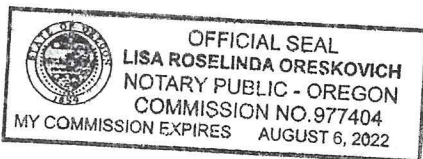
This record was acknowledged before me on (date) October 20, 2020

by Anthony J. Konkol, III
 Signer's printed name

as City Manager of the City of Oregon City
 Title and (if applicable) Name of Corporation or Party on whose behalf the record is executed

Stamp notary seal:

WITNESS my hand and official seal.



Lisa R Oreskovich
 Signature of Notary Public

My commission expires: August 6, 2022

Accepted on behalf of the City of Oregon City:

Anthony J. Konkol III
 By: Anthony J. Konkol III, City Manager

John M. Lewis
 By: John M. Lewis, Public Works Director

Kattie Riggs
 Attest: Kattie Riggs, City Recorder

Reppeto & Associates, Inc.
Land Surveyors

12730 SE Stark St.
Portland, OR 97233

Phone: 503-408-1507
www.reppetosurveying.com

EXHIBIT "A"

WATER LINE EASEMENT
LEGAL DESCRIPTION

A STRIP OF LAND, SITUATED IN THE SOUTHEAST AND SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 2 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, CITY OF OREGON CITY, CLACKAMAS COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A 10.00 FOOT WIDE STRIP OF LAND BEING 5.00 FEET ON BOTH SIDES OF THE FOLLOWING DESCRIBED CENTERLINE;

COMMENCING AT THE NORTHEAST CORNER THAT TRACT OF LAND AS DESCRIBED BY DEED CONVEYED TO THE CITY OF OREGON CITY, RECORDED AS DOCUMENT NUMBER 2020-072273, CLACKAMAS COUNTY DEED RECORDS; THENCE, ALONG THE NORTH LINE OF SAID CITY OF OREGON CITY TRACT AND THE SOUTHERLY RIGHT OF WAY LINE OF N. 1ST STREET, NORTH 87°54'29" WEST A DISTANCE OF 36.94 FEET; THENCE, ALONG THE NORTH LINE OF PARCEL II OF THAT TRACT OF LAND AS DESCRIBED BY DEED CONVEYED TO OREGON CITY, RECORDED AS DOCUMENT NUMBER 2005-030395, CLACKAMAS COUNTY DEED RECORDS AND SAID SOUTHERLY RIGHT OF WAY LINE, NORTH 54°34'51" WEST A DISTANCE OF 2.72 FEET TO SAID CENTERLINE AND THE POINT OF BEGINNING; THENCE, SOUTH 71°34'53" WEST A DISTANCE OF 48.50 FEET; THENCE, SOUTH 35°41'35" WEST A DISTANCE OF 57.19 FEET; THENCE, SOUTH 37°31'49" WEST A DISTANCE OF 45.44 FEET; THENCE, SOUTH 69°01'57" WEST A DISTANCE OF 30.96 FEET; THENCE, SOUTH 83°53'18" WEST A DISTANCE OF 57.46 FEET; THENCE, SOUTH 76°57'35" WEST A DISTANCE OF 16.56 FEET; THENCE, SOUTH 52°33'16" WEST A DISTANCE OF 36.98 FEET; THENCE, SOUTH 70°44'00" WEST A DISTANCE OF 158.47 FEET TO THE TERMINUS OF SAID CENTERLINE.

THE SIDELINES ARE TO BE LENGTHENED OR SHORTENED TO TERMINATE UPON THE BOUNDARY LINES OF THE GRANTOR'S LAND.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Steven P. Buckles

OREGON
JULY 17, 1986
STEVEN P. BUCKLES
2231

RENEWS 12-31-21

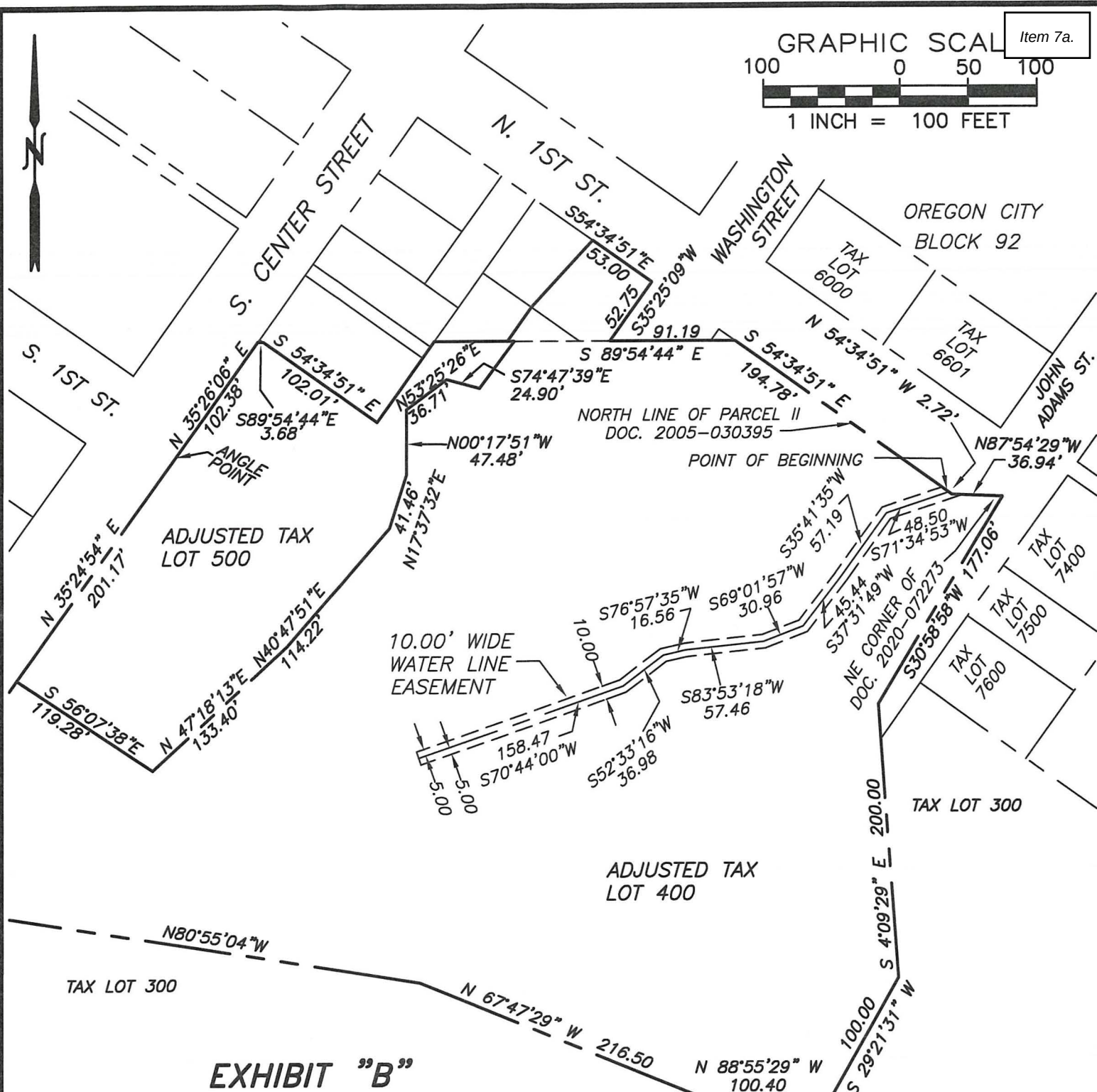


EXHIBIT "B"

WATER LINE EASEMENT

IN THE SE AND SW QUARTER OF SECTION
31, T.2S., R.2E., W.M., CITY OF OREGON
CITY, CLACKAMAS COUNTY, OREGON

REPPETO & ASSOCIATES, INC.
LAND SURVEYORS
12730 SE STARK STREET
PORTLAND, OREGON 97233
PHONE (503) 408-1507

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Steven P. Buckles

OREGON
JULY 17, 1986
STEVEN P. BUCKLES
2231

RENEWS: 12/31/21

FILE: 004019-WATER LINE
EASEMENT-200V.DWG

Page 865

(S)

6P

AFTER RECORDING RETURN TO:

City of Oregon City, City Recorder
P.O. Box 3040
Oregon City, Oregon 97045-0304

Planning No.: CI-20-006

Tax Map & Lot: 2-2E-31 -00500

GRANTOR: City of Oregon City

Clackamas County Official Records
Sherry Hall, County Clerk

2020 Item 7a.



02385906202000877880050057

\$113.00

10/21/2020 09:51:37 AM

D-E Cnt=1 Stn=9 COUNTER1
\$25.00 \$16.00 \$62.00 \$10.00

CITY OF OREGON CITY, OREGON PUBLIC SEWER EASEMENT

KNOW ALL BY THESE PRESENTS, THAT City of Oregon City, hereinafter called "**Grantor**", does hereby grant unto the City of Oregon City, hereinafter called the "**City**", and its successors in interest and assigns, a permanent easement, including the permanent right to construct, reconstruct, operate, and maintain sewer lines within the easement, described as follows:

See attached **Exhibit A** Legal Description, and

Exhibit B Drawing for Legal Description

TO HAVE AND TO HOLD, the above described easement unto the CITY, its successors in interest and assigns forever.

Upon completion of the construction, the CITY shall restore the surface of the property to its original condition and shall indemnify and hold the GRANTOR harmless against all loss, cost, or damage arising out of the exercise of the rights granted herein.

GRANTOR reserves the right to use the surface of the land for walkways, plantings, parking, and related uses. Such uses undertaken by the GRANTOR shall not be inconsistent or interfere with the use of the subject easement area by the CITY. No building or utility shall be placed upon, under, or within the property subject to the foregoing easement during the term thereof, however, without the written permission of the CITY.

The true consideration of this conveyance is for other value given, the receipt of which is hereby acknowledged by GRANTOR.

And the GRANTOR above named hereby covenants to and with the CITY, and CITY's successors in interest and assigns that GRANTOR is lawfully seized in fee simple of the above granted premises, free from all encumbrances (no exceptions), and that GRANTOR and their heirs and personal representatives shall warrant and forever defend the said premises and every part thereof to the CITY, its successors in interest and assigns against the lawful claims and demands of all persons claiming by, through or under the GRANTOR.

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

IN WITNESS WHEREOF, the Permittee has executed this instrument this 20th day of October, 2020. The person(s) whose name(s) is/are subscribed to the within instrument acknowledge that he/she/they executed the instrument in his/her/their legally authorized capacity(ies), and that by his/her/their signature(s) on the instrument, the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

[Signature Page(s) Follow]

GRANTOR: City of Oregon City
 As shown on Page 1 (name of organization or individual property owner(s))

Anthony J. Konkol III
 Signature No. 1

Anthony J. Konkol III CITY MANAGER
 Signer printed name, Title (if any)

Signature No. 2

Signer printed name, Title (if any)

STATE OF OREGON)
)
 County of Clackamas)

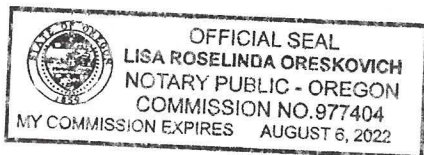
This record was acknowledged before me on (date) October 20, 2020

by Anthony J. Konkol, III
 Signer's printed name

as City Manager of the City of Oregon City
 Title and (if applicable) Name of Corporation or Party on whose behalf the record is executed

Stamp notary seal:

WITNESS my hand and official seal.



Lisa R Oreskovich
 Signature of Notary Public

My commission expires: August 6, 2022

Accepted on behalf of the City of Oregon City:

Anthony J. Konkol III
 By: Anthony J. Konkol III, City Manager

John M. Lewis
 By: John M. Lewis, Public Works Director

Katie Riggs
 Attest: Katie Riggs, City Recorder

Reppeto & Associates, Inc.
Land Surveyors

12730 SE Stark St.
Portland, OR 97233

Phone: 503-408-1507
www.reppetosurveying.com

EXHIBIT A

SEWER EASEMENT
LEGAL DESCRIPTION

A STRIP OF LAND, SITUATED IN THE SOUTHEAST AND SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 2 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, CITY OF OREGON CITY, CLACKAMAS COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A 10.00 FOOT WIDE STRIP OF LAND BEING 5.00 FEET ON BOTH SIDES OF THE FOLLOWING DESCRIBED CENTERLINE;

COMMENCING AT THE SOUTHWEST CORNER OF PARCEL II OF THAT TRACT OF LAND AS DESCRIBED BY DEED CONVEYED TO OREGON CITY RECORDED AS DOCUMENT NUMBER 2005-030395, CLACKAMAS COUNTY DEED RECORDS; THENCE, ALONG THE WEST LINE OF SAID OREGON CITY TRACT, NORTH 00°11'18" EAST A DISTANCE OF 105.66 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF S. CENTER STREET; THENCE, CONTINUING ALONG EASTERLY RIGHT OF WAY LINE AND THE NORTH LINE OF SAID PARCEL II, NORTH 35°24'54" EAST A DISTANCE OF 277.68 FEET TO AN ANGLE POINT; THENCE, CONTINUING ALONG SAID EASTERLY RIGHT OF WAY LINE AND THE NORTH LINE OF SAID PARCEL II, NORTH 35°26'06" EAST A DISTANCE OF 5.71 FEET TO SAID CENTERLINE AND THE POINT OF BEGINNING; THENCE, SOUTH 83°22'12" EAST A DISTANCE OF 62.43 FEET; THENCE, SOUTH 74°17'58" EAST A DISTANCE OF 88.67 FEET; THENCE, SOUTH 36°05'47" EAST A DISTANCE OF 12.91 FEET TO TERMINUS OF SAID CENTERLINE AND BEING A POINT ON THE EASTERLY LINE OF ADJUSTED TAX LOT 500. THE SIDELINES ARE TO BE LENGTHENED OR SHORTENED TO TERMINATE UPON THE BOUNDARY LINES OF THE GRANTOR'S LAND.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 17, 1986
STEVEN P. BUCKLES
2231

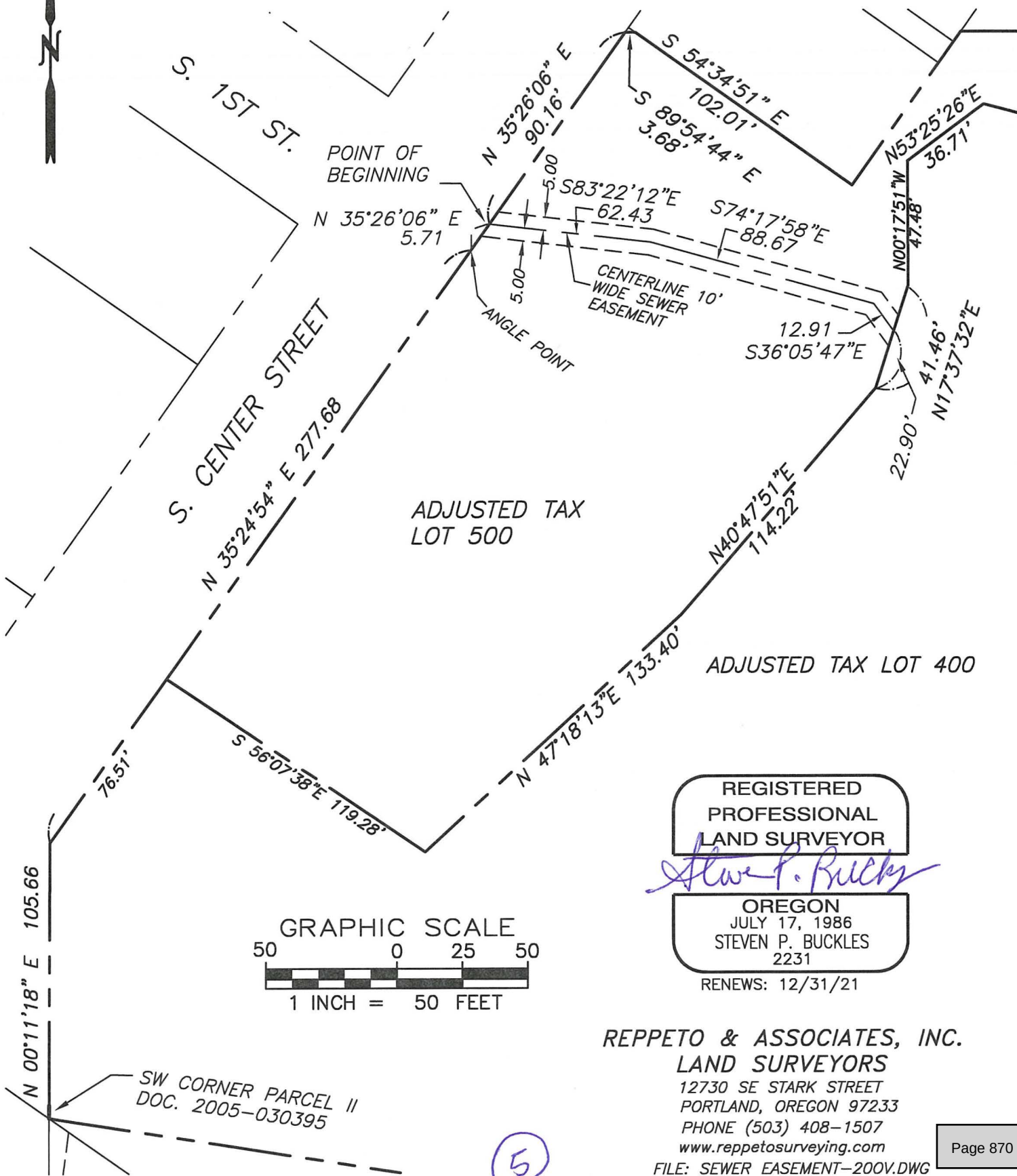
RENEWS 12-31-21

EXHIBIT "B"

Item 7a.

SEWER EASEMENT

IN THE SE AND SW QUARTER OF SECTION 31, T.2S., R.2E.,
W.M., CITY OF OREGON CITY, CLACKAMAS COUNTY, OREGON



REGISTERED
PROFESSIONAL
LAND SURVEYOR

Steven P. Buckles

OREGON
JULY 17, 1986
STEVEN P. BUCKLES
2231

RENEWS: 12/31/21

REPPETO & ASSOCIATES, INC.
LAND SURVEYORS

12730 SE STARK STREET
PORTLAND, OREGON 97233
PHONE (503) 408-1507
www.reppetosurveying.com

FILE: SEWER EASEMENT-200V.DWG

78

AFTER RECORDING RETURN TO:

City of Oregon City, City Recorder
P.O. Box 3040
Oregon City, Oregon 97045-0304

Planning No.: CI-20-006

Tax Map & Lot: 2-2E-31-~~004000~~ & -00500

GRANTOR: City of Oregon City

Clackamas County Official Records
Sherry Hall, County Clerk

Item 7a.
2020-001191



02385909202000877910070072

\$123.00

10/21/2020 09:51:37 AM

D-E Cnt=1 Stn=9 COUNTER1
\$35.00 \$16.00 \$62.00 \$10.00

CITY OF OREGON CITY, OREGON POWERLINE EASEMENT

KNOW ALL BY THESE PRESENTS, THAT City of Oregon City, hereinafter called "**Grantor**", does hereby grant unto the City of Oregon City, hereinafter called the "**City**", and its successors in interest and assigns, a permanent easement, including the permanent right to allow construction, reconstruction, operation, and maintenance of powerlines within the easement, described as follows:

See attached **Exhibit A** Legal Description, and

Exhibit B Drawing for Legal Description

TO HAVE AND TO HOLD, the above described easement unto the CITY, its successors in interest and assigns forever.

Upon completion of the construction, the CITY shall restore the surface of the property to its original condition and shall indemnify and hold the GRANTOR harmless against all loss, cost, or damage arising out of the exercise of the rights granted herein.

GRANTOR reserves the right to use the surface of the land for walkways, plantings, parking, and related uses. Such uses undertaken by the GRANTOR shall not be inconsistent or interfere with the use of the subject easement area by the CITY. No building or utility shall be placed upon, under, or within the property subject to the foregoing easement during the term thereof, however, without the written permission of the CITY.

The true consideration of this conveyance is for other value given, the receipt of which is hereby acknowledged by GRANTOR.

And the GRANTOR above named hereby covenants to and with the CITY, and CITY's successors in interest and assigns that GRANTOR is lawfully seized in fee simple of the above granted premises, free from all encumbrances (no exceptions), and that GRANTOR and their heirs and personal representatives shall warrant and forever defend the said premises and every part thereof to the CITY, its successors in interest and assigns against the lawful claims and demands of all persons claiming by, through or under the GRANTOR.

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

IN WITNESS WHEREOF, the Permittee has executed this instrument this 20th day of October, 20 20. The person(s) whose name(s) is/are subscribed to the within instrument acknowledge that he/she/they executed the instrument in his/her/their legally authorized capacity(ies), and that by his/her/their signature(s) on the instrument, the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

[Signature Page(s) Follow]

GRANTOR: City of Oregon City
 As shown on Page 1 (name of organization or individual property owner(s))

Anthony J. Konkol III
 Signature No. 1

Anthony J. Konkol III CITY MANAGER
 Signer printed name, Title (if any)

Signature No. 2

Signer printed name, Title (if any)

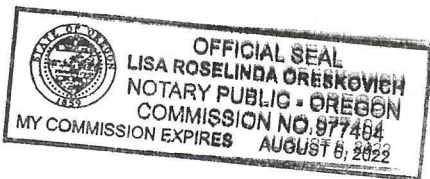
STATE OF OREGON)
)
 County of Clackamas)

This record was acknowledged before me on (date) October 20, 20 20

by Anthony J. Konkol, III
 Signer's printed name

as City Manager of the City of Oregon City
 Title and (if applicable) Name of Corporation or Party on whose behalf the record is executed

Stamp notary seal:



WITNESS my hand and official seal.

Lisa R. Oreskovich
 Signature of Notary Public

My commission expires: August 6, 2022

Accepted on behalf of the City of Oregon City:

Anthony J. Konkol III
 By: Anthony J. Konkol III, City Manager

John M. Lewis
 By: John M. Lewis, Public Works Director

Kattie Riggs
 Attest: Kattie Riggs, City Recorder

Reppeto & Associates, Inc.
Land Surveyors

12730 SE Stark St.
Portland, OR 97233

Phone: 503-408-1507
www.reppetosurveying.com

EXHIBIT "A"

1 of 2

POWER LINE EASEMENT
LEGAL DESCRIPTION

A STRIP OF LAND, SITUATED IN THE SOUTHEAST AND SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 2 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, CITY OF OREGON CITY, CLACKAMAS COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A 10.00 FOOT WIDE STRIP OF LAND BEING 5.00 FEET ON BOTH SIDES OF THE FOLLOWING DESCRIBED CENTERLINE;

COMMENCING AT THE NORTHEAST CORNER THAT TRACT OF LAND AS DESCRIBED BY DEED CONVEYED TO THE CITY OF OREGON CITY, RECORDED AS DOCUMENT NUMBER 2020-072273, CLACKAMAS COUNTY DEED RECORDS; THENCE, ALONG THE NORTH LINE OF SAID CITY OF OREGON CITY TRACT AND THE SOUTHERLY RIGHT OF WAY LINE OF N. 1ST STREET, NORTH 87°54'29" WEST A DISTANCE OF 36.94 FEET; THENCE, ALONG THE NORTH LINE OF PARCEL II OF THAT TRACT OF LAND AS DESCRIBED BY DEED CONVEYED TO OREGON CITY, RECORDED AS DOCUMENT NUMBER 2005-030395, CLACKAMAS COUNTY DEED RECORDS AND SAID SOUTHERLY RIGHT OF WAY LINE, NORTH 54°34'51" WEST A DISTANCE OF 15.69 FEET; THENCE, SOUTH 71°26'34" WEST A DISTANCE OF 178.57 FEET; THENCE, SOUTH 86°42'09" WEST A DISTANCE OF 245.47 FEET; THENCE, NORTH 65°04'41" WEST A DISTANCE OF 13.00 FEET TO A POINT ON THE EAST LINE OF ADJUSTED TAX LOT 500, AND THE POINT OF BEGINNING OF SAID CENTERLINE; THENCE, NORTH 65°04'41" WEST A DISTANCE OF 113.18 FEET TO THE TERMINUS OF SAID CENTERLINE.

THE SIDELINES ARE TO BE LENGTHENED OR SHORTENED TO TERMINATE UPON THE BOUNDARY LINES OF THE GRANTOR'S LAND.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Steven P. Buckles

OREGON
JULY 17, 1986
STEVEN P. BUCKLES
2231

RENEWS 12-31-21

Reppeto & Associates, Inc.
Land Surveyors

12730 SE Stark St.
Portland, OR 97233

Phone: 503-408-1507
www.reppetosurveying.com

EXHIBIT "A"
2 of 2

POWER LINE EASEMENT
LEGAL DESCRIPTION

A STRIP OF LAND, SITUATED IN THE SOUTHEAST AND SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 2 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, CITY OF OREGON CITY, CLACKAMAS COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A 10.00 FOOT WIDE STRIP OF LAND BEING 5.00 FEET ON BOTH SIDES OF THE FOLLOWING DESCRIBED CENTERLINE;

COMMENCING AT THE NORTHEAST CORNER THAT TRACT OF LAND AS DESCRIBED BY DEED CONVEYED TO THE CITY OF OREGON CITY, RECORDED AS DOCUMENT NUMBER 2020-072273, CLACKAMAS COUNTY DEED RECORDS; THENCE, ALONG THE NORTH LINE OF SAID CITY OF OREGON CITY TRACT AND THE SOUTHERLY RIGHT OF WAY LINE OF N. 1ST STREET, NORTH 87°54'29" WEST A DISTANCE OF 36.94 FEET; THENCE, ALONG THE NORTH LINE OF PARCEL II OF THAT TRACT OF LAND AS DESCRIBED BY DEED CONVEYED TO OREGON CITY, RECORDED AS DOCUMENT NUMBER 2005-030395, CLACKAMAS COUNTY DEED RECORDS AND SAID SOUTHERLY RIGHT OF WAY LINE, NORTH 54°34'51" WEST A DISTANCE OF 15.69 FEET TO SAID CENTERLINE AND THE POINT OF BEGINNING; THENCE, SOUTH 71°26'34" WEST A DISTANCE OF 178.57 FEET; THENCE, SOUTH 86°42'09" WEST A DISTANCE OF 245.47 FEET TO POINT "A"; THENCE, NORTH 65°04'41" WEST A DISTANCE OF 13.00 FEET TO A POINT ON THE WEST LINE OF ADJUSTED TAX LOT 400, AND THE TERMINUS OF SAID CENTERLINE; ALSO AND TOGETHER WITH THE FOLLOWING DESCRIBED CENTERLINE; BEGINNING AT SAID POINT "A"; THENCE, SOUTH 03°26'59" WEST A DISTANCE OF 151.84 FEET TO THE TERMINUS OF SAID CENTERLINE.

THE SIDELINES ARE TO BE LENGTHENED OR SHORTENED TO TERMINATE UPON THE BOUNDARY LINES OF THE GRANTOR'S LAND.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Steven P. Buckles

OREGON
JULY 17, 1986
STEVEN P. BUCKLES
2231

RENEWS 12-31-21

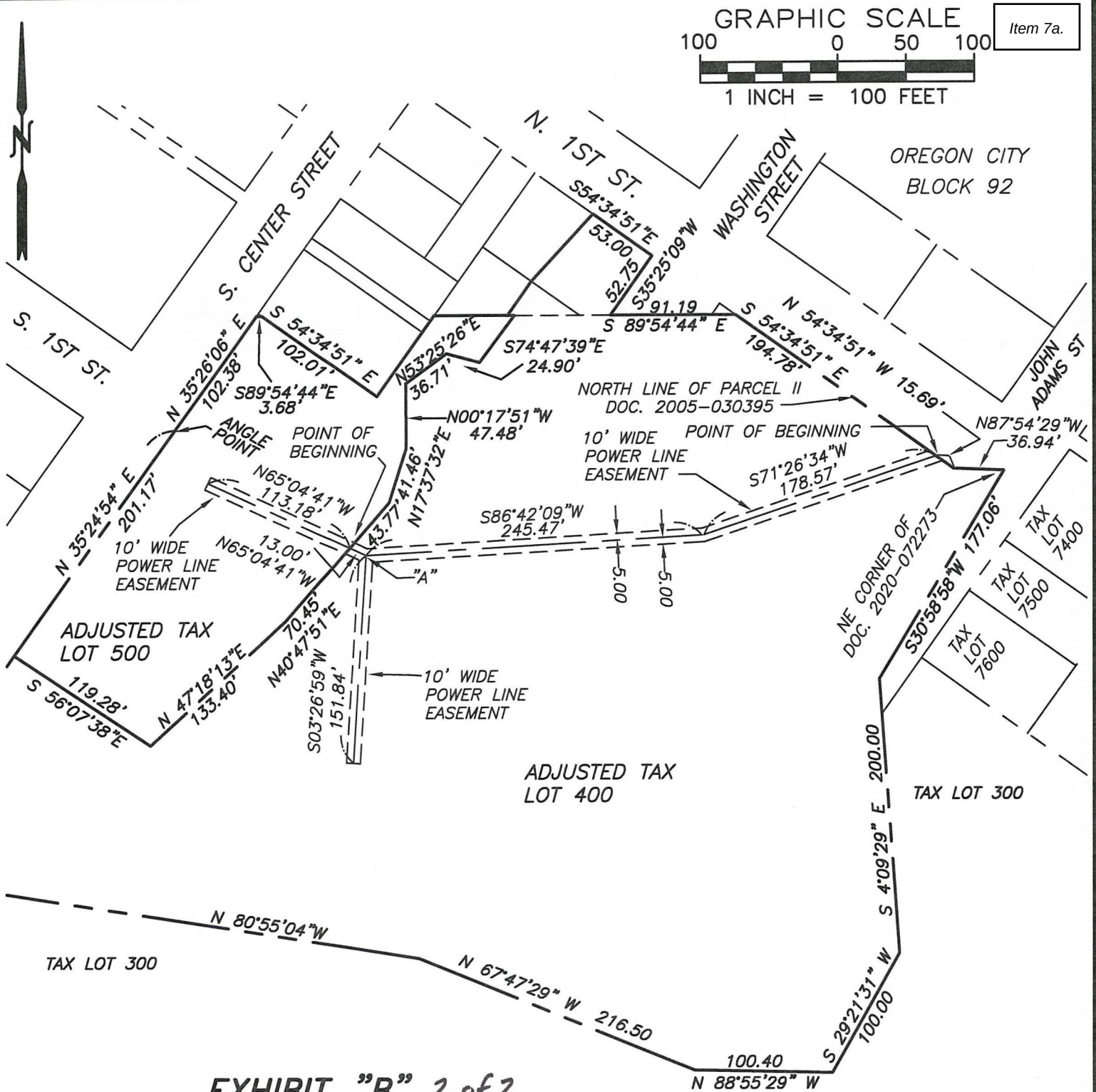


EXHIBIT "B" 2 of 2

POWER LINE EASEMENT

IN THE SE AND SW QUARTER OF SECTION
31, T.2S., R.2E., W.M., CITY OF OREGON
CITY, CLACKAMAS COUNTY, OREGON

REPPETO & ASSOCIATES, INC.
LAND SURVEYORS
12730 SE STARK STREET
PORTLAND, OREGON 97233
PHONE (503) 408-1507

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Steven P. Buckles

OREGON
JULY 17, 1986
STEVEN P. BUCKLES
2231

RENEWABLE: 12/31/21

FILE: 004019-POWER LINE
EASEMENT-200V.DWG

48
AFTER RECORDING RETURN TO:

City of Oregon City, City Recorder
P.O. Box 3040
Oregon City, Oregon 97045-0304

Planning File No.: CI-20-006

Tax Map & Lot: 2-2E-31 -00400

Streets: 204 S John Adams St

Clackamas County Official Records
Sherry Hall, County Clerk

2020-08 Item 7a.



02385905202000877870040044

\$108.00

10/21/2020 09:51:37 AM

D-DED Cnt=1 Stn=9 COUNTER1
\$20.00 \$16.00 \$62.00 \$10.00

GRANTOR: City of Oregon City

DEED OF DEDICATION

KNOW ALL BY THESE PRESENTS, THAT City of Oregon City
hereinafter called "**Grantor**", does hereby grant unto the City of Oregon City, hereinafter called the "**City**",
its successors in interest and assigns, all the following real property in the County of Clackamas, State of
Oregon, to be used and held by the City for street, road, right-of-way, and public utility purposes, bounded
and described as follows, to wit:

See attached **Exhibit A** Legal Description and;
attached **Exhibit B** Drawing for Legal Description

TO HAVE AND TO HOLD, the above described and granted premises unto the said CITY, its successors in
interest and assigns forever.

The true consideration of this conveyance is for other value given, the receipt of which is hereby
acknowledged by GRANTOR.

And the GRANTOR above named hereby covenants to and with the CITY, and the CITY's successors in
interest and assigns that GRANTOR is lawfully seized in fee simple of the above named premises, free from
all encumbrances (no exceptions), and that GRANTOR and their heirs and personal representatives shall
warrant and forever defend the said premises against the lawful claims and demands of all persons claiming
by, through, or under the GRANTOR.

In construing this deed and where the text so requires, the singular includes the plural and all
grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to
individuals.

IN WITNESS WHEREOF, the GRANTOR has executed this instrument this 20th day of

October, 2020. The person(s) whose name(s) is/are subscribed to the within
instrument acknowledge that he/she/they executed the instrument in his/her/their legally authorized
capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon
behalf of which the person(s) acted, executed the instrument.

GRANTOR: City of Oregon CityAs shown on Page 1 (name of organization or individual property owner(s))

Anthony J. Konkol III
 Signature No. 1

Anthony J. Konkol III CITY MANAGER
 Signer's printed name Title (if applicable)

Signature No. 2

Signer's printed name Title (if applicable)

STATE OF OREGON)
 County of Clackamas)

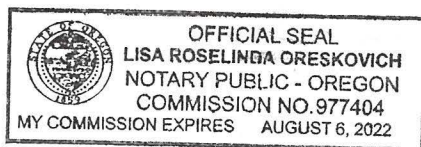
This record was acknowledged before me on (month & day) October 20, 2020

by Anthony J. Konkol, III, as City Manager
 Signer's printed name Title (write "N/A" if not applicable)

of the City of Oregon City
 Name of Corporation on whose behalf record is executed (write "N/A" if not applicable)

Stamp notary seal:

WITNESS my hand and official seal.



Lisa R Oreskovich
 Signature of Notary Public
 My commission expires: August 6, 2022

Accepted on behalf of the City of Oregon City:

Anthony J. Konkol III
 By: Anthony J. Konkol III, City Manager

John M. Lewis
 By: John M. Lewis, Public Works Director

Kattie Riggs
 Attest: Kattie Riggs, City Recorder

Reppeto & Associates, Inc.
Land Surveyors

12730 SE Stark St.
Portland, OR 97233

Phone: 503-408-1507
www.reppetosurveying.com

EXHIBIT "A"

RIGHT OF WAY DEDICATION
LEGAL DESCRIPTION

A TRACT OF LAND, SITUATED IN THE SOUTHEAST AND SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 2 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, CITY OF OREGON CITY, CLACKAMAS COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER THAT TRACT OF LAND AS DESCRIBED BY DEED CONVEYED TO THE CITY OF OREGON CITY, RECORDED AS DOCUMENT NUMBER 2020-072273, CLACKAMAS COUNTY DEED RECORDS; THENCE, ALONG THE EAST LINE OF SAID CITY OF OREGON CITY TRACT AND THE WESTERLY RIGHT OF WAY LINE OF JOHN ADAMS STREET, SOUTH 30°58'58" WEST A DISTANCE OF 177.06 FEET; THENCE, CONTINUING ALONG SAID WESTERLY RIGHT OF WAY LINE AND SAID EASTERLY LINE, SOUTH 4°09'29" EAST A DISTANCE OF 25.56 FEET; THENCE, NORTH 54°34'29" WEST A DISTANCE OF 30.00 FEET; THENCE, NORTH 35°25'31" EAST A DISTANCE OF 196.23 FEET TO THE POINT OF BEGINNING.

COANTAINS 1641 SQUARE FEET, MORE OR LESS.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Steven P. Buckles

OREGON
JULY 17, 1986
STEVEN P. BUCKLES
2231

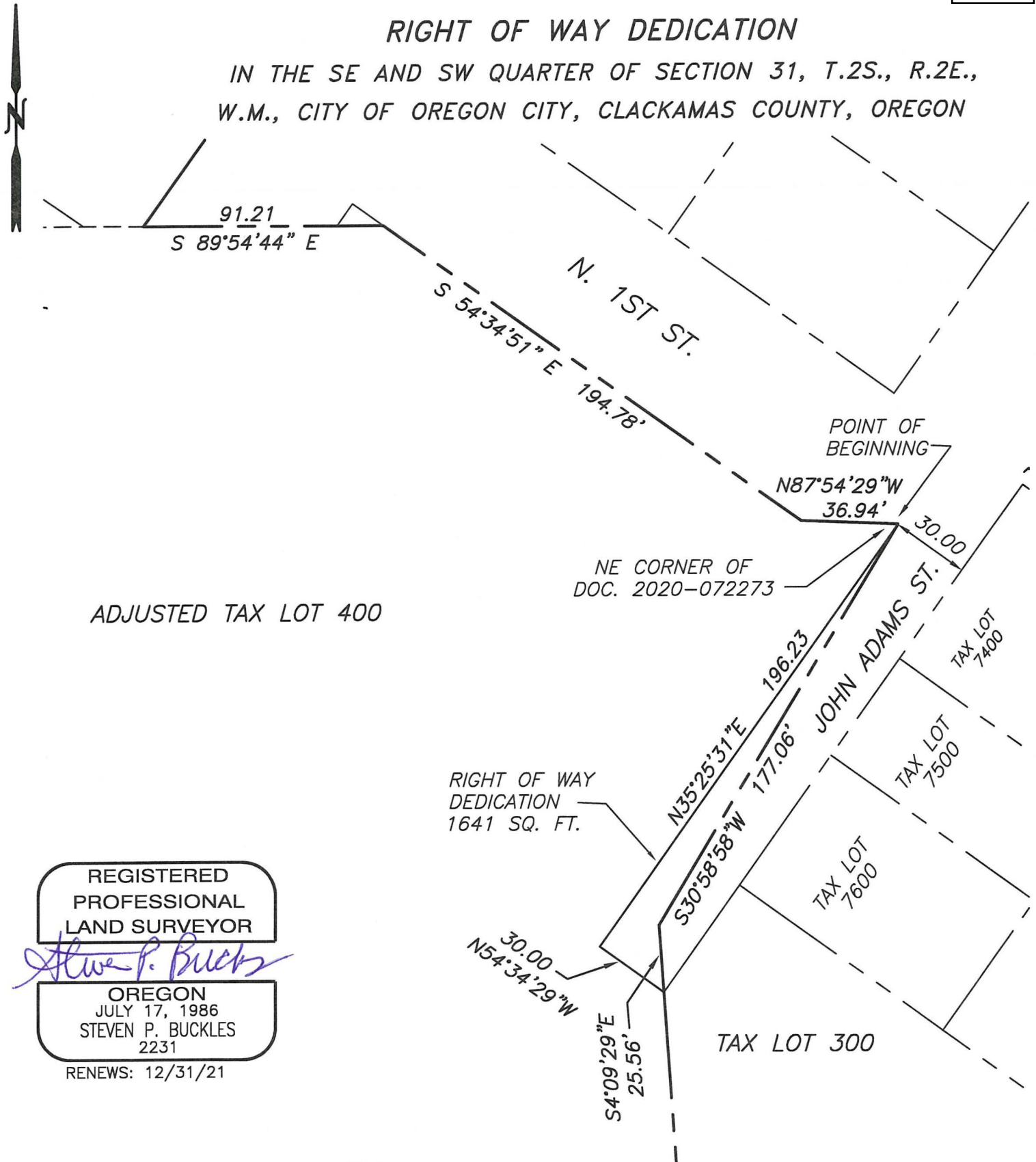
RENEWS 12-31-21

EXHIBIT "B"

Item 7a.

RIGHT OF WAY DEDICATION

IN THE SE AND SW QUARTER OF SECTION 31, T.2S., R.2E.,
W.M., CITY OF OREGON CITY, CLACKAMAS COUNTY, OREGON



REGISTERED
PROFESSIONAL
LAND SURVEYOR

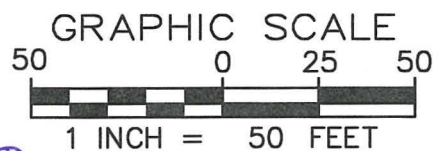
Steven P. Buckles

OREGON
JULY 17, 1986
STEVEN P. BUCKLES
2231

RENEWS: 12/31/21

REPPETO & ASSOCIATES, INC.
LAND SURVEYORS

12730 SE STARK STREET
PORTLAND, OREGON 97233
PHONE (503) 408-1507
www.reppetosurveying.com
FILE: 004019-ROW-DED.DWG



4

82

AFTER RECORDING RETURN TO:

City of Oregon City, City Recorder
P.O. Box 3040
Oregon City, Oregon 97045-0304

Clackamas County Official Records
Sherry Hall, County Clerk

2020-088274

Item 7a.

\$128.00



02386428202000882740080085

10/22/2020 10:51:57 AM

D-D Cnt=1 Stn=9 COUNTER1
\$40.00 \$16.00 \$62.00 \$10.00

Planning File No.: LL-20-00009 & -00010

Tax Map & Lot: 2-2E-31-00400 & -00500

GRANTOR: City of Oregon City

BARGAIN AND SALE DEED

City of Oregon City, hereinafter called "Grantor",
does hereby grant, bargain, sell and convey to the City of Oregon City, an Oregon municipal corporation,
hereinafter called "Grantee", the following real property in Clackamas County, Oregon.

See Exhibit A for Adjusted Tract 1 Grantor's Legal Description

See Exhibit B for Adjusted Tract 2 Grantor's Legal Description

See Exhibit C for Transfer (Exchange Tract) Legal Description

Grantor is vested in Tract 1 by DN 2005-030395 and DN 2006-010483, Clackamas County Deed Records

Grantor is vested in Tract 2 by DN 2020-072273, Clackamas County Deed Records

Grantor executes this deed to facilitate an approved City of Oregon City, Clackamas County, Planning File
No. LL-20-00009 and LL-20-00010

The true consideration for this conveyance is \$0.00

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD
INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336
AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855,
OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES
NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND
USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON
ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY
PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY
ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF
THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES,
AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF
ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424,
OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7,
CHAPTER 8, OREGON LAWS 2010.

IN WITNESS WHEREOF, the GRANTOR has executed this instrument this 21st day of
October, 2020. The person(s) whose name(s) is/are subscribed to the within
instrument acknowledge that he/she/they executed the instrument in his/her/their legally authorized
capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon
behalf of which the person(s) acted, executed the instrument.

GRANTOR: City of Oregon City

Item 7a.

As shown on Page 1 (name of organization or individual property owner(s))

Anthony J. Konkol III
Signature No. 1

Anthony J. Konkol III
Signer's printed name

CITY MANAGER
Title (if applicable)

Signature No. 2

Signer's printed name

Title (if applicable)

STATE OF OREGON)

County of Clackamas)

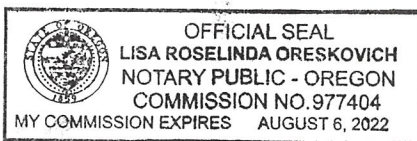
This record was acknowledged before me on (month & day) October 21, 2020

by Anthony J. Konkol, III, as City Manager
Signer's printed name Title (write "N/A" if not applicable)

of the City of Oregon City
Name of Corporation on whose behalf record is executed (write "N/A" if not applicable)

Stamp notary seal:

WITNESS my hand and official seal.



Lisa R Oreskov
Signature of Notary Public

My commission expires: August 6, 2022

Accepted on behalf of the City of Oregon City:

Anthony J. Konkol III
By: Anthony J. Konkol III, City Manager

John M. Lewis
By: John M. Lewis, PE, Public Works Director

Reppeto & Associates, Inc.
Land Surveyors

12730 SE Stark St.
Plaza 125, Building G
Portland, OR 97233

Phone: 503-408-1507
www.reppetosurveying.com

EXHIBIT "A"

TRACT 1

A TRACT OF LAND SITUATED IN THE SOUTH HALF OF SECTION 31, TOWNSHIP 2 SOUTH, RANGE 2 EAST, WILLAMEETE MERIDIAN, IN THE CITY OF OREGON CITY, CLACKAMAS COUNTY, STATE OF OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A BRASS SCREW WITH A 3/4 INCH BRASS WASHER STAMPED "REPPETO & ASSOC. INC." FOUND AT THE SOUTHWEST CORNER OF PARCEL II OF THAT TRACT OF LAND AS DESCRIBED BY DEED CONVEYED TO OREGON CITY RECORDED AS DOCUMENT NUMBER 2005-030395, CLACKAMAS COUNTY DEED RECORDS, SAID POINT ALSO BEING ON THE WEST LINE OF THAT TRACT OF LAND AS DESCRIBED IN DEED BOOK 417, PAGE 385, CLACKAMAS COUNTY DEED RECORDS, AND BEING ON THE NORTHEASTERLY LINE OF LOT 8, BLOCK 86, "OREGON CITY", CLACKAMAS COUNTY PLAT RECORDS; THENCE, ALONG THE WEST LINE OF SAID OREGON CITY TRACT, NORTH 00°11'18" EAST A DISTANCE OF 105.66 FEET TO A BRASS SCREW WITH A 3/4 INCH BRASS WASHER STAMPED "REPPETO & ASSOC. INC." FOUND AT A POINT ON THE EASTERLY RIGHT OF WAY LINE OF S. CENTER STREET; THENCE, ALONG THE SAID EASTERLY RIGHT OF WAY LINE, NORTH 35°24'54" EAST A DISTANCE OF 76.51 FEET TO THE TRUE POINT OF BEGINNING; THENCE, CONTINUING ALONG THE SAID EASTERLY RIGHT OF WAY LINE, NORTH 35°24'54" EAST A DISTANCE 201.17 FEET TO AN ANGLE POINT; THENCE, CONTINUING ALONG SAID EASTERLY RIGHT OF WAY LINE, NORTH 35°26'06" EAST A DISTANCE OF 102.38 FEET TO A BRASS SCREW WITH A 3/4 INCH BRASS WASHER STAMPED "REPPETO & ASSOC. INC." FOUND AT THE NORTHWEST CORNER OF SAID PARCEL II; THENCE, ALONG THE NORTH LINE OF SAID PARCEL II, SOUTH 89°54'44" EAST A DISTANCE OF 3.68 FEET TO A BRASS SCREW WITH A 3/4 INCH BRASS WASHER STAMPED "REPPETO & ASSOC. INC." FOUND AT AN ANGLE PONT ON THE NORTH LINE OF SAID PARCEL II; THENCE, CONTINUING ALONG THE NORTHERLY LINE OF SAID PARCEL II, THE FOLLOWING THREE COURSES; SOUTH 54°34'51" EAST A DISTANCE OF 102.01 FEET TO A FOUND 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "REPPETO & ASSOC. INC."; THENCE, NORTH 35°26'06" EAST A DISTANCE OF 72.32 FEET TO A FOUND BRASS SCREW WITH A 3/4 INCH BRASS WASHER STAMPED "REPPETO & ASSOC, INC,"; THENCE, SOUTH 89°54'44" EAST A DISTANCE OF 58.34 FEET TO A FOUND 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "PACIFIC SURVEYS PLS 2319"; THENCE, SOUTH 36°37'03" WEST A DISTANCE OF 42.73 FEET; THENCE, NORTH 74°47'39" WEST A

DISTANCE OF 24.90 FEET; THENCE, SOUTH 53°25'26" WEST A DISTANCE OF 36.71 FEET; THENCE, SOUTH 00°17'51" EAST A DISTANCE OF 47.48 FEET; THENCE, SOUTH 17°37'32" WEST A DISTANCE OF 41.469 FEET; THENCE SOUTH 40°47'51" WEST A DISTANCE OF 114.22 FEET; THENCE, SOUTH 47°18'13" WEST A DISTANCE OF 133.40 FEET; THENCE, NORTH 56°07'38" WEST A DISTANCE OF 119.28 FEET TO THE POINT OF BEGINNING.

CONTAINS 45,896 SQUARE FEET, MORE OR LESS.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Steven P. Buckles

OREGON
JULY 17, 1986
STEVEN P. BUCKLES
2231

RENEWS 12-31-21

Reppeto & Associates, Inc.
Land Surveyors

12730 SE Stark St.
Plaza 125, Building G
Portland, OR 97233

Phone: 503-408-1507
Fax: 503-408-2370

EXHIBIT "B"

TRACT 2

A TRACT OF LAND SITUATED IN THE SOUTH HALF OF SECTION 31, TOWNSHIP 2 SOUTH, RANGE 2 EAST, WILLAMEETE MERIDIAN, IN THE CITY OF OREGON CITY, CLACKAMAS COUNTY, STATE OF OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A BRASS SCREW WITH A 3/4 INCH BRASS WASHER STAMPED "REPPETO & ASSOC. INC." FOUND AT THE SOUTHWEST CORNER OF PARCEL II OF THAT TRACT OF LAND AS DESCRIBED BY DEED CONVEYED TO OREGON CITY RECORDED AS DOCUMENT NUMBER 2005-030395, CLACKAMAS COUNTY DEED RECORDS, SAID POINT ALSO BEING ON THE WEST LINE OF THAT TRACT OF LAND AS DESCRIBED IN DEED BOOK 417, PAGE 385, CLACKAMAS COUNTY DEED RECORDS, AND BEING ON THE NORTHEASTERLY LINE OF LOT 8, BLOCK 86, "OREGON CITY", CLACKAMAS COUNTY PLAT RECORDS; THENCE, ALONG THE WEST LINE OF SAID OREGON CITY TRACT, NORTH 00°11'18" EAST A DISTANCE OF 105.66 FEET TO A BRASS SCREW WITH A 3/4 INCH BRASS WASHER STAMPED "REPPETO & ASSOC. INC." FOUND AT A POINT ON THE EASTERLY RIGHT OF WAY LINE OF S. CENTER STREET; THENCE, ALONG SAID EASTERLY RIGHT OF WAY LINE, NORTH 35°24'54" EAST A DISTANCE OF 76.51 FEET; THENCE, LEAVING SAID RIGHT OF WAY LINE, SOUTH 56°07'38" EAST A DISTANCE OF 119.28 FEET; THENCE, NORTH 47°18'13" EAST A DISTANCE OF 133.40 FEET; THENCE, NORTH 40°47'51" EAST A DISTANCE OF 114.22 FEET; THENCE, NORTH 17°37'32" EAST A DISTANCE OF 41.46 FEET; THENCE, NORTH 00°17'51" WEST A DISTANCE OF 47.48 FEET; THENCE, NORTH 53°25'26" EAST A DISTANCE OF 36.71 FEET; THENCE, SOUTH 74°47'39" EAST A DISTANCE OF 24.90 FEET; THENCE, NORTH 36°37'03" EAST A DISTANCE OF 42.73 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "PACIFIC SURVEYS PLS 2319" FOUND ON THE NORTH LINE OF SAID PARCEL II; THENCE, ALONG THE NORTH LINE OF SAID PARCEL II, NORTH 89°54'44" WEST A DISTANCE OF 5.00 FEET TO THE SOUTHWEST CORNER OF THAT TRACT OF LAND AS DESCRIBED BY DEED CONVEYED TO THE CITY OF OREGON CITY, RECORDED AS DOCUMENT NUMBER 2006-010483 CLACKAMAS COUNTY DEED RECORDS; THENCE, ALONG THE WESTERLY, NORTHERLY AND EASTERLY LINES OF SAID CITY OF OREGON CITY TRACT THE FOLLOWING FOUR COURSES: NORTH 35°25'09" EAST A DISTANCE OF 30.40 FEET; THENCE, NORTH 42°45'19" EAST A DISTANCE OF 66.48

FEET TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "PACIFIC SURVEYS PLS 2319" FOUND ON THE SOUTHERLY RIGHT OF WAY LINE OF N 1ST STREET; THENCE, ALONG THE SAID SOUTHERLY RIGHT OF WAY LINE, SOUTH 54°34'51" EAST A DISTANCE OF 53.01 FEET TO A FOUND 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "PACIFIC SURVEYS PLS 2319"; THENCE, SOUTH 35°25'09" EAST A DISTANCE OF 52.74 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "PACIFIC SURVEYS PLS 2319" FOUND ON THE NORTH LINE OF SAID PARCEL II; THENCE, ALONG THE NORTH LINE OF SAID PARCEL II, SOUTH 89°54'44" EAST A DISTANCE OF 91.19 FEET TO A FOUND 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "REPPETO & ASSOC. INC."; THENCE, ALONG THE NORTHERLY LINE OF SAID PARCEL II, SOUTH 54°34'51" EAST A DISTANCE OF 194.78 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "REPPETO & ASSOC. INC." FOUND ON THE NORTH LINE OF THAT TRACT OF LAND AS DESCRIBED BY DEED CONVEYED TO THE CITY OREGON CITY, RECORDED AS DOCUMENT NUMBER 2020-072273, CLACKAMAS COUNTY DEED RECORDS; THENCE, ALONG THE NORTH, EAST AND SOUTH LINES OF SAID CITY OF OREGON CITY TRACT, THE FOLLOWING SIX COURSES: SOUTH 87°54'29" EAST A DISTANCE OF 36.94 FEET; THENCE, SOUTH 30°58'58" WEST A DISTANCE OF 177.06 FEET; THENCE, SOUTH 04°09'29" EAST A DISTANCE OF 200.00 FEET; THENCE, SOUTH 29°21'31" WEST A DISTANCE OF 100.00 FEET; THENCE, NORTH 88°55'29" WEST A DISTANCE OF 100.40 FEET; THENCE, NORTH 67°47'29" WEST A DISTANCE OF 216.50 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "REPPETO & ASSOC. INC" FOUND AT THE SOUTHWEST CORNER THEREOF; THENCE, ALONG THE SOUTH LINE OF SAID PARCEL II, NORTH 80°55'04" WEST A DISTANCE OF 342.73 FEET THE POINT OF BEGINNING.

CONTAINS 251,663 SQUARE FEET, OR 5.777 ACRES, MORE OR LESS.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Steven P. Buckles

OREGON
JULY 17, 1986
STEVEN P. BUCKLES
2231

RENEWS 12-31-21

Reppeto & Associates, Inc.
Land Surveyors

12730 SE Stark St.
Plaza 125, Building G
Portland, OR 97233

Phone: 503-408-1507
Fax: 503-408-2370

EXHIBIT "C"

EXCHANGE TRACT

A TRACT OF LAND SITUATED IN THE SOUTH HALF OF SECTION 31, TOWNSHIP 2 SOUTH, RANGE 2 EAST, WILLAMEETE MERIDIAN, IN THE CITY OF OREGON CITY, CLACKAMAS COUNTY, STATE OF OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A BRASS SCREW WITH A 3/4 INCH BRASS WASHER STAMPED "REPPETO & ASSOC. INC." FOUND AT THE SOUTHWEST CORNER OF PARCEL II OF THAT TRACT OF LAND AS DESCRIBED BY DEED CONVEYED TO OREGON CITY RECORDED AS DOCUMENT NUMBER 2005-030395, CLACKAMAS COUNTY DEED RECORDS, SAID POINT ALSO BEING ON THE WEST LINE OF THAT TRACT OF LAND AS DESCRIBED IN DEED BOOK 417, PAGE 385, CLACKAMAS COUNTY DEED RECORDS, AND BEING ON THE NORTHEASTERLY LINE OF LOT 8, BLOCK 86, "OREGON CITY", CLACKAMAS COUNTY PLAT RECORDS; THENCE, ALONG THE WEST LINE OF SAID OREGON CITY TRACT, NORTH 00°11'18" EAST A DISTANCE OF 105.66 FEET TO A BRASS SCREW WITH A 3/4 INCH BRASS WASHER STAMPED "REPPETO & ASSOC. INC." FOUND AT A POINT ON THE EASTERLY RIGHT OF WAY LINE OF S. CENTER STREET; THENCE, ALONG SAID EASTERLY RIGHT OF WAY LINE, NORTH 35°24'54" EAST A DISTANCE OF 76.51 FEET; THENCE, LEAVING SAID RIGHT OF WAY LINE, SOUTH 56°07'38" EAST A DISTANCE OF 119.28 FEET; THENCE, NORTH 47°18'13" EAST A DISTANCE OF 133.40 FEET; THENCE, NORTH 40°47'51" EAST A DISTANCE OF 114.22 FEET; THENCE, NORTH 17°37'32" EAST A DISTANCE OF 41.46 FEET; THENCE, NORTH 00°17'51" WEST A DISTANCE OF 47.48 FEET; THENCE, NORTH 53°25'26" EAST A DISTANCE OF 36.71 FEET; THENCE, SOUTH 74°47'39" EAST A DISTANCE OF 24.90 FEET; THENCE, NORTH 36°37'03" EAST A DISTANCE OF 42.73 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "PACIFIC SURVEYS PLS 2319" FOUND ON THE NORTH LINE OF SAID PARCEL II; THENCE, ALONG THE NORTH LINE OF SAID PARCEL II, NORTH 89°54'44" WEST A DISTANCE OF 5.00 FEET TO THE SOUTHWEST CORNER OF THAT TRACT OF LAND AS DESCRIBED BY DEED CONVEYED TO THE CITY OF OREGON CITY, RECORDED AS DOCUMENT NUMBER 2006-010483 CLACKAMAS COUNTY DEED RECORDS; THENCE, ALONG THE WESTERLY, NORTHERLY AND EASTERLY LINES OF SAID CITY OF OREGON CITY TRACT THE FOLLOWING FOUR COURSES: NORTH 35°25'09" EAST A DISTANCE OF 30.40 FEET; THENCE, NORTH 42°45'19" EAST A DISTANCE OF 66.48 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "PACIFIC SURVEYS PLS

2319" FOUND ON THE SOUTHERLY RIGHT OF WAY LINE OF N 1ST STREET; THENCE, ALONG THE SAID SOUTHERLY RIGHT OF WAY LINE, SOUTH 54°34'51" EAST A DISTANCE OF 53.01 FEET TO A FOUND 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "PACIFIC SURVEYS PLS 2319"; THENCE, SOUTH 35°25'09" WEST A DISTANCE OF 52.74 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "PACIFIC SURVEYS PLS 2319" FOUND ON THE NORTH LINE OF SAID PARCEL II; THENCE, ALONG THE NORTH LINE OF SAID PARCEL II, SOUTH 89°54'44" EAST A DISTANCE OF 91.19 FEET TO A FOUND 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "REPPETO & ASSOC. INC."; THENCE, ALONG THE NORTHERLY LINE OF SAID PARCEL II, SOUTH 54°34'51" EAST A DISTANCE OF 194.78 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "REPPETO & ASSOC. INC." FOUND ON THE NORTH LINE OF THAT TRACT OF LAND AS DESCRIBED BY DEED CONVEYED TO THE CITY OREGON CITY, RECORDED AS DOCUMENT NUMBER 2020-072273, CLACKAMAS COUNTY DEED RECORDS; THENCE, ALONG THE NORTH AND WESTERLY LINES OF SAID CITY OF OREGON CITY TRACT, THE FOLLOWING SIX COURSES: NORTH 87°54'29" WEST A DISTANCE OF 53.96 FEET TO A FOUND 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "REPPETO & ASSOC. INC."; THENCE, SOUTH 32°43'31" WEST A DISTANCE OF 100.00 FEET TO A FOUND 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "REPPETO & ASSOC. INC."; THENCE, SOUTH 71°11'31" WEST A DISTANCE OF 100.00 FEET TO A FOUND 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "REPPETO & ASSOC. INC."; THENCE, SOUTH 03°07'29" EAST A DISTANCE OF 84.30 FEET TO A FOUND 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "REPPETO & ASSOC. INC."; THENCE, SOUTH 84°05'31" WEST A DISTANCE OF 194.30 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "REPPETO & ASSOC. INC."; THENCE, SOUTH 00°43'29" EAST A DISTANCE OF 137.50 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "REPPETO & ASSOC. INC." FOUND AT THE SOUTHWEST CORNER THEREOF; THENCE, ALONG THE SOUTH LINE OF SAID PARCEL II, NORTH 80°55'04" WEST A DISTANCE OF 342.73 FEET THE POINT OF BEGINNING.

CONTAINS 155,778 SQUARE FEET, MORE OR LESS.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON

JULY 17, 1986
STEVEN P. BUCKLES
2231

RENEWS 12-31-21

PROPOSED PROPERTY LINE ADJUSTMENT EXISTING CONDITIONS SURVEY

SITUATED IN THE SE AND SW QUARTER OF SECTION 31, TOWNSHIP 2 SOUTH, RANGE 2
EAST, W.M., CITY OF OREGON CITY, CLACKAMAS COUNTY, OREGON
FOR: CITY OF OREGON CITY

LEGEND

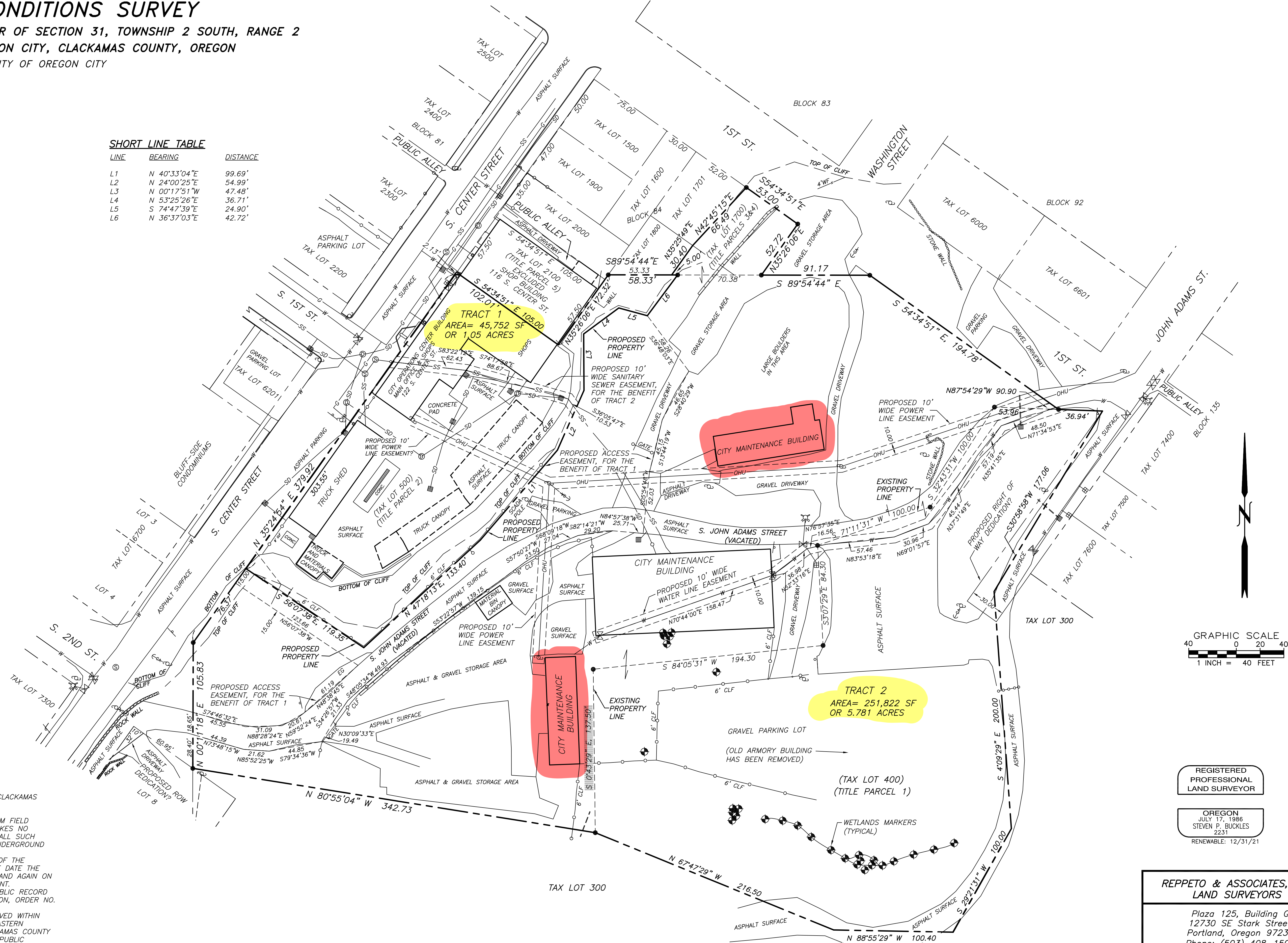
- = FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "REPPETO & ASSOC. INC.," OR OTHER MONUMENTS AS REFERENCED ON SN 2005-328, CCSR OTHERWISE.
- = CABLE TV RISER
- = CATCH BASIN
- = CENTERLINE ROAD
- = FIRE DEPARTMENT CONNECTION
- = FIRE HYDRANT
- = GAS METER
- = GAS VALVE
- = SANITARY SEWER MANHOLE
- = STORM DRAINAGE MANHOLE
- = UTILITY POLE
- = WATER METER
- = WATER VALVE
- BBH = BASKETBALL HOOP
- CB = CATCH BASIN
- CC = CONCRETE CURB
- C.C.D.R. = CLACKAMAS COUNTY DEED RECORDS
- C.C.S.R. = CLACKAMAS COUNTY SURVEY RECORDS
- CDA = CONCRETE DRIVEWAY APRON
- CI = CURB INLET
- CLD = CENTERLINE OF DITCH
- CLF = CHAIN LINK FENCE
- CMP = CORRUGATED METAL PIPE
- CO = CLEANOUT
- CRW = CONCRETE RETAINING WALL
- CSW = CONCRETE SIDEWALK
- CWI = CULVERT INLET
- CVO = CULVERT OUTFALL
- DI = DITCH INLET
- EC = EDGE OF CONCRETE
- EG = EDGE OF GRAVEL
- EP = EDGE OF PAVEMENT
- FDC = FIRE DEPARTMENT CONNECTION
- FH = FIRE HYDRANT
- FSV = FIRE SYSTEM VAULT
- G = NATURAL GAS LINE
- GA = GUY ANCHOR
- GM = GAS METER
- GV = GAS VALVE
- HCR = HANDICAP RAMP
- IE = INVERT ELEVATION
- IP = IRON PIPE
- IR = IRON ROD
- LP = LIGHT POLE
- MH = MANHOLE
- OHU = OVERHEAD UTILITY LINES
- RIM = RIM OF MANHOLE ELEVATION
- SD = STORM DRAINAGE LINE
- SF = SQUARE FEET
- SN = SURVEY NO. PER CLACKAMAS COUNTY SURVEY RECORDS.
- SS = SANITARY SEWER LINE
- TO = TOP OF CURB ELEVATION
- TDR = QUEST TELEPHONE DUCT RUN
- TMH = TELEPHONE MANHOLE
- TVR = CABLE TV RISER
- TW = TOP OF WALL ELEVATION
- UP = UTILITY POLE
- W = WATER LINE
- WF = WOOD FENCE
- WM = WATER METER
- WRF = WIRE FENCE
- WRW = WOOD RETAINING WALL
- WV = WATER VALVE
- WVT = WATER VAULT
- YPC = YELLOW PLASTIC CAP
- () = RECORD INFORMATION

SHORT LINE TABLE

LINE	BEARING	DISTANCE
L1	N 40°33'04"E	99.69'
L2	N 24°00'25"E	54.99'
L3	N 00°17'51"W	47.48'
L4	N 53°25'26"E	36.71'
L5	S 74°47'39"E	24.90'
L6	N 36°37'03"E	42.72'

NOTES

- BOUNDARY AND BASIS OF BEARINGS ARE PER SN 2005-328, CLACKAMAS COUNTY SURVEY RECORDS.
- ELEVATIONS AND TREES ARE NOT SHOWN ON THIS SURVEY.
- THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN-SERVICE OR ABANDONED. ALL UNDERGROUND UTILITY LINES MUST BE VERIFIED PRIOR TO CONSTRUCTION.
- THIS MAP AND SURVEY IT IS BASED ON ARE REPRESENTATIVE OF THE CONDITIONS FOUND ON THE GROUND ON DECEMBER 10, 2008, THE DATE THE FIELD WORK WAS COMPLETED, UPDATED ON SEPTEMBER 23, 2016 AND AGAIN ON AUGUST 12, 2020 FOR PURPOSES OF A PROPERTY LINE ADJUSTMENT.
- RECORD EASEMENTS SHOWN ON THIS SURVEY ARE FROM A PUBLIC RECORD REPORT PREPARED BY FIDELITY NATIONAL TITLE COMPANY OF OREGON, ORDER NO. 45142026396, DATED AUGUST 14, 2020.
- THERE IS A POSSIBLE WATER LINE EASEMENT THAT WAS RESERVED WITHIN THE VACATED RIGHT OF WAY OF S. JOHN ADAMS STREET IN THE EASTERN PORTION OF TRACT 2, AS PER DEED BOOK 417, PAGE 385, CLACKAMAS COUNTY DEED RECORDS, AND AS DESCRIBED IN EXCEPTION NO. 5 IN SAID PUBLIC RECORD TITLE REPORT.



GRAPHIC SCALE
40 0 20 40
1 INCH = 40 FEET

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 17, 1986
STEVEN P. BUCKLES
2231
RENEWABLE: 12/31/21

REPPETO & ASSOCIATES, INC.
LAND SURVEYORS

Plaza 125, Building G
12730 SE Stark Street
Portland, Oregon 97233
Phone: (503) 408-1507
www.reppetosurveying.com

DATE: AUG. 25, 2020	FILE: 004019-PLA-20.DWG
DRAWN BY: CS/SB	JOB NO. 004019

Kattie Riggs

Subject: FW: Waterboard Park Vote
Attachments: scan0556.pdf

From: Rivers of Life Center <riversoflifecenter@gmail.com>
Sent: Tuesday, November 3, 2020 2:27:06 PM
To: Frank O'Donnell <coachfranko@comcast.net>; Rocky Smith Jr <rockylsmith2@yahoo.com>; Rachel Lyles Smith <rlsmith@orccity.org>; guttmcg@msn.com <guttmcg@msn.com>; danholladay@orccity.org <danholladay@orccity.org>
Subject: Waterboard Park Vote

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

--

Jerry Herrmann
President
Rivers of Life Center/Earth Crusaders Program
PO BOX 124
West Linn, OR 97068
(503)-260-3432
riversoflifecenter@gmail.com

For immediate needs, be advised that contact by phone is preferred

Waterboard Park Decision

Dear Commissioners:

Rivers of Life Center, who produce many natural and cultural history Walking tours for the public wish to encourage you to make a decision in support of waterboard park becoming just that, the city's latest park.

Even though we initially supported public work facility operations at that location, we understand the communities concern and are aware that the city has now taken steps to consolidate operations on the upper plateau of Oregon city. Our support is because:

- This site links well with Willamette Falls as a heritage and natural resource asset.
- It overlooks both the city and the falls, the Valley to the South and the deep canyons the river occupies to the north. It provides the perfect opportunity to interpret all those things better than any other area in Oregon city
- It can all (both the hillside and the flats become Oregon's Significant Geologic Area and park.
- Please see our previous commentary to Dr. Scott Burns, nationally recognized Natural Resource Expert and geologist who believes Waterboard Park could be that "Significant Geologic Area and Park". Enclosed is our summary to Dr. Burns; our first efforts at identifying Waterboard Park Natural Resource Assets; and an example of several discovery tour walks we have hosted in partnership with the Oregon City Parks Foundation.

This combined area is one of Oregon City's most unique passive recreation and education assets and could receive national attention if approached properly. Please Vote yes on your newest and most unique park.

Waterboard Park Summary

From Rivers of Life Center and Oregon City Parks Foundation

- Rivers of Life Center and Bryon Boyce began the process of looking at assets and opportunities for a 20+ acre site on Oregon City's hillside, called Waterboard Park. (Summer 2015)
- Concepts and assets were brought forward and overlaid on a graphic during the winter of 2016; they were shared with the Oregon City Parks Foundation, Oregon City Public Works and Oregon City Parks and Recreation by Rivers of Life Center.
- Contact was made with Doctor Scott Burns Professor Emeritus and Department Head of Portland State University Geology. (winter 2016) He was asked to see if he would embrace the idea of a "significant geologic area in Oregon at this site."
- Doctor Burns recommended contact with Department of Geology and Mineral Industries staff and their response was that they would certainly entertain such a request --- Do we have any legislatures or former legislatures that could lead the way?
- Under Bryon Boyce's efforts, a number of grants were submitted to help support site remediation (this effort was coordinated with Oregon City Parks and Recreation) 2017 a major Metro Enhancement grant was awarded.

What we are seeking: We would ask organizations involved in Natural Resources, parks and Outdoor recreation to consider a general letter of support to advance Waterboard Parks, cleanup, restoration and establishment as an asset for tourism, special recreation and especially "Natural Resources and Geology education"

Waterboard Park:

Oregon's Significant Natural Area

Interpretive Classes & Natural
History Overview Area

History Overview Area

Conifer and Deciduous Forrest in Turmoil

Ice Age Floods Heritage Remnants

Mass Wasting and Hillside Creep

Brighton Overlook:
(Regional Natural History Views)

Boring Basalt Ramnarts

Geographic Significant Plants Trail

Columnar Basalt Formation
(Regional Climbing Resource)

Geologic Processes "Walk of Life"

Item 7a.

Discovery Tour ~ Spring ~

A SPRING DISCOVERY TOUR

HERITAGE WATERS HABITAT TASK FORCE

"a self directed group of professionals in environment,
tourism, economic development"

● PRESENT: "OREGON CITY'S WATERBOARD PARK"
- A DISCOVERY TOUR -
Legacy Geology in Action - An Overview
on Natural and Cultural History
SATURDAY MARCH 24th 9AM - 10:45

▶ at: THE HISTORIC ARMORY
204 South John Adams St.
Oregon City, OR 97045
T# 503-657-4000

▶ PRESENTORS: Jerry Herrmann, Bryon
Boyce (and all of you)

OUTLINE OUTLINE

8:30 AM ARRIVE, SETUP, BREW COFFEE, PROVIDE COOKIES
(provide for 30 seats; easel, chalkboard,
tripod and presentors table)

9AM INTRO PRESENTORS, GREETINGS by Norm Stewart

History of Waterboard Park; Work of
Western States in Metro Enhancement Grant
History of Armory as used and improved

9:15 NATIVE AMERICANS in this Region by Jerry Herrmann
MODERN CIRCA 1940's CULTURAL HISTORY
and
GEOLOGIC OVERVIEW

9:45 ECOLOGY of SETTING by Bryon Boyce
(A walking tour of flora, fauna, and
geology in action)

10:45AM END END



November 02, 2020

Dear Commissioner

The Oregon City Parks Foundation (OCPF) enthusiastically supports designation of the property adjacent to Waterboard Park currently referred as “the Upper Yard” as part of Waterboard Park and designating this area as park under Oregon City Charter Chapter X.

Waterboard Park is currently listed as the City’s twenty acre Natural Park boarded by three neighborhoods; McLoughlin, Rivercrest and Barkley Hills. With its’ protected tree canopy and unique geology, Waterboard Park is a favorite of many residents, who visit from all over our city as well as the surrounding areas. OCPF feels the addition of the adjacent property, with existing marked parking, would add a natural flow into upper Waterboard Park, while allowing for future park amenities.

Over the last four years the Oregon City Parks Foundation has been a partner and stakeholder in Waterboard Park with hundreds of volunteer hours clearing ivy from the parks trees and its grounds, while securing Grant funding for professional ivy control. OCPF will continue our city partnership with volunteer work and securing future grant funding for the park.

OCPF urges the Oregon City Commissioners to vote YES on this Ordinance Number 20-1010 to protect this unique parkland for future generations.

For the OCPF Membership

Roger Fowler-Thias
President - OCPF

OREGON CITY PARKS FOUNDATION

*partnering with volunteers, donors, and community leaders to develop,
enhance, promote, and sustain a thriving, accessible, and connected
system of parks in Oregon City*

Kattie Riggs

Subject: Ordinance No. 20-1010

From: Denise Beasley <dbeasleym@gmail.com>

Sent: Tuesday, November 17, 2020 10:20 AM

To: Planning <planning@orc.org>

Subject: Ordinance No. 20-1010

Dear City Commission Members,

I encourage you to accept the designation of property adjacent to Waterboard Park as part of the park under Oregon City Charter Chapter X.

I applaud your efforts and due diligence in getting this taken care of. It has been a very long time in coming.

Sincerely,

Denise Beasley

Citizen of Oregon City, and a consistent voter

Kattie Riggs

From: Chuck Combs <chracombs@gmail.com>
Sent: Wednesday, November 18, 2020 4:35 PM
To: Kattie Riggs
Subject: comments ordinance 20-1010
Attachments: comments20201118_16323533.pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ms. Riggs: I just got off the phone with you. Here are my comments for tonight's meeting. Thanks.

Chuck Combs

Comments of Charles Combs to Oregon City Commission Regarding Ordinance 20-1010

I support the proposed ordinance to include the Upper Yard as a Charter Park. This is a unique opportunity to enhance the scenic and recreational values of Oregon City.

Waterboard Park's scenic views, challenging topography, and large trees are a unique and attractive resource for the City. Development of the Upper Yard as a Charter Park would complement Waterboard Park's values and provide more recreational and cultural opportunities for residents in this central and scenic location.

Every day, pedestrians, including families, use Waterboard Park Road to walk between the levels of Oregon City for recreation and to access businesses and public facilities, such as the library. Waterboard Park Road is popular because it is a quiet, scenic and centrally-located route between the levels of the City. Converting the Upper Yard to a Charter Park would preserve the and enhance the attraction of the pedestrian and bicycle path designated in the Comprehensive and Transportation Plans. The new Charter Park would become an additional destination for families, pedestrians and bicyclists from all levels of the City.

Because of its size and topography, the Upper Yard could be developed for multiple park uses.

Date: November 18, 2020

Respectfully submitted,



Charles H. Combs
454 S. Center Street, Oregon City



CITY OF OREGON CITY

Staff Report

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

To: City Commission
From: Parks & Recreation Director Kendall Reid

Agenda Date: 11/18/2020

SUBJECT:

Personal Services Agreement with Lango Hansen Landscape Architects for the Development of Filbert Run Park

STAFF RECOMMENDATION:

Authorize the City Manager to execute the Personal Services Agreement (PSA) in the amount of \$124,285.00 with Lango Hansen Landscape Architects for architectural and engineering design, bidding, and construction phase services for the development of Filbert Run Park.

EXECUTIVE SUMMARY:

The Parks & Recreation Department received 5 proposals for the development of Filbert Run Park and is recommending awarding the contract to Lango Hansen Landscape Architects.

BACKGROUND:

The City of Oregon City Parks & Recreation Department has received budgetary approval from the Oregon City Commission to move forward with design and construction of Filbert Run Park. The 3.5-acre undeveloped property, located on the south side of Hazelnut Avenue between Vincent Dr. and Hazel Grove Dr., Oregon City.

A Request for Proposals (RFP) was issued for qualified architectural and engineering design firms and the submitted proposals were received on October 23, 2020. Parks & Recreation Department selected Lango Hansen Landscape Architects to provide the design, bidding, and construction services required for the project.

OPTIONS:

1. Authorize the City Manager to execute the Personal Services Agreement (PSA) in the amount of \$124,285.00 with Lango Hansen Landscape Architects.
2. Provide staff feedback to incorporate into the Personal Services Agreement and ask for this to come back to the next City Commission meeting.
3. Deny the contract to Lango Hansen Landscape Architects and provide staff direction

BUDGET IMPACT:

Amount: \$124,285

FY(s): 2019-2021

Funding Source(s): Parks System Development Charges

**CITY OF OREGON CITY
PERSONAL SERVICES AGREEMENT**

FILBERT RUN PARK PROJECT

This PERSONAL SERVICES AGREEMENT ("Agreement") is entered into between the CITY OF OREGON CITY ("City") and **Lango Hansen Landscape Architects** ("Consultant").

RECITALS

A. City requires services that Consultant is capable of providing under the terms and conditions hereinafter described.

B. Consultant is able and prepared to provide such services as City requires under the terms and conditions hereinafter described.

The parties agree as follows:

AGREEMENT

1. **Term.** The term of this Agreement shall be from the date the contract is fully executed until **October 31, 2021**, unless sooner terminated pursuant to provisions set forth below. However, such expiration shall not extinguish or prejudice City's right to enforce this Agreement with respect to (i) breach of any warranty; or (ii) any default or defect in Consultant's performance that has not been cured.

2. **Compensation.** City agrees to pay Consultant on a time-and-materials basis for the services required. Total compensation, including reimbursement for expenses incurred, shall not exceed **\$124,285**.

3. **Scope of Services.** Consultant's services under this Agreement shall consist of services as detailed in **Exhibit A**, attached hereto and by this reference incorporated herein.

4. **Standard Conditions.** This Agreement shall include all of the standard conditions as detailed in **Exhibit B**, attached hereto and by this reference incorporated herein.

5. **Schedule.** The components of the project described in the Scope of Services shall be completed according to Term, above.

6. **Integration.** This Agreement, along with the description of services to be performed attached as Exhibit A and the Standard Conditions to Oregon City Personal Services Agreement attached as Exhibit B, contain the entire agreement between and among the parties, integrate all the terms and conditions mentioned herein or incidental hereto, and supersede all prior written or oral discussions or agreements between the parties or their predecessors-in-interest with respect to all or any part of the subject matter hereof.

7. **Notices.** Any notices, bills, invoices, reports or other documents required by this Agreement shall be sent by the parties by United States mail, by hand delivery or by electronic means. All notices shall be in writing and shall be effective when delivered. If mailed, notices shall be deemed effective forty-eight (48) hours after mailing, unless sooner received.

To the City:

City of Oregon City
PO Box 3040
625 Center Street
Oregon City, OR 97045
Attention: John M. Lewis

To Consultant:

Lango Hansen Landscape Architects
1100 NW Glisan St., #3B
Portland, OR 97209
Attention: Kurt Lango

Consultant shall be responsible for providing the City with a current address. Either party may change the address set forth in this Agreement by providing notice to the other party in the manner set forth above.

8. Governing Law. This Agreement shall be governed and construed in accordance with the laws of the state of Oregon without resort to any jurisdiction's conflicts of law, rules or doctrines.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly appointed officers on this 18th day of November 2020.

CITY OF OREGON CITY

Lango Hansen Landscape Architects

By: _____
Kendall Reid

Title: Parks & Recreation Director

DATED: _____, 20__.

By: _____
Kurt Lango

Title: Principle

DATED: _____, 20__.

By: _____
Anthony J. Konkol III

Title: City Manager

DATED: _____, 20__.

ORIGINAL CITY COMMISSION APPROVAL (IF APPLICABLE):

DATE: _____

APPROVED AS TO LEGAL SUFFICIENCY:

By: _____
City Attorney

Document1

October 23, 2020

Denise Conrad
Assistant Parks & Recreation Director
City of Oregon City
625 Center Street
Oregon City, OR 97045

Dear Denise,

Lango Hansen is excited to submit this proposal for the design and construction of Filbert Run Park. It was a sun-filled evening six years ago when we led the first public meeting to kick-off the master planning effort for the park. Through an extensive public process, meetings with the City and the Park and Recreation Advisory Committee, Lango Hansen built consensus around the current park plan. Last year, working with the City we prepared a successful state grant application for Filbert Run Park with an award of over \$350,000.

This year Lango Hansen celebrates our twentieth anniversary in providing park designs, master planning, natural resource improvements and open space planning. In 2004, our very first park project was Wesley Lynn Park and we have felt honored to continue to provide park designs for Oregon City including Canemah Neighborhood Park, Jon Storm Park, the Clackamas River Trail, Tyrone S. Woods Memorial Park and Filbert Run Park. In addition to our experience in Oregon City, we have completed parks throughout Oregon and Washington similar to Filbert Run Park. With our experience in Oregon City and the relationships we have established over the past 15 years, we feel very committed to the City as a whole and are excited with the potential opportunity to further enhance the City's park system.

We feel that our firm and consultant team is uniquely qualified to provide design and documentation services for Filbert Run Park for several key reasons:

- As the firm that led the public process for the Filbert Run Master Plan, we have first-hand knowledge of the planning process and the design of the park.
- During the planning process, we met with the City Bureaus and received specific comments for right-of-way improvements, how to address the NROD regulations and the protection of the existing trees that will give us the ability to move quickly into the design and refinement of the park improvements.
- Having just completed permitting for Tyrone S. Woods Memorial Park, we thoroughly understand the review process for the park that will allow us to stay focused and on schedule.
- Each of our core consultant team members were involved in the 2014 Filbert Run master plan effort and will bring their collective experience to address issues immediately in order to meet the 2021 timeline for the park opening.

Kurt Lango is authorized to represent the design team in all negotiations and sign all contracts. Lango Hansen carries Errors and Omissions, Comprehensive, General and Automotive Insurance and Workers Compensation Coverage for the firm and all employees. Thank you for considering the Lango Hansen team for this exciting addition to your park network. If selected, we will bring our enthusiasm and commitment to design excellence to this important project.

Sincerely,



Kurt Lango
Principal

FIRM CAPABILITIES

LANGO HANSEN LANDSCAPE ARCHITECTS

Lango Hansen has been designing parks and open spaces since its founding two decades ago. The firm has worked on over forty park plans for cities and jurisdictions throughout the northwest including several parks in Oregon City. The firm approaches each project as a unique opportunity to develop designs that address the particular character of the site, the specifics of the program and the needs of individuals and communities.

FIRM RESOURCES

Having completed the Filbert Run Park Master Plan, our team has the ability to hit the ground running on all aspects of this project. LHLA has previously permitted five other Oregon City Parks and have an intimate knowledge of the City's permitting process. To keep the project both on schedule and budget, Lango Hansen and our consultant team have the necessary resources to fast-track issues and to problem-solve throughout the documentation process. Each firm principal will play a major role in communication and oversight to ensure decisions are made in a timely manner throughout the design, documentation and construction of the park improvements. Particularly during this era of Covid-19, firm resources, communication and the ability to reach agreement virtually is important. Lango Hansen is well versed in visual communication tools, and will use Zoom meetings and/or socially distanced in person meetings during the design refinement and documentation process. Throughout the design and documentation process, Lango Hansen will provide the leadership necessary to achieve the client's goal and vision. For the Filbert Run Park, we will re-enlist the core team that worked on the original Filbert Run Master Plan including Civil Engineering and Natural Resources.

OREGON CITY PARK EXPERIENCE

LHLA has worked with the City of Oregon City over the last 15 years on a variety of projects including open space design, grant writing and project management. Our firm has a thorough understanding of Oregon City's permitting process and an established reputation for successful public outreach, efficient project management and holistically designed spaces that are both enduring and easily maintainable.

TYRONE S. WOODS MEMORIAL PARK

Construction is underway for the Tyrone S. Woods Memorial Park, a 10-acre open space including trails, wetland enhancements, a play area, dog park, open lawns, a shelter and a restroom. Lango Hansen led the master plan effort and was also contracted to complete the construction documents and oversee construction. The permitting process included a site plan review submittal and coordinating permitting with the City of Oregon City. Kurt Lango has remained significantly involved in the project and has attended all of the site construction meetings. This principal involvement has led to quick decision making to ensure the overall quality of the project and vision remain true to the master plan.



Jon Storm Park, Oregon City

OREGON CITY PARK EXPERIENCE

- Tyrone S. Woods Memorial Park
- Glen Oak Park Master Plan
- Glen Oak Park Grant Application
- Filbert Run Park Master Plan
- Filbert Run Park Grant Application
- Canemah Park
- Clackamas River Trail
- Jon Storm Park
- Carnegie Park Splash Pad
- Rivercrest Park Restroom Grant Application and Project Management
- Wesley Lynn Park
- End of Oregon Trail Tree Study
- Latourette Park Concept Plan
- Carnegie Library

SELECTED PARK EXPERIENCE

- Glenmorrie Park Lake Oswego, OR
- Heron Lakes Trails Portland, OR
- Hoodview Park Salem, OR
- Lincoln City Boardwalk Lincoln City, OR
- Marshall Community Park Vancouver, WA
- Roy Dancer Park Beaverton, OR
- Smith & Bybee Wetlands Portland, OR
- Aurora City Park Renovation Aurora, OR
- Aurora Mills Master Plan Aurora, OR
- Barsotti Park Beaverton, OR
- Cannery Square Plaza Sherwood, OR
- Coolidge & McClaine Park Silverton, OR
- East Bull Mountain Park Tigard, OR
- Secor Park Salem, OR
- Dogwood Park Milwaukie, OR
- Ashley Meadows Park Milwaukie, OR
- Wichita Park Milwaukie, OR

FIRM CAPABILITIES

VERDELL BURDINE RUTHERFORD PARK, PORTLAND 2020

Lango Hansen led the public process for this new 20-acre park that included extensive outreach to the multi-cultural community. The firm then completed documents and construction observation. The park design included a new park shelter, trails, stormwater gardens and a play area with inclusive play features. The play area pivots around a central garden, offering a variety of inclusive play components for children of all ages and abilities.

WICHITA PARK, MILWAUKIE 2019

Lango Hansen guided a multi-disciplinary team through master planning, design and construction documents for this 1-acre park for North Clackamas Parks and Recreation District. The park design included new pathways through existing stands of trees, a small play area, native gardens and seating. The park was designed with a large open lawn for neighborhood events and smaller planted areas with seating for intimate gathering areas. Many of these park amenities were similar to the park programming of Filbert Run Park.

EAST BULL MOUNTAIN PARK, TIGARD 2017

For this 20-acre nature park, the firm worked with a large and vested neighborhood organization that facilitated significant volunteer efforts during the construction process. This included volunteer installation of the picnic shelter, native plantings and art. Lango Hansen provided design input to create opportunities for donor recognition and coordinated the installation of Tigard's first nature play area using removed trees from an adjacent development. This project had many similarities with Filbert Run Park with the significant neighborhood volunteer effort.

ROY DANCER PARK, BEAVERTON 2014

Set within a large woodland, Lango Hansen provided master planning services and construction documents for this 3-acre park in Beaverton. The design included nature trails, open lawn areas and a small children's play area. In addition to the park amenities, a 100-foot boardwalk navigated a steep hill climb with restoration of planting within the woodland areas. The emphasis placed on the protection and enhancement of the natural environment at Roy Dancer Park is very similar to the goals for Filbert Run Park.

CANEMAH NEIGHBORHOOD CHILDREN'S PARK, OREGON CITY 2012

Lango Hansen managed a team of civil engineers and habitat consultants for this Oregon City Park. Working within an historic district and also adjacent to the Canemah Bluff Nature Park, the firm provided design services that balanced both the active uses desired in the park, while respecting and enhancing the connections to Canemah Bluff. Lango Hansen coordinated and participated in the community-build of the park's play area. Our familiarity of the permit process on this and many other Oregon City Parks is an asset for our work on Filbert Run Park.

RECENT SIMILAR PARK EXPERIENCE

For two decades, LHLA has successfully led the design, bidding and construction documentation of numerous parks similar in size and complexity to the Filbert Run Park. In addition to Tyrone S. Woods Memorial Park, each of these projects involve creating a master plan, public outreach, preparing construction permitting and site supervision during construction.



Bull Mountain Park, Tigard



Roy Dancer Park, Beaverton



Wichita Park, Milwaukie

CORE PROJECT TEAM



KURT LANGO

PRINCIPAL

Kurt is a founding partner of Lango Hansen Landscape Architects with over 30 years of experience in park design, public facilitation and planning. When he founded Lango Hansen in 2000, the firm's first park project was Wesley Lynn Park in Oregon City. Since that time, he has collaborated with Oregon City and numerous other communities throughout Oregon and Washington on a variety of park types from urban parks to natural areas. He has also spearheaded a number of successful grant applications for the City, garnering over \$1,000,000 for Oregon City Parks over the last 15 years. Having worked extensively with public agencies and multi-disciplinary teams, he brings outstanding design and management skills to complex projects with fast-track deadlines.

Kurt is uniquely qualified for this project having led the public process for the design of Filbert Run Park. He has a thorough knowledge of the decisions that were made and technical issues that were uncovered during the planning process.

PROJECT INVOLVEMENT

Kurt will be the lead designer and will be involved in the refinement of the master plan. He will attend all meetings with the City and provide oversight during all phases of the project. As with Tyrone S. Woods Memorial Park, he will be the direct contact during all phases of the project with the City and be available to address any issues during construction of the park.

"From our first public workshop on the Filbert Run Park site, i have always been impressed by how vested the neighbors and the City have been in this wonderful open space. We are excited to help make this vision a reality"



BRIAN MARTIN

SENIOR ASSOCIATE

Brian is a licensed landscape architect with over 14 years of experience working on a wide variety of project types including parks, office buildings, housing, urban design, transportation, health care and educational facilities. He is passionate about uncovering the unique opportunities that each project presents. Brian strongly believes in the value of the collaborative process, drawing from all voices in the community. As a Senior Associate, he is actively involved in all phases, from preparing construction documents through construction observation. Brian strives to skillfully manage complex projects and develop technically innovative design solutions. It is his vision to create enduring landscapes that provide lasting value to the community.

Brian is uniquely qualified for this project having coordinated the permitting for Tyrone S. Woods Memorial Park. He was proactive during the Site Plan Review process to help expedite the permitting of the park and has first-hand knowledge of potential issues that may be encountered for Filbert Run.

PROJECT INVOLVEMENT

Brian will be the project manager for this project and will oversee the consultant team. He will provide design input and participate in meetings. He will also assist the City in bidding and contract negotiation activities and will be directly involved with construction observation from ground-breaking through the completion of the project.

"Having collaborated with Oregon City on Tyrone S. Woods Memorial Park, I would be thrilled at the opportunity to participate in the design and construction of Filbert Run Park"

CORE PROJECT TEAM



"Our firm worked on the original Filbert Run subdivision that provided this much needed open space and we are excited to continue our work on this property"

TOM SISUL

PRESIDENT

Tom Sisul is the founder and President of Sisul Engineering and has 30 years of experience as a Professional Engineer in Oregon. Tom opened his office in the Oregon City/Gladstone area in 1985 and has worked on numerous projects for the City of Oregon City. Tom first worked with Kurt in 2003 on the master plan for Wesley Lynn Park and has continued collaborating with Lango Hansen on Oregon City park projects including Jon Storm Park, Canemah Neighborhood Children's Park and most recently Tyrone S. Woods Memorial Park. He is well versed in the City of Oregon City engineering requirements and practices that will be invaluable in determine potential issues that may arise as it relates to the engineering aspect of the design, bidding and construction.

Tom was part of the design team for the master plan of Filbert Run Park and provide early assistance ways in how the existing utilities and drainage-way may impact the design.

PROJECT INVOLVEMENT

Tom will provide design drawings as it relates to the on-site utilities and stormwater design. He will perform the downstream analysis as required by the City of Oregon City. He will also prepare the 1200 C permit and provide on-site construction administration supervision.



"Although this is an ephemeral stream, there is an opportunity to make the drainage-way a park feature with both interpretive and habitat value"

JOHN VAN STAVEREN

PRESIDENT, SENIOR SCIENTIST

John van Staveren is president of Pacific Habitat Services and directs their environmental and regulatory compliance activities throughout the Pacific Northwest. With 26 years of experience, he has conducted over 1,000 wetland delineations, 27 Local Wetland Inventories and riparian inventories and designed and implemented dozens of freshwater and estuarine wetland mitigation plans. Pacific Habitat Services has extensive experience guiding Parks Departments through the often complicated State and Federal regulatory process. John and Kurt have worked together in the last 15 years on projects throughout Oregon. Collaborative projects include the Clackamas River Trail, Jon Storm Park and Tyrone S. Woods Memorial Park.

Jon was involved in the master planning effort for Filbert Run Park and provided a wetland delineation report for the drainage-way that found no wetlands and that the waterway is considered an ephemeral swale and not Jurisdictional per the State of Oregon requirements.

PROJECT INVOLVEMENT

John and his staff will be providing the new delineation of the NROD boundary and assisting in any mitigation as required by the City.

SUPPORT PROJECT TEAM

We have assembled a team of support consultants that Lango Hansen has collaborated with on other Oregon City Parks over the last two decades.

SURVEY

Compass Engineering has worked with Lango Hansen on Wesley Lynn Park, Canemah Park, Jon Storm Park and Tyrone S. Woods Memorial Park in addition to a number other projects over the last 15 years.

Compass Land Surveyors has provided professional land surveying services for municipalities, service districts, private developers, contractors and individuals across the Portland region since 1968. Compass Land Surveyors will provide the topographic, utilities, tree and street survey. A boundary survey is not included in this service.

ARBORIST

Since 1907, Bartlett has been providing scientific tree care services and is recognized as an accredited tree care company. Bartlett is TCIA accredited and committed to providing clients with the best service possible. Bartlett has a wealth of experience balancing tree preservation with new improvements in public parks and also worked with Lango Hansen on the Tyrone S. Woods Memorial Park.

Bartlett will provide a tree report and analysis, as well as recommendations for the protection of existing tree roots with the proposed improvements.

ELECTRICAL ENGINEERING

R&W Electrical Engineers worked with Lango Hansen on Wesley Lynn Park and Jon Storm Park. R&W is a full service electrical engineering design firm located in downtown Portland. The firm has extensive expertise in all aspects of electrical, technology, electronic safety and security systems for all types of buildings including parks and recreation facilities. With innovation and creativity, the firm integrates energy cost savings, sustainability and maintainability into each project.

R&W Engineering will provide design and documentation services for the site equipment power and lighting.

STRUCTURAL ENGINEERING

Equilibrium Engineers LLC offers full service structural engineering consulting. The firm prides itself in its ability to effectively communicate the structural needs on a project in a creative, constructive manner that can be easily understood and addressed. The firm provided structural engineering services for Tyrone S. Woods Memorial Park.

Equilibrium Engineers will provide engineering services for the boardwalk bridges

Based on the previous preapplication conference, we do not believe that Geotechnical (road improvements) and Traffic Analysis (Park/Road Improvements) will be necessary, however we have included them in our proposal if necessary. Architecture will not be required as the shelters are typically prefabricated.

TRANSPORTATION ENGINEERING

Kittelson and Associates is a transportation engineering firm with over 30 years of experience within the metro area. The firm is currently working on a number of Oregon City projects and has extensive experience working on transportation related issues.

Kittelson, if necessary, will provide traffic analysis.

GEOTECHNICAL ENGINEERING

Pali-Consulting is located in Oregon City and the firm's principal, Tim Blackwood has more than 25 years of geotechnical work in the Pacific Northwest.

Pali-Consulting, if necessary, will provide required recommendations for the road cross-section as outlined by the City of Oregon City's Engineering Department.

PROJECTS & QUALIFICATIONS

FILBERT RUN PARK, OREGON CITY

Lango Hansen provided master planning and design services for Filbert Run Park in the Hazel Grove/Westling Farm neighborhood of Oregon City. The process included extensive public outreach, consensus building and collaboration with the Oregon City staff to create a unique park that balances active and passive uses within a neighborhood setting.

As part of the park improvements, an accessible path loops through the park, creating connections to park entrances on the north, south, and east sides of the park. Along the path are benches, boulders, and picnic tables. At the center of the park is a playground and park shelter flanked by a large eco-lawn and to the west by the ephemeral stream and an open lawn area.

The park will also provide educational opportunities for the nearby elementary school and connection with regional trail networks such as the Oregon City Loop Trail. Stands of fir, oak, and maple trees provide immediate mature canopy to the park. A seasonal stream on the site provides an opportunity to enhance the city's stormwater conveyance system in addition to environmental education, native habitat restoration and enhanced stormwater sustainability.

The Request for Proposals includes the three master plan options, however the final adopted plan that was approved by the Parks and Recreation Advisory Commission, the Planning Commission and presented to the City Commission is shown here.

Owner: Oregon City Community Services
Master Plan Completed: 2014 Denise Conrad 503.657.0891



Master Plan playground rendering



Adopted 2014 master plan

BULL MOUNTAIN PARK, TIGARD

Lango Hansen worked with the City of Tigard and the Friends of Bull Mountain Park to design a new neighborhood park within a 10-acre woodland. This project is very similar to Filbert Run Park as it creates outdoor classrooms that facilitate meaningful learning, a place for community and family gatherings, areas for children of all ages to play and a trail network to foster healthy and active lifestyles. The park design balanced public uses and consideration of existing site constraints and wildlife habitat.

Site improvements were focused on a central 3-acre portion of the site. This area was selected because of its accessibility and consisted of moderate slopes and an open meadow. Improvements included a central gathering area with interpretive signage, accessible pathways, play areas and an overlook. Particular attention was paid to designing the site improvements so that no existing trees would be removed and the existing large sloping meadow would be maintained for active play.

Owner: Tigard Parks & Recreation
Completed: 2017 Steve Martin 503.718.2583
Pre-bid Cost: \$400,000; **Contract:** \$400,000; **Final Cost:** \$420,000



PROJECTS & QUALIFICATIONS

TYRONE S. WOODS MEMORIAL PARK, OREGON CITY

Lango Hansen provided master planning and design services for Tyrone Woods Memorial Park located in the Caufield neighborhood of Oregon City. The process included extensive public outreach, consensus building and collaboration with Oregon City staff to create a park that balances active and passive uses within a natural setting.

The park is both environmentally and communally significant. The existing wetland and Caufield Creek that flows through the site provide the opportunity for environmental education, native habitat restoration and enhanced stormwater sustainability. With its gentle slopes and neighborhood adjacency, the park also provides an outstanding space for community gatherings. Park elements include the City's first off-leash dog run, a nature play area, a shelter, restroom and restoration of the site's wetlands.

Owner: Oregon City Community Services
Completed: 2021 Denise Conrad 503.657.0891
 Pre-bid: \$2,500,000; Contract: \$2,600,000; Final Cost: TBD

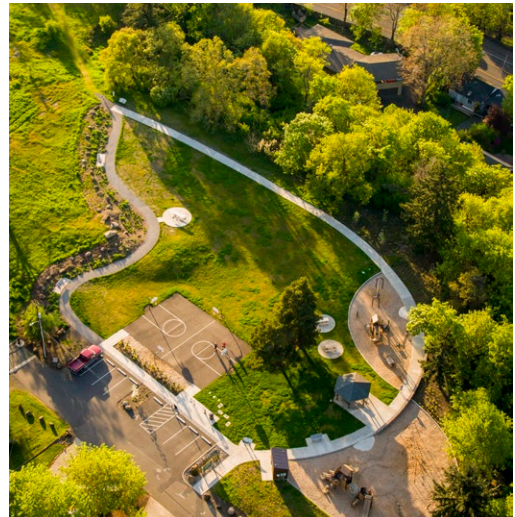


Tyrone S. Woods Memorial Park play area

CANEMAH NEIGHBORHOOD CHILDREN'S PARK, OREGON CITY

Canemah Neighborhood Children's Park is located in the Canemah Historic District on the bluffs overlooking the Willamette River. Along with Oregon City, the design team partnered with Metro to renovate and expand this existing open space. Site improvements include new accessible pathways, a basketball court, picnic areas and interpretive signage that highlight the noteworthy natural features and habitat of the park. The open space is also a gateway to Metro's adjacent 300 + acre Canemah Bluff Natural Area. Sustainable site features include native plantings, drought tolerant turf grasses, limited water-efficient irrigation, and reuse of existing materials, all elements that would be appropriate for Filbert Run Park.

Owner: Oregon City Community Services
Completed: 2013 Denise Conrad 503.657.0891
 Pre-bid: \$506,000; Contract: \$420,000; Final Cost: \$446,000



Aerial view of Canemah Park

WICHITA PARK, MILWAUKIE

In collaboration with North Clackamas Parks and Recreation District (NCPRD), Lango Hansen designed Wichita Park. Working closely with the neighborhood association and other local interest groups, LHLA began working on Wichita Park with the development of a master plan. The park features included a large play area, protection of existing trees, pathways and picnic areas.

LHLA led a multi-disciplinary team from design to construction documentation phase and supervised construction administration for NCPRD. LHLA implemented adjacent green street master plan components including stormwater facilities, sidewalks, and on-street parking.

Owner: North Clackamas Parks & Recreation
Completed: 2019 Scott Archer 503.742.4349
 Pre-bid: \$593,141; Contract: \$433,548; Final Cost: \$544,283



Wichita Park

PROJECT UNDERSTANDING

FILBERT RUN PARK SITE OVERVIEW

Lango Hansen's involvement in the 2014 Master Plan for Filbert Run Park gives us an extensive understanding of the project. We are intimately familiar with the site's opportunities, constraints and the design developed to date. We have listed items below that we feel communicate our ability to fully understand the issues at hand and will allow our team to be proactive and meet the critical path schedule for this project.

WE KNOW THE PARK & THE HISTORY OF THE DESIGN

The final master plan design concept was an iterative process of providing concept ideas and listening to Parks Staff and the neighborhood to fulfill a vision that many of the local residents have held for decades. At Lango Hansen, it is more than simply knowing about the specific elements of the design, it is also having gone through the public outreach and grant writing to understand what is important to the City, the Parks and Recreation Advisory Committee (PRAC) and to the neighbors. As part of the successful grant submission to the State, we collected letters from PRAC, Neighborhood Associations and local residents to show support for the park improvements. Roger Fowler Thies, President of the Oregon City Parks Foundation spoke how vested the neighbors have been over the years with having "planted small coniferous trees, removed fallen trees, including invasive species and cleared a dense understory by providing ongoing maintenance to help reduce vandalism". Roy & Jan Flaherty talked about the need for a "multi-generational" park design and Tom O'Brien spoke about "the wonderful work by so many volunteers to improve what was once a dangerous property brings joy to my heart to see their dreams moving forward". To maintain the original intent of the master plan concept, this is a critical context to be familiar with as we move forward with any refinements necessary to the design.

WE UNDERSTAND THE TECHNICAL ISSUES

Sometimes small parks have the same "big" technical issues as larger parks as we learned with both Jon Storm Park and Canemah Neighborhood Park. For Filbert Run Park we have had the benefit of sitting down with the Oregon City Bureaus to discuss the master plan in 2014. Although we understand that there will be an additional preapplication conference, it is an important point of reference as we move forward. Below are highlights that show we have a thorough understanding of the technical issues.

RIGHT OF WAY IMPROVEMENTS

Oregon City Engineering stated they did not anticipate any street improvements would be required. The pre-application notes state "Hazelnut Avenue is a local street and has already been constructed including sidewalks on the Park side of the street. The sidewalk/planter strip configuration does not meet standard, but is acceptable as it is already constructed and this is a Park" and "Kolar Drive dead-ends into the Park, and there is an existing barricade. As this is a dead-end street, some form of barricade will be required." By not having to do street improvements, this will speed up the permit process.



Neighborhood Association meeting



Center - Existing mature tree canopy



West - Trees planted by neighborhood residents in

PROJECT UNDERSTANDING

TRANSPORTATION ANALYSIS

During the pre-application meeting the City stated: “based on the information provided by the applicant, no traffic analysis is needed for the Filbert Run Neighborhood Park. The trip generation for a city park of this size is minimal. No on-site parking is proposed so there are no driveways or other aspects that cause a significant impact on the transportation system.” This needs confirmation but it appears that no traffic analysis will be required. We have enlisted the traffic engineer that worked with us on Tyrone S. Woods Memorial Park.

NROD BOUNDARY

As part of the 2014 master plan, Pacific Habitat Services performed a wetland analysis and found no wetlands on the site. The drainage was classified as an ephemeral stream. As this analysis is now considered outdated by the Corps it will need to be updated. It is assumed that it will still be classified as an ephemeral stream. Although the drainageway appears to be of marginal value and classified as a “Class C” habitat area on Metro’s maps, the City will still mandate an NROD boundary of 15-feet from the Ordinary High Water line. Also the current boundary is mapped through the woods. The City has requested that it be correctly mapped as part of the Environmental Review for this project.

We believe that based on the improvements shown on the approved master plan, a Type II Environmental review will be required as part of the Site Plan Review Submittal. NROD regulations only outright permit impervious 4-foot wide paths within its boundary with minimal grading. The original preapplication notes stated that the City Planning was hesitant to approve all of the boardwalks and there may be other issues. Mitigation may also be required based on elements proposed in the masterplan: a hard-surface pathways within the NROD, stream crossings, and grading to provide the southern ADA access into the park. We will need to immediately focus our attention on this area in order to minimize delays in project.

STORMWATER DESIGN

Our design team thoroughly understands the City’s stormwater regulations and how they may impact the park design and construction costs. Currently the proposed design shows more than 8,000 square feet of impervious surface that will be created as part of the design, therefore both detention and treatment will be required. A downstream analysis will be required which may result in mandated off-site improvements. Creative approaches could lower that threshold to 5,000 square feet and no downstream analysis would be required.

SOUTH ENTRANCE ADA ACCESS

As described in the master plan document, “the new accessible entrance at Kolar Drive is created by regrading the site and relocating the drainage-way inlet further east. The low pedestrian bridge is located to facilitate crossing of the steepest section of



NROD boundary



Ephemeral stream during winter months



South entrance - ADA access

PROJECT UNDERSTANDING

the drainage-way, and connection to the larger site and adjacent neighborhoods. Dense native planting in the steepest areas of the drainage-way deter access". In order to provide full accessibility to the site while still understanding potential impacts within the NROD area, this will be a critical part of the design.

CREATIVE TIMELINE APPROACH

There are a number of ways that we can potentially save time with such a fast track schedule. The park shelter is a long lead-time component and a direct purchase by the City could save several months during construction. The City could direct purchase the survey for the park that could save up to a month in the initial stages of the design. The City's pre-application notes state that street improvements are not anticipated. If that has changed, we might recommend (given the current scope) street work be executed under a separate contract as right-of-way work review periods can slow the project process by months.

WE KNOW THE PLANNING & PERMITTING PROCESS

Having direct experience with the Oregon City permitting process, we understand the importance of being proactive and schedule-conscious through the initial stages of the project. We know that the Site Plan Review will require a public meeting and given the current pandemic, we will need to strategize with the City and how best to meet this requirement. We also know that the planning process can take up to 120 days (Tyrone S. Woods Memorial Park took 115 days), so the timing of this submittal is crucial to staying on schedule. We would urge the City to set up the preapplication meeting so that it happens immediately after the consultant contract award in order to confirm assumptions based on the previous application. The City requires individual permits to be submitted and tracked for park improvements. We will need a structural building permit for the shelter and boardwalks, a tree removal permit for trees over 6-inches in caliper, an on-site utility permit, an erosion control permit, a 1200 C ESC permit, and a grading permit.

MAINTENANCE

With any park design, maintenance of the facility is an important consideration. For example, with the Tyrone S. Woods Memorial Park, there were many different facets of the park design where maintenance influenced the design. At the beginning and throughout the master planning process, Lango Hansen has always communicated closely with the City and their maintenance staff to adequately plan for long-term maintenance of the every park. With the meandering path through the woodland, we need to consider both impacts to the trees but also long term maintenance of the paths and potential uplifting of the pavement. Our Arborist will be involved in the early stages of the design project.

Given the potential impacts to trees, the creation of eco-lawn areas and natural play elements, we feel that it is important to continue this dialogue throughout the construction document process for Filbert Run Park.



Existing tree roots



Proposed eco lawn



Aerial image, Filbert Run Park & surround neighborhoods

PROJECT APPROACH

The following is our overall approach to project management and design that describes how Lango Hansen will typically integrate all the activities required by the Oregon City design, bidding and construction process.

TASK 0: POTENTIAL CITY RESPONSIBILITIES (SURVEY, PREAPPLICATION CONFERENCE)

If chosen, we would like to suggest several tasks that the City could accomplish prior to the Commission approval of the Contract that would help expedite the design process and the Site Plan Review submittal. If these tasks cannot be accomplished by the City, we will still commit to meeting the schedule that we have provided within this proposal:

- Initiate the topographic survey. The survey will take 4 weeks to finalize which is precious time at the beginning of the contract that could be used towards the design refinement of the park. We understand that the City can approve contracts less than \$10,000 without Commission approval. Compass Engineering has completed dozens of surveys for the City and we would ask that the City consider hiring Compass directly and prior to the Commission approval of the contract to begin the survey.
- We feel that the preapplication conference is critical to understanding and confirming City requirements for this project. Although we participated in a preapplication conference for Filbert Run Park in 2014, the City will require a new conference for the park. We would ask that this meeting be scheduled so it can occur within days of the Contract approval. Currently, the City has all the information required for the submittal.

TASK 1: SITE DESIGN AND REFINEMENT

The first month will be important to kick-off the project. This would include meeting with OCCS to finalize the schedule and present any design refinements we feel may be necessary in order to move the project forward and meet the required timeline. We will also attend the preapplication conference and if the survey has not been initiated by the City, we will contract with the surveyor to begin work. Lango Hansen will also begin to look at three alternatives for the play area and shelter. We feel this is important to do as soon as possible in order to meet the schedule. During this phase we strongly suggest a special PRAC meeting/public meeting in mid-December to present the designs. Since the Hazel Wood and South End Neighborhood Associations are inactive, we would like to include the PRAC meeting along with public testimony as our required outreach for the Site Plan Review Submittal. The overall park design and options for the play area and shelter will be refined into a single concept. We do not feel an early site package is necessary for this project as mentioned in the RFP and would take away from the initial efforts to complete documentation for the Site Plan Review. We also noticed that the RFP had the three early concept options for the park and we are assuming that the basis of design will be the final master plan that was adopted by PRAC, and presented to the Planning Commission and City Commission.

Products: Refined Site Plan, Playground/Picnic Shelter Options, NROD Delineation

TASK 2: 30% CD SET SITE PLAN REVIEW SUBMITTAL (MAJOR SITE PLAN AND DESIGN REVIEW)

Lango Hansen will prepare the construction document drawing set to 30% completion for review. This set will serve as the required Site Plan Review land-use submittal. This will include material, grading, planting plans, utility plans, erosion control plan, a traffic analysis letter (if necessary) and electrical plans. We will also need to include a stormwater report and potentially a downstream analysis. Cost estimate documents will be updated to reflect the current design.

Products: 30% Construction Document Set, Site Plan Review Submittal, Stormwater Analysis

TASK 3: 60% CD SET AND PLAY CONCEPT REFINEMENT

Lango Hansen will prepare the construction document drawing set to 60% completion for review. Cost estimate documents will be updated based on the current drawing set. Lango Hansen will assist City staff with the permitting coordination for water and sanitary sewer system extensions. Lango Hansen will also assist City staff in obtaining site plan approval through the City of Oregon City Planning Department. Coordination with the electrical utility company will continue for electrical service on site. Based on comments we receive from the City, we will refine the designs and document them in the 60% Construction Document Set.

Products: 60% Construction Document Set, 60% Cost Estimate

TASK 4: 90% CD SET (PERMITTING)

Lango Hansen will prepare the construction document drawing set to 90% completion for review. Cost estimate documents will be updated to be current with drawing set. We will attend a final meeting with PRAC to discuss the proposed plans. We intend on submitting for permits even if the Site Plan Review submittal has not been

PROJECT APPROACH

approved. We know from our work on the Tyrone S. Woods Memorial Park that this is allowed and by submitting permits as this time, we will be able to meet the overall bidding and construction schedule. Based on our experience with Tyrone S. Woods Memorial Park, we will need the following permits: Tree Removal, Grading, Structural, Erosion Control, On-Site Utilities and Stormwater. We will also need to submit a 1200C Permit.

Products: 90% Construction Document Set, 90% Cost Estimate, Permitting Set

TASK 5: 100% CD SET (BIDDING)

Lango Hansen will prepare the construction document drawing set to 100% completion for review based on any comments we receive from the permit submittals and Site Plan Review. Cost estimate documents will be updated to reflect 100% construction documentation. Technical specifications will be finalized.

Products: 100% Construction Document Set, Cost Estimate, Specifications

TASK 7: CONSTRUCTION OBSERVATION

Lango Hansen will provide contract documents, attend pre-construction and on-going construction meetings and provide meeting minutes. Construction observation and concurrent field reports will be developed. Shop drawings, submittals, RFIs, change orders and material testing will be reviewed and responded to. LHLA will conduct a final inspection and an associated punch list. Once the construction is finalized, as-built drawings will be submitted by the Contractor which Lango Hansen will review and approve.

Products: Construction Progress Meeting Minutes, Field Reports

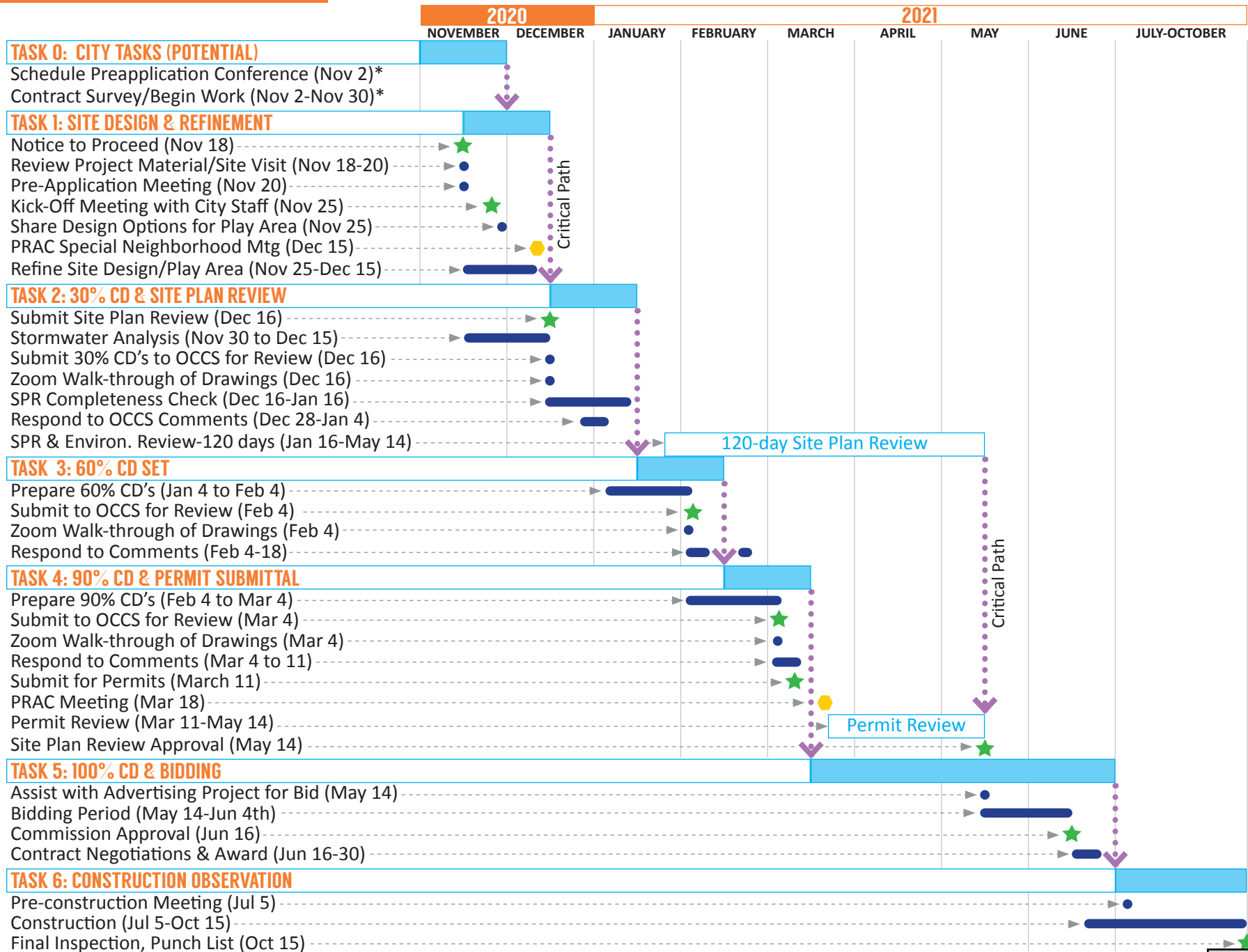
Lango Hansen has not and will not discriminate against a subcontractor in the awarding of a subcontract because the subcontractor is a minority, woman or emerging small business enterprise certified under ORS 200.050 or against a business enterprise that is owned or controlled by or that employs a disabled veteran as defined in ORS 408.225.

FEES

LANGO HANSEN LANDSCAPE ARCHITECTS	\$66,725
Kurt Lango 185 hours @ \$145hr • Brian Martin 420 hours @ \$95hr	
SISUL ENGINEERING	\$25,075
Tom Sisul 40 hours @ \$175hr • Project Engineer 241 hours @ \$75hr	
PACIFIC HABITAT SERVICES	\$9,485
John van Staveren 14 hours @ \$155hr • Wetland Scientist 77 hours @ \$95hr	
BARTLETT ARBORIST	\$5,800
Lyle Feilmeier 40 hours @ \$145hr	
R & W ELECTRICAL ENGINEERING	\$12,200
Jonathan Lilly 14 hours @ \$175hr • Project Engineer 75 hours @ \$130hr	
KITTELSON AND ASSOCIATES	\$5,000
TOTAL FEE	\$124,285
REIMBURSABLES	\$2,000

PROJECT SCHEDULE

Item 8a.



SUPPORT INFORMATION

For the Support Section of this proposal, we wanted to communicate a number of ways we can make Filbert Run Park a unique and special open space for its neighbors and the Oregon City Community. During the master plan process, we developed the following Mission Statement with the neighbors and City: “Protect the existing character of the site while accommodating the neighborhood’s needs for an interesting and engaging place for active and passive recreation for multiple age groups ranging from early childhood through seniors.”

GETTING THE WORD OUT

We understand that the Hazel Grove-Westling Farm Neighborhood and the South End Neighborhood Associations are currently inactive. From our previous land-use experience with the City of Oregon City, neighbors within 300-feet of Filbert Run Park must be contacted as part of the Site Plan Review process. We would suggest as a separate effort, sending out a postcard to residents within a larger radius that announces the park will be under construction with the grand opening in the late fall of 2021. Given the amount of the neighborhood investment in the park over the years, it would be a nice gesture and generate excitement for the transformation of the park.

TELLING A STORY

The park’s natural environment with existing woodland and drainage-way offers a variety of ways to tell the natural history of the park. For Jon Storm Park and Canemah Neighborhood Park we designed interpretive sign panels that described both the natural and cultural history of the sites. For Filbert Run Park, the woodland serves as habitat for birds and other wildlife. The new native planting of the drainage-way will provide areas to filter the site’s stormwater. There may be an opportunity to provide interpretive signage or small plaques and provide an education benefit that would highlight these natural features and help educate park visitors. There also may be a desire to provide a plaque that thanks the neighbors for their years of service in helping maintain this park along with the City. With the park’s close proximity to McLoughlin Elementary School there may be opportunities to incorporate learning and educational elements into the park design. Often, simple elements can make a lasting impact. For the Bull Mountain Neighborhood Park, we imprinted habitat tracks of rabbits and deer in wet cement to create patterns within the walkway.

PLAY AREA

This will be the third nature play area that the City completes in the last year. Creating a distinctive design that focuses on inclusive play will be important. We feel that the playground could blend nature-themed play with standard equipment or create a totally unique play environment with natural features. Based on the designs for Latourette Park and Tyrone S. Woods Park, we would like to have a conversation with Community Services to discuss the theme for the play area, how we can address any future maintenance issues and create something truly unique for the community.

PANDEMIC

These are difficult times that we are living through. With an uncertain future, the city’s outdoor spaces have become even more important as places of gathering and respite. As we look at the design refinement from the adopted 2014 master plan, we may want to rethink how seating areas are spaced apart for social distancing, opportunities for distinct and separate gathering areas and even path widths that allow for people to pass one another comfortably. Another issue to consider is that with the onset of Covid, should we rethink how some play spaces are designed? Perhaps we should consider creating play spaces that are more open-ended and multi-directional that prevent congestion and allow for free circulation through the space.

While the design should not necessarily be solely driven by these factors, understanding the issues and providing a safe and comfortable design for people of all ages should be a primary goal.

GETTING THE JOB DONE

Lango Hansen and our design team is committed to completing this project on time and on budget. Part of the success of our grant writing through State Parks for projects within Oregon City has been to show how these funds have been used wisely. The Parks and Recreation Department has an incredible park system with a wide range of open spaces. Filbert Run Park will be well-loved addition to the City’s open space and our firm is well positioned to help reach that goal.

**STANDARD CONDITIONS TO OREGON CITY
PERSONAL SERVICES AGREEMENT**

Item 8a.

1. Consultant Identification. Consultant shall furnish to City its taxpayer identification number, as designated by the Internal Revenue Service, or Consultant's social security number, as City deems applicable.

2. Payment.

(a) Invoices submitted in connection with this Agreement shall be properly documented and shall identify the pertinent agreement and/or purchase order numbers.

(b) City agrees to pay Consultant within thirty (30) days after receipt of Consultant's itemized statement. Amounts disputed by City may be withheld pending settlement.

(c) City certifies that sufficient funds are available and authorized for expenditure to finance the cost of the services to be provided pursuant to this Agreement.

(d) City shall not pay any amount in excess of the compensation amounts set forth in this Agreement, nor shall City pay Consultant any fees or costs that City reasonably disputes.

3. Independent Consultant Status.

(a) Consultant is an independent consultant and is free from direction and control over the means and manner of providing labor or services, subject only to the specifications of the desired results.

(b) Consultant represents that it is customarily engaged in an independently established business and is licensed under ORS chapter 671 or 701, if the services provided require such a license. Consultant maintains a business location that is separate from the offices of the City and bears the risk of loss related to the business as demonstrated by the fixed price nature of the contract, requirement to fix defective work, warranties provided and indemnification and insurance provisions of this Agreement. Consultant provides services for two or more persons within a 12-month period or routinely engages in advertising, solicitation or other marketing efforts. Consultant makes a significant investment in the business by purchasing tools or equipment, premises or licenses, certificates or specialized training and

Consultant has the authority to hire or fire persons to provide or assist in providing the services required under this Agreement.

(c) Consultant is responsible for obtaining all assumed business registrations or professional occupation licenses required by state or local law (including applicable City or Metro business licenses as per Oregon City Municipal Code Chapter 5.04). Consultant shall furnish the tools or equipment necessary for the contracted labor or services. Consultant agrees and certifies that:

(d) Consultant is not eligible for any federal social security or unemployment insurance payments. Consultant is not eligible for any PERS or workers' compensation benefits from compensation or payments made to Consultant under this Agreement.

(e) Consultant agrees and certifies that it is licensed to do business in the State of Oregon and that, if Consultant is a corporation, it is in good standing within the State of Oregon.

4. Early Termination.

(a) This Agreement may be terminated without cause prior to the expiration of the agreed-upon term by mutual written consent of the parties or by the City upon ten (10) days written notice to the Consultant, delivered by certified mail, email, or in person.

(b) Upon receipt of notice of early termination, Consultant shall immediately cease work and submit a final statement of services for all services performed and expenses incurred since the date of the last statement of services.

(c) Any early termination of this Agreement shall be without prejudice to any obligation or liabilities of either party already accrued prior to such termination.

(d) The rights and remedies of the City provided in this Agreement and relating to defaults by Consultant shall not be exclusive and are in addition to any other rights and remedies provided by law or under this Agreement.

5. No Third-Party Beneficiaries. City and

**STANDARD CONDITIONS TO OREGON CITY
PERSONAL SERVICES AGREEMENT**

Item 8a.

Consultant are the only parties to this Agreement and are the only parties entitled to enforce its terms. Nothing in this Agreement gives, is intended to give, or shall be construed to give or provide, any benefit or right, whether directly or indirectly or otherwise, to third persons unless such third persons are individually identified by name herein and expressly described as intended beneficiaries of the terms of this Agreement.

6. Payment of Laborers; Payment of Taxes.

(a) Consultant shall:

(i) Make payment promptly, as due, to all persons supplying to Consultant labor and materials for the prosecution of the services to be provided pursuant to this Agreement.

(ii) Pay all contributions or amounts due to the State Accident Insurance Fund incurred in the performance of this Agreement.

(iii) Not permit any lien or claim to be filed or prosecuted against the City on account of any labor or materials furnished.

(iv) Be responsible for all federal, state, and local taxes applicable to any compensation or payments paid to the Consultant under this Agreement and, unless Consultant is subject to back-up withholding, the City will not withhold from such compensation or payments any amount(s) to cover Consultant's federal or state tax obligation.

(v) Pay all employees at least time and one-half for all overtime worked in excess of forty (40) hours in any one week, except for individuals excluded under ORS 653.100 to 653.261 or under 29 U.S.C. §§ 201 to 209 from receiving overtime.

(b) If the Consultant fails, neglects or refuses to make prompt payment of any claim for labor or services furnished by any person in connection with this Agreement as such claim becomes due, the City may pay such claim to the person furnishing the labor or services and shall charge the amount of the payment against funds due or to become due to the Consultant by reason of this Agreement.

(c) The payment of a claim in this manner shall not relieve Consultant or Consultant's surety from obligation with respect to any unpaid claims.

(d) Consultant and subconsultants, if any, are subject employers under the Oregon workers' compensation law and shall comply with ORS 656.017, which requires provision of workers' compensation coverage for all workers.

7. Subconsultants and Assignment.

Consultant shall neither subcontract any of the work, nor assign any rights acquired hereunder, without obtaining prior written approval from the City. The City, by this Agreement, incurs no liability to third persons for payment of any compensation provided herein to the Consultant.

8. Access to Records. City shall have access to all books, documents, papers and records of Consultant that are pertinent to this Agreement for the purpose of making audits, examinations, excerpts and transcripts.

9. Ownership of Work Product; License. All work products of Consultant that result from this Agreement (the "Work Products") are the exclusive property of City. In addition, if any of the Work Products contain intellectual property of Consultant that is or could be protected by federal copyright, patent, or trademark laws, or state trade secret laws, Consultant hereby grants City a perpetual, royalty-free, fully paid, nonexclusive and irrevocable license to copy, reproduce, deliver, publish, perform, dispose of, use and re-use, in whole or in part (and to authorize others to do so), all such Work Products and any other information, designs, plans, or works provided or delivered to City or produced by Consultant under this Agreement. The parties expressly agree that all works produced (including, but not limited to, any taped or recorded items) pursuant to this Agreement are works specially commissioned by City, and that any and all such works shall be works made for hire in which all rights and copyrights belong exclusively to City. Consultant shall not publish, republish, display or otherwise use any work or Work Products resulting from this Agreement without the prior written agreement of City.

10. Compliance With Applicable Law.

STANDARD CONDITIONS TO OREGON CITY PERSONAL SERVICES AGREEMENT (4/2017)

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STANDARD CONDITIONS TO OREGON CITY PERSONAL SERVICES AGREEMENT

Item 8a.

Consultant shall comply with all federal, state, and local laws and ordinances applicable to the services to be performed pursuant to this Agreement, including, without limitation, the provisions of ORS 279B.220, 279C.515, 279B.235, 279B.230 and 279B.270. Without limiting the generality of the foregoing, Consultant expressly agrees to comply with (i) Title VI of the Civil Rights Act of 1964; (ii) Section V of the Rehabilitation Act of 1973; (iii) the Americans With Disabilities Act of 1990 (Pub. L No. 101-336), ORS 659.425, and all regulations and administrative rules established pursuant to those laws; and (iv) all other applicable requirements of federal and state civil rights and rehabilitation and other applicable statutes, rules and regulations.

11. Professional Standards. Consultant shall be responsible, to the level of competency presently maintained by others practicing in the same type of services in City's community, for the professional and technical soundness, accuracy and adequacy of all services and materials furnished under this authorization.

12. Modification, Supplements or Amendments. No modification, change, supplement or amendment of the provisions of this Agreement shall be valid unless it is in writing and signed by the parties hereto.

13. Indemnity and Insurance.

(a) Indemnity. Consultant acknowledges responsibility for liability arising out of Consultant's negligent performance of this Agreement and shall hold City, its officers, agents, Consultants, and employees harmless from, and indemnify them for, any and all liability, settlements, loss, costs, and expenses, including attorney fees, in connection with any action, suit, or claim caused or alleged to be caused by the negligent acts, omissions, activities or services by Consultant, or the agents, Consultants or employees of Consultant provided pursuant to this Agreement.

(b) Workers' Compensation Coverage. Consultant certifies that Consultant has qualified for workers' compensation as required by the State of Oregon. Consultant shall provide the Owner, within ten (10) days after execution of this Agreement, a certificate of insurance evidencing

coverage of all subject workers under Oregon's workers' compensation statutes. The insurance certificate and policy shall indicate that the policy shall not be terminated by the insurance carrier without thirty (30) days' advance written notice to City. All agents or Consultants of Consultant shall maintain such insurance.

(c) Comprehensive, General, and Automobile Insurance. Consultant shall maintain comprehensive general and automobile liability insurance for protection of Consultant and City and for their directors, officers, agents, and employees, insuring against liability for damages because of personal injury, bodily injury, death, and broad-form property damage, including loss of use, and occurring as a result of, or in any way related to, Consultant's operation, each in an amount not less than \$2,000,000 combined, single-limit, per-occurrence/\$4,000,000 annual aggregate. Such insurance shall name City as an additional insured, with the stipulation that this insurance, as to the interest of City, shall not be invalidated by any act or neglect or breach of this Agreement by Consultant.

(d) Errors and Omissions Insurance Consultant shall provide City with evidence of professional errors and omissions liability insurance for the protection of Consultant and its employees, insuring against bodily injury and property damage arising out of Consultant's negligent acts, omissions, activities or services in an amount not less than \$500,000 combined, single limit. Consultant shall maintain in force such coverage for not less than three (3) years following completion of the project. Such insurance shall include contractual liability.

Within ten (10) days after the execution of this Agreement, Consultant shall furnish City a certificate evidencing the dates, amounts, and types of insurance that have been procured pursuant to this Agreement. Consultant will provide for not less than thirty (30) days' written notice to City before the policies may be revised, canceled, or allowed to expire. Consultant shall not alter the terms of any policy without prior written authorization from City. The provisions of this subsection apply fully to Consultant and its Consultants and agents.

**STANDARD CONDITIONS TO OREGON CITY
PERSONAL SERVICES AGREEMENT**

Item 8a.

14. Legal Expenses. In the event legal action is brought by City or Consultant against the other to enforce any of the obligations hereunder or arising out of any dispute concerning the terms and conditions hereby created, the losing party shall pay the prevailing party such reasonable amounts for attorney fees, costs, and expenses as may be set by a court. "Legal action" shall include matters subject to arbitration and appeals.

15. Severability. The parties agree that, if any term or provision of this Agreement is declared by a court to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected.

16. Number and Gender. In this Agreement, the masculine, feminine or neuter gender, and the singular or plural number, shall be deemed to include the others or other whenever the context so requires.

17. Captions and Headings. The captions and headings of this Agreement are for convenience only and shall not be construed or referred to in resolving questions of interpretation or construction.

18. Hierarchy. The conditions contained in this document are applicable to every Personal Services Agreement entered into by the City of Oregon City in the absence of contrary provisions. To the extent there is a conflict, the terms of the Personal Services Agreement will control over the terms of the standard conditions. To the extent there is a conflict between the terms of the standard conditions and any other document, including the scope of services, the terms of the standard conditions shall control those other terms.

19. Calculation of Time. All periods of time referred to herein shall include Saturdays, Sundays and legal holidays in the State of Oregon, except that, if the last day of any period falls on any Saturday, Sunday or legal holiday, the period shall be extended to include the next day that is not a Saturday, Sunday or legal holiday.

20. Notices. Any notices, bills, invoices, reports or other documents required by this Agreement shall be sent by the parties by United

States mail, postage prepaid, or personally delivered to the addresses listed in the Agreement attached hereto. All notices shall be in writing and shall be effective when delivered. If mailed, notices shall be deemed effective forty-eight (48) hours after mailing, unless sooner received.

21. Nonwaiver. The failure of City to insist upon or enforce strict performance by Consultant of any of the terms of this Agreement or to exercise any rights hereunder shall not be construed as a waiver or relinquishment to any extent of its rights to assert or rely upon such terms or rights of any future occasion.

22. Information and Reports. Consultant shall, at such time and in such form as City may require, furnish such periodic reports concerning the status of the project, such statements, certificates, approvals, and copies of proposed and executed plans and claims, and other information relative to the project as may be requested by City. Consultant shall furnish City, upon request, with copies of all documents and other materials prepared or developed in relation with or as a part of the project. Working papers prepared in conjunction with the project are the property of City, but shall remain with Consultant. Copies as requested shall be provided free of cost to City.

23. City's Responsibilities. City shall furnish Consultant with all available necessary information, data, and materials pertinent to the execution of this Agreement. City shall cooperate with Consultant in carrying out the work herein and shall provide adequate staff for liaison with Consultant.

24. Arbitration.

All disputes arising out of or under this Agreement shall be timely submitted to nonbinding mediation prior to commencement of any other legal proceedings. The subsequent measures apply if disputes cannot be settled in this manner.

(a) Any dispute arising out of or under this Agreement shall be determined by binding arbitration.

(b) The party desiring such arbitration shall give written notice to that effect to the other party

**STANDARD CONDITIONS TO OREGON CITY
PERSONAL SERVICES AGREEMENT**

Item 8a.

and shall in such notice appoint a disinterested person of recognized competence in the field as arbitrator on its behalf. Within fifteen (15) days thereafter, the other party may, by written notice to the original party, appoint a second disinterested person of recognized competence as arbitrator on its behalf. The arbitrators thus appointed shall appoint a third disinterested person of recognized competence, and the three arbitrators shall, as promptly as possible, determine such matter, provided, however, that:

(i) If the second arbitrator is not appointed as described above, then the first arbitrator shall proceed to determine such matter; and

(ii) If the two arbitrators appointed by the parties are unable to agree, within fifteen (15) days after the second arbitrator is appointed, on the appointment of a third arbitrator, they shall give written notice of such failure to agree to the parties and, if the parties fail to agree on the selection of the third arbitrator within fifteen (15) days after the arbitrators appointed by the parties give notice, then, within ten (10) days thereafter, either of the parties, on written notice to the other party, may request such appointment by the presiding judge of the Clackamas County Circuit Court.

(c) Each party shall each be entitled to present evidence and argument to the arbitrators. The determination of the majority of the arbitrators or the sole arbitrator, as the case may be, shall be conclusive on the parties, and judgment on the same may be entered in any court having jurisdiction over the parties. The arbitrators or the sole arbitrator, as the case may be, shall give written notice to the parties, stating the arbitration determination, and shall furnish to each party a

signed copy of such determination. Arbitration proceedings shall be conducted pursuant to ORS 33.210 et seq. and the rules of the American Arbitration Association, except as provided otherwise.

(d) Each party shall pay the fees and expenses of the arbitrator appointed by such party and one-half of the fees and expenses of the third arbitrator, if any.

25. Governing Law. This Agreement shall be governed and construed in accordance with the laws of the state of Oregon without resort to any jurisdiction's conflicts of law, rules or doctrines.



November 9, 2020

RE: Notice of Intent to Award Contract – Filbert Run Park Project

On October 23, 2020, the City of Oregon City opened proposals for the above-referenced project. After a comprehensive review of the submittals, the City of Oregon City Proposal Review Team chose Lango Hansen Landscape Architects to provide architectural and engineering design services.

Firms Providing Submittals

Lango Hansen Landscape Architects
Mayer/Reed
Mackenzie
Ground Workshop LLC
PLACE

The City Commission is being asked to award the contract to Lango Hansen Landscape Architects. The City Commission is scheduled to make the decision to award this contract at their November 18, 2020 City Commission meeting.

The City of Oregon City appreciates your interest and effort in preparing and submitting your RFP for this project. If you have any questions about the process or our recommendation of award, feel free to call me at 503-496-1546.

Sincerely,

Kendall Reid

Kendall Reid
Parks and Recreation Director



CITY OF OREGON CITY

Staff Report

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

To: City Commission
From: Interim Finance Director Ryan Bredehoeft

Agenda Date: 11/18/2020

SUBJECT:

Resolution No. 20-35, Budget Adjustment and Supplemental Budget for the 2019-21 Biennium

STAFF RECOMMENDATION:

Move to approve Resolution No. 20-35, A Resolution to Adopt a Budget Adjustment and a Supplemental Budget for the 2019-21 Biennium

EXECUTIVE SUMMARY:

The City requests a budget adjustment to recognize, in the current biennium, \$219,041 of unspent budgeted funds from the prior biennium, for the Robert Libke Public Safety Building.

BACKGROUND:

The City Commission approved the project budget for the Robert Libke Public Safety Building in the amount of \$23,200,000 at a meeting on August 21, 2019. The total project budget of \$23,200,000 was allocated across two biennia in the City's biennial budget; \$1,660,000 in the prior biennium, the 2017-19 biennium, and \$21,540,000 in the current biennium, the 2019-21 biennium.

The actual expense incurred on the project in the prior biennium was \$1,440,959, leaving \$219,041 of budgeted funds unspent. The City desires to move these unspent funds from the prior biennium to the current biennium so that they can be utilized to complete the project in the current biennium.

Oregon Budget Law allows the City Commission to make budget adjustments by resolution.

OPTIONS:

1. Approve Resolution as is
2. Deny Resolution
3. Provide edits to Resolution

BUDGET IMPACT:

Amount: \$219,041

FY(s): 2019-21 biennium

Funding Source(s): Beginning balance in the Community Facilities Fund

RESOLUTION NO. 20-35

A RESOLUTION TO ADOPT A BUDGET ADJUSTMENT AND A SUPPLEMENTAL BUDGET FOR THE 2019-21 BIENNIUM

WHEREAS, the City Commission adopted a budget for the 2019-21 Biennium and made appropriations by Resolution No. 19-21 on June 19, 2019; and

WHEREAS, ORS 294.338, ORS 294.463 and ORS 294.466 provide the legal basis for changes in appropriations, and ORS 294.471 and ORS 294.473 provide the legal basis for supplemental budgets, by Commission Resolution; and

WHEREAS, the need now exists to transfer and appropriate funds for the purposes and in the amounts shown in the attached Budget Adjustment Summary; and

WHEREAS, conditions not ascertained at the time the budget was prepared have occurred that require changes in financial planning, resulting in a supplemental budget.

NOW, THEREFORE, OREGON CITY RESOLVES:

Section 1. The City Commission of Oregon City authorizes the Budget Adjustment Summary as attached and makes it a part hereof.

Section 2. This resolution shall take effect immediately upon adoption.

Approved and adopted at a regular meeting of the City Commission held on the 18th day of November 2020.

DAN HOLLADAY, Mayor

Attested to this 18th day of November 2020:

Approved as to legal sufficiency:

Kattie Riggs, City Recorder

City Attorney

Oregon City
Budget Adjustment Summary
 2019 - 2021 Budget Adjustment 2

<u>Description</u>	<u>Account</u>	<u>Original Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
1) Robert Libke Public Safety Facility					
Community Facilities					
Beginning Fund Balance	R 310-210-4999	\$ 17,886,453	\$ 219,041	\$ -	\$ 18,105,494
Capital Infrastructure	E 310-210-7040	\$ 21,540,000	\$ 219,041	\$ -	\$ 21,759,041

Descriptions:

1) Recognize carryforward of unspent funds in the previous biennium as additional beginning fund balance and appropriate unspent funds to complete the construction of the Robert Libke Public Safety Building. It does not increase the overall total project budget of \$23,200,000.



CITY OF OREGON CITY

Staff Report

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

To: City Commission
From: Public Works Director John M. Lewis

Agenda Date: 11/18/2020

SUBJECT:

Resolution No. 20-36, Modifying the Public Works Engineering Fee Schedule

STAFF RECOMMENDATION:

Staff recommends approval of Resolution No. 20-36 amending the engineering fee schedule.

EXECUTIVE SUMMARY:

The engineering fee schedule is being updated to include a re-inspection fee of \$85 for erosion and sediment control (EC) inspection and deleting a fee for geologic hazard review waivers.

BACKGROUND:

The engineering fee schedule is required to be adopted by resolution whenever a fee is added, removed, or changed beyond the annual adjustments relating to annual inflation.

The engineering fee schedule was last updated with Resolution No. 19-05 which was an update to Resolution No. 18-16.

The engineering fee schedule has two changes proposed:

1. Addition of a re-inspection fee for EC permits, both for Single-Family and Non-Single-Family Permits. This fee will be applied when an inspection has resulted in a "fail" and a re-inspection is needed.

The current full rate EC fee is \$269 for a single-family permit charge and typically the in-charge contractor calls for the City inspection before site clearing or grading work begins and after all measures are installed. Occasionally, the contractor requests the EC inspection before the appropriate measures have been installed hoping to proceed with the site grading, only to be denied as incomplete or not completed in accordance with the approved plans or

standards. In the more egregious cases, the contractor may do the work in a manner that warrants two or more inspections which is currently of no consequence for the contractor, but costs Oregon City citizens in lost staff efficiency. We also find projects that fall well out of compliance and require additional staff support to become compliant. Again, cost for performing this follow up inspection is currently not a consequence for the contractor.

The City issued 153 EC permits in 2019 (76 so far in 2020) and we anticipate restraint in using this fee to times when the contractor has not completed the work correctly as determined in the first inspection or in instances of the project falling out of compliance.

2. Removal of the Waiver Process Review fee for Geotechnical Review. This program is no longer being used. The City is in the land use approval process for several code modifications. One section of the code we are modifying is Chapter 17.44, Geologic Hazards. Through the code change approval process, the recommendation has been to stop the practice of issuing geologic hazard waivers and instead maintain and supplement the exceptions section of the code. For anything that does not meet the exemptions, the applicant would follow the land use approval process which includes more public notice. The current practice has been to consider issuing a waiver in situations where the project, in staff's opinion, is inconsequential. However, we understand this practice can be too subjective and preferably can be resolved with a Type II Land Use approval. This elimination of the waiver process review fee for geotechnical review is consistent with what we are recommending for our upcoming code changes.

The fee schedule shown in Exhibit A also shows the January 2021 fee rates which were calculated based the annual fee increase as determined by the CPI-W for the Pacific Division.

OPTIONS:

1. Approve Resolution No. 20-36.
2. Request revisions to proposed Resolution No. 20-36.
3. Deny Resolution No. 20-36.

RESOLUTION NO. 20-36

**A RESOLUTION MODIFYING THE PUBLIC WORKS ENGINEERING FEE SCHEDULE AND
AMENDING RESOLUTION NO. 19-05**

WHEREAS, the City of Oregon City adopted Resolution No. 19-05 establishing a schedule of permit fees for Public Works Engineering which included all engineering fees previously adopted by resolutions, and established a consistent method to adjust these fees on an annual basis to account for inflation; and

WHEREAS, the City of Oregon City has adopted Resolution No. 19-05 and other resolutions establishing fees that are necessary to defray the Public Works Engineering Division's actual operational costs; and

WHEREAS, the City of Oregon City desires to modify the Public Works Engineering Fee schedule, Exhibit A, which includes all engineering fees previously adopted by resolutions; proposes one additional fee and removal of one fee as described in Exhibit B, Fee Explanation; and continues to include an annual adjustment to adjust these fees to account for inflation; and

WHEREAS, the City of Oregon City, City Commission resolves that the City should recover to the extent practicable, the actual cost of providing Public Works Engineering Services to facilitate the issuing of permits for construction of various public and private infrastructure per the City of Oregon City standards.

NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:

Section 1. The City hereby adopts Exhibit A, Public Works Engineering Fee schedule, to become effective January 1, 2021, with the additional erosion control and Sediment control re-inspection fee as described in Exhibit B, Fee Explanation.

Section 2. The City hereby adopts Exhibit A, with the elimination of a fee for geologic hazard waivers for certain geologic hazard overlay proposals as described in Exhibit B, Fee Explanation.

Section 3. The Public Works Engineering Fee Schedule, Exhibit A, shall continue to be adjusted annually to account for inflation on January 1st. The adjustment to account for inflation shall be based on changes in the CPI-W for the Pacific Division of the West Region.

Section 4. This resolution shall take effect immediately upon its adoption by the City Commission.

Approved and adopted at a regular meeting of the City Commission held on the 18th day of November 2020.

DAN HOLLADAY, Mayor

Attested to this 18th day of November 2020:

Approved as to legal sufficiency:

Kattie Riggs, City Recorder

City Attorney

Attachments:

Exhibit A – Public Works Engineering Fee Schedule

Exhibit B – Fee Explanation



City of Oregon City Public Works

Engineering Fee Schedule

January 1, 2021

Fee/Engineering Service/Permit Type	Fee Description	Rate	Fee
Erosion & Sediment Control SFR Permit (Application, Plan Review, Inspection)	Regular	Flat	\$274
	Reduced w/ Certification	Flat	\$210
	Re-inspection	Flat	\$85
Erosion & Sediment Control Non-SFR Permit (Application, Plan Review, Inspection)	Regular (1 acre or less)	Flat	\$726
	Reduced w/ Certification (1 acre or less)	Flat	\$402
	PLUS, each additional acre or fraction thereof	Per Unit	\$129
	Re-inspection	Flat	\$85
Engineering Services for Building Permits	Engineering Site Plan Review for Building Permit	Flat	\$85
	Inspection for Public Sidewalk and Driveway Approach for single family subdivision lot Building Permit	Flat	\$170
Public Utility Service Permit	Application for Public Water Service Line, Sanitary Sewer or Stormwater Service Laterals	Flat	\$54
	Plan Review	Flat	\$116
	Utility Inspection	Flat	\$170
	Pavement Cut & Restoration Inspection	Flat	\$28
	Utility Permit Sidewalk Repair Inspection	Flat	\$28
	Utility Permit Driveway Approach Repair Inspection	Flat	\$28
	Utility Re-Inspection	Flat	\$85
	Sanitary Sewer Service Lateral Launch Video Inspection by City per Customer request	Flat	\$238
	Sanitary Sewer Service Tap Video Inspection at Public Main Line Connection	Flat	\$238
Public Street Driveway Approach Permit	Application	Flat	\$54
	Plan Review	Flat	\$116
	Inspection	Flat	\$170
	Re-Inspection	Flat	\$85
Public Street Sidewalk Permit	Application and Plan Review	Flat	\$54
	Inspection	Flat	\$116
	Re-Inspection	Flat	\$85
Public Street Sidewalk Group Permit	Application (one contractor for multiple sidewalk panel replacements along one block of street frontage, block length shall be a maximum length of 500 feet)	Flat	\$54
	Plan Review	Flat	\$116
	Inspection	Flat	\$170
	Re-Inspection	Flat	\$85

Fee/Engineering Service/Permit Type	Fee Description	Rate	Fee Item 8c.
Grading Permit (Filling, Grading, Excavating, including temporary material stockpile)	Application, Plan Review and Site Monitoring (*Engineer's Cost Estimate when applicable)	Flat Fee Plus Percentage	\$296 plus 2.5% of cost estimate*
Public Improvements Development Engineering Services (Street, Water, Sanitary Sewer, Stormwater)	5% of Engineer's Final Cost Estimate (2.5% Technical Plan Review Fee for First through Third Technical Plan Reviews plus 2.5% Inspection Fee)	Percentage	5% of cost estimate
	Additional Technical Plan Review Fee for every plan review beyond the third Technical Plan Review. 0.5% added to 2.5% Technical Plan Review Fee for each additional Plan Review after the Third Plan Review	Percentage	0.5% of cost estimate
Geotechnical Review	City Peer Review of Geotechnical Documents (Reports, Plans, Other)	Actual Cost	Actual Peer Review cost
Stormwater Management Peer Review	City Peer Review of Engineered Method to Calculate Size of Stormwater Management Facilities	Actual Cost	Actual Peer Review cost
Temporary Obstruction in ROW Permit	Application and Plan Review	Flat	\$28
	Inspection	Flat	\$28
Long Term Obstruction in ROW with Revocable ROW Permit	Application	Flat	\$54
	Plan Review	Flat	\$116
	City Resolution and Document Process	Flat	\$227
	Revocable ROW Permit	Flat	\$170
City Resolution and Document Processing	City Resolution and Document Processing	Flat	\$227
Document Processing and Recording Fee	Record one document at one time	Flat	\$309
	record each additional document at same time with first document	Flat	\$175
Plat Review	Partition	Flat	\$585
	Subdivision	Flat	\$819
	Planned Development	Flat	\$2,125
Vacation of Public Rights-of-Way or Public Easements	Public Right-of-Way	Flat	\$1,129
	Public Easement	Flat	\$666
Special Event ROW Permit	Application and Review	Flat	\$170
	ROW Inspection for use of ROW during Special Event	Flat	\$170
Renewable ROW Permit (outdoor seating, monitoring wells, other)	Application, Review and Inspection	Flat	\$170
ROW Permit General - Minor work outside of travel ways and no vehicular traffic control	Application, Review and Inspection	Flat	\$170
ROW Permit General - Moderate work within travel ways and not requiring Technical Plan Review	Application and Plan Review	Flat	\$170
	Inspection	Flat	\$170
ROW Permit General - Major work in ROW requiring technical plan review	Application, Technical Plan Review and ROW Inspection is Flat Fee plus 2.5% of Engineer's Final Cost Estimate	Flat Fee Plus Percentage	\$296 plus 2.5% of cost estimate
Small Cell Facility - Minor Installation (on Existing Third Party Utility Structure)	Application, Review and Inspection	Flat	\$784

Fee/Engineering Service/Permit Type	Fee Description	Rate	Fee Item 8c.
Small Cell Facility - Major Installation (on City Utility Structure or Proposed New Structure) (requires Technical Plan Review)	Application, Technical Plan Review and Inspection - Flat Fee plus actual cost over Flat Fee plus 15% Administrative Fee	Flat Fee plus Actual Cost over Flat Fee plus Administrative Cost Percentage	\$784 plus actual cost over Flat Fee plus Administrative Fee
ROW Licensee Major Installation - Fiber, Cable, Natural Gas, Electric, Telecommunications (does not include Small Cell Facility) requires Technical Plan Review	5% of Engineer's Final Cost Estimate (2.5% Technical Plan Review Fee for First through Third Technical Plan Reviews plus 2.5% Inspection Fee)	Percentage	5% of cost estimate
	Additional Technical Plan Review Fee for every plan review beyond the third Technical Plan Review. 0.5% added to 2.5% Technical Plan Review Fee for each additional Plan Review after the Third Plan Review	Percentage	0.5% of cost estimate
Film Permit	ROW Inspection for use of ROW during filming	Flat	\$170
	Usage fee for using City facilities' sanitary sewer during filming	Flat	\$37
	Usage fee for using City facilities' water during filming	Flat	\$37
Annual Permit for Banners in Right-of-Way (ROW)	(Note: Fees adopted through Resolution 15.31)	One Flat Fee applies prior to June 30 th / One Flat Fee after June 30 th	\$195 prior to June 30 th / \$98 after June 30 th
Street Light Pole Banner Installation/Removal Permit in ROW	Fees for application, review, installation and removal of street light pole banners (Note: Fees adopted through Resolution 15.31)	Flat Rate per street light pole banner	\$23
Cross Street Banner Installation/Removal Permit in ROW (ODOT Hwy 99E Pedestrian Bridge)	Fees for application, review, installation and removal of cross street banner at ODOT Hwy 99E pedestrian bridge (Note: Fees adopted through Resolution 15.31)	Flat	\$74
Approved requests for after-hours or weekend City staff inspections shall be billed based on staff cost.			



Exhibit B

Fee Explanation for Public Works Engineering Fees Resolution No. 20-36

The following provides a brief explanation of proposed changes to the Public Works Engineering Fees.

Currently, the Public Works Engineering Development Services Group provides permit and inspection services for Erosion & Sediment Control. Initial inspections occasionally result in the need for re-inspections.

- For Erosion & Sediment Control Permits, both for Single-Family and Non-Single-Family Permits requiring re-inspection, then these fees apply:
 - \$85 for Erosion & Sediment Control Re-inspection

Currently, the Public Works Engineering Development Services Group provides a waiver for certain Geologic Hazard Overlay proposals. It has been determined that the City will no longer offer this waiver program; therefore, the fee for waivers has been removed.

These fees shall be adjusted annually for inflation on January 1 as stated in past resolutions and rounded to the nearest dollar.



CITY OF OREGON CITY

CITY COMMISSION WORK SESSION

MINUTES

Commission Chambers, 625 Center Street, Oregon City
Tuesday, August 11, 2020 at 6:00 PM

6:00 PM - CITY COMMISSION WORK SESSION

CONVENE WORK SESSION AND ROLL CALL

Commission President Rachel Lyles Smith called the meeting to order at 6:06 PM.

PRESENT - 4

*Commissioner Denyse McGriff
Commissioner Frank O'Donnell
Commissioner Rachel Lyles Smith
Commissioner Rocky Smith, Jr.*

ABSENT - 1

Mayor Dan Holladay

STAFFERS – 12

City Manager Tony Konkol, City Attorney William Kabeiseman, Police Chief James Band, Community Development Director Laura Terway, City Recorder Kattie Riggs, Assistant to the City Manager Lisa Oreskovich, Economic Development Manager James Graham, Finance Director Wyatt Parno, Library Director Greg Williams, Human Resources Director Patrick Foiles, Public Works Director John Lewis, and Right of Way and Construction Manager Dante Posadas

FUTURE AGENDA ITEMS

1. List of Future Work Session Agenda Items

Tony Konkol, City Manager, reviewed the list of upcoming agenda items.

Commissioner O'Donnell suggested adding a discussion regarding restoration credits. Commissioner McGriff wanted reference materials from other cities first.

Commissioner O'Donnell also suggested Commission review of the biennial survey before it was released.

Staff would bring back both of these items to the Commission.

Commissioner Lyles Smith suggested a police policies discussion and whether they should establish a citizen oversight committee.

Jim Band, Police Chief, explained the oversight already in place, current complaint policy, and conversations with the community.

There was consensus for staff to bring back educational community outreach options. If the Commission had policy questions, the Commission would send them to staff.

DISCUSSION ITEMS

2. Additional Permitting and Notification Draft Policy for City Tree Removal

Laura Terway, Community Development Director, introduced the topic. Staff was directed to create an internal review process, consider alternatives, and create a public notification process for tree removals. She reviewed the statistics from 2019 regarding funding spent on trees and the number of trees that were planted, pruned, and removed. The draft policy would be applied to City removal of trees on City or Urban Renewal property and trees within the right-of-way. They would use the Heritage Tree list as the basis for identifying the trees that should be included in this process with one additional species, Pacific Madrone. She explained the exemptions to the policy, department documentation required for the removal, review process, and 14 day notice period once the permit was submitted. For trees that were larger than 50 inches d.b.h. (diameter at breast height), they would be placed on the City Commission consent agenda and notices would be sent to the NRC, PRAC, and TAC. Additional requirements were: larger trees would need to be replaced with more trees and not by paying a fee in lieu, the wood would be reused if feasible, and an annual budget would be established to support the policy. She asked how the Commission wanted to proceed.

There was discussion regarding the budget for the policy, review process, removing the ADA exemption, policy applying to citizens who wanted to remove trees in the right-of-way, reviews being done by staff that had education related to trees, and selling wood for market value and working with woodworker groups.

John Lewis, Public Works Director, recommended separating the processes for City and private removal of trees.

There was consensus to remove the ADA exemption and that the policy would only apply to City removal of trees.

Ms. Terway would take the policy to the NRC and PRAC for review and bring it back to the Commission for approval.

3. Small Cell Design and Construction Standards Review

John Lewis, Public Works Director, introduced Dante Posadas, Right of Way and Construction Manager, who had prepared the staff report. Staff would like direction on moving forward with code amendments exempting small cell facilities from the current land use code and creating new code for these facilities. He gave a background on small cells, what they looked like, where they would be located, and why they were needed.

There was discussion regarding how the City had to allow these facilities per federal law, the aesthetics of the facilities and making them the least obtrusive as possible, and the reasons for the code amendments.

Mr. Lewis gave comparisons between the current code and proposed code. These facilities were up and coming and the new standards would address the things the community would be concerned about.

Mr. Posadas explained the City would have 60 days to make a decision on these applications. There were separation and clearance requirements for the siting of small cells in the right-of-way. The density would not be on every utility pole, but about one per block. Only one licensee would be placed on a utility pole. The new code would touch on all of these issues and apply standards to the small cells.

Commissioner O'Donnell was concerned about the potential density of these facilities and creating eyesores.

Commissioner Smith thought there should be pictures or examples of facilities in the code that showed how to meet the new design standards. There should be a consistent look throughout the City.

Mr. Lewis said the flexibility in the standards was intentional due to meeting federal guidelines.

Mr. Posada said there was no uniform small cell standard but they did have standards that outlined the guidelines for size, color, and location.

There was discussion regarding where these facilities could be located, what the City was allowed to regulate, and impact to the historic districts and possible Historic Review Board review.

There was consensus for staff to move forward with the code amendments. Staff would also look into any additional design restrictions that would be allowed to add more consistency.

4. Grant Support Letter

Ms. Terway discussed the request to support a grant for integrating indigenous art in the Riverwalk project. The Willamette Falls Trust would be submitting the grant application.

There was discussion regarding the support of the tribes for this grant and who the funds would be given to.

The Commission wanted confirmation from Willamette Falls Trust that they had the support of the tribes before giving City support.

CITY MANAGER'S REPORT

There was no City Manager's report.

COMMISSION COMMITTEE REPORTS

- A. Beaver Creek Employment Area Blue Ribbon Committee** - Commissioner Frank O'Donnell
- B. Brownfield Grant Committee** - Mayor Dan Holladay
- C. Citizen Involvement Committee Liaison** - Commissioner Rachel Lyles Smith
- D. Clackamas County Coordinating Committee (C4)** - Mayor Dan Holladay and Commissioner Rachel Lyles Smith
- E. Clackamas Heritage Partners** - Commissioner Rocky Smith, Jr.
- F. Downtown Oregon City Association Board** - Commissioner Denyse McGriff
Commissioner McGriff said the Board was excited about the pending approval of parklets.
- G. Metro Policy Advisory Committee (MPAC)** - Commissioner Rachel Lyles Smith
- H. Oregon Governor's Willamette Falls Locks Commission** - Mayor Dan Holladay

I. South Fork Water Board (SFWB) - Mayor Dan Holladay, Commissioners Frank O'Donnell and Rocky Smith, Jr.

Commissioner Smith congratulated Wyatt Parno, Finance Director, on his new job with South Fork Water Board. South Fork was working on projects to be ready if funding became available in an attempt to revitalize the economy.

J. Willamette Falls and Landings Heritage Area - Commissioner Denyse McGriff

Commissioner McGriff said this committee was creating a Diversity, Equity, and Inclusion subcommittee and was moving forward with the old City Hall project. She had been on the review committee for the new City Manager of West Linn. The Metro committee she was representing the City on had done a meet and greet.

K. Willamette Falls Legacy Project Liaisons - Mayor Dan Holladay and Commissioner Frank O'Donnell

The Commission discussed the shipping container affordable housing project. Ms. Terway said shipping containers were allowed as long as they met the design standards.

Commission President Lyles Smith attended the Unite Oregon City presentation.

ADJOURNMENT

Commission President Lyles Smith adjourned the meeting at 8:45 PM.

Respectfully submitted,

Kattie Riggs, City Recorder



CITY OF OREGON CITY

Staff Report

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

To: City Commission **Agenda Date:** 11/18/2020
From: Community Development Director Laura Terway

SUBJECT:

Community Conversation: Severely Rent Burdened

STAFF RECOMMENDATION:

No recommendation.

EXECUTIVE SUMMARY:

The Oregon State Legislature passed House Bill 4006 which includes several provisions related to communities over 10,000 designated as severely rent burdened, meaning that over 25% of the population is spending more than half of income on rent. According to the American Community Survey, between 2014 and 2018 in Oregon City 25.5% of households spent more than half their income on rent, which is considered severely rent-burdened.

Oregon City cannot solve this on its own, but the more our community learns and understands the lived experience of people facing rent burdens, the better place we are in to help create actionable solutions. Not only will this conversation provide insight on being rent burdened and ways to reduce the burden of rent, it will also help inform other work we are doing such as OC2040, a city-wide effort to update our vision and policies on growth, development and public investment over the next 20 years. Oregon City is holding a Community Conversation on December 3, 2020

What: Severely Rent Burdened Conversation
When: Thursday, December 3, 2020 at 6pm
Where: Zoom, please register in advance

BACKGROUND:

The Oregon State Legislature passed House Bill 4006 which includes several provisions related to communities over 10,000 designated as severely rent burdened, meaning that over 25% of the population is spending more than half of income on rent. This is the first year that Oregon City has crossed the threshold with 25.5% of our

population in this situation. According to the American Community Survey (2014 and 2018) and Portland State University Certified Population Estimates (July 1, 2019) in Oregon City 25.5% of households spent more than half their income on rent, which is considered severely rent-burdened.

House Bill 4006 requires the jurisdiction to conduct at least one public meeting no later than December 31 of the year in which Oregon Housing and Community Services Department (OHCS) provides the qualifying data to discuss causes, barriers and possible solutions to reduce the number of severely rent burdened households within the city.

Oregon City is holding a Community Conversation on December 3, 2020. Homelessness, high housing cost, and rent burdens exist in Oregon City. Oregon City cannot solve this on its own, but the more our community learns and understands the lived experience of people facing rent burdens, the better place we are in to help create actionable solutions. Commissioners, who can attend, are encouraged to help facilitate break out conversations at the meeting.

Not only will this conversation provide insight on being rent burdened and ways to reduce it, it will also help inform other work we are doing such as OC2040, a city-wide effort to update our vision and policies on growth, development and public investment over the next 20 years.

What: Severely Rent Burdened Conversation

When: Thursday, December 3, 2020 at 6pm

Where: Zoom Register in advance. www.oregoncity.org/planning/community-conversation-severely-rent-burdened

Look for more public outreach and communication about this meeting in the coming weeks.

OPTIONS:

N/A

BUDGET IMPACT:

Amount: N/A

FY(s):

Funding Source(s):

Severe Rent Burden in Oregon (2018)

Severe rent burden by City (population >10,000): Share of households that spend more than 50 percent of income on rent

City	% Severely Rent Burdened	# Severely Rent Burdened	Total Renter Households	Population
Albany	23.0%	1,894	8,220	54,120
Ashland	34.7%	1,475	4,256	20,960
Beaverton	23.5%	4,561	19,370	98,255
Bend	26.5%	3,863	14,561	91,385
Canby	17.8%	367	2,063	16,950
Central Point	18.2%	473	2,601	18,365
Coos Bay	24.2%	677	2,795	16,700
Cornelius	17.8%	132	740	12,225
Corvallis	38.2%	4,583	12,012	58,885
Cottage Grove	35.4%	492	1,388	10,140
Dallas	30.1%	603	2,001	16,260
Eugene	35.1%	11,973	34,148	171,210
Forest Grove	34.6%	1,126	3,256	25,180
Gladstone	35.1%	578	1,646	11,905
Grants Pass	31.5%	2,265	7,180	37,485
Gresham	34.0%	6,097	17,952	111,810
Happy Valley	23.5%	230	980	21,700
Hermiston	15.1%	355	2,351	18,415
Hillsboro	18.3%	3,236	17,688	103,350
Keizer	25.9%	1,341	5,181	38,580
Klamath Falls	30.9%	1,553	5,031	22,000
La Grande	19.0%	469	2,468	13,290
Lake Oswego	24.3%	1,113	4,579	39,115
Lebanon	32.9%	1,073	3,262	17,135
McMinnville	25.0%	1,157	4,631	33,930
Medford	31.7%	4,684	14,782	81,465
Milwaukie	21.3%	747	3,509	20,535
Newberg	28.4%	822	2,899	24,045
Newport	19.2%	379	1,974	10,285
Ontario	25.1%	496	1,977	11,485
Oregon City	25.5%	1,107	4,349	35,570
Pendleton	25.0%	669	2,673	17,020
Portland	26.8%	31,713	118,444	657,100
Prineville	28.3%	495	1,749	10,220
Redmond	26.8%	1,266	4,722	30,600
Roseburg	29.7%	1,329	4,480	24,890
Salem	23.2%	6,249	26,919	167,400
Sandy	18.2%	218	1,200	11,075
Sherwood	21.9%	329	1,505	19,595
Silverton	16.7%	205	1,229	10,380
Springfield	23.2%	2,655	11,452	61,355

St. Helens	20.5%	354	1,730	13,410
The Dalles	23.0%	549	2,387	14,820
Tigard	29.5%	2,358	7,991	53,450
Troutdale	34.3%	669	1,950	16,185
Tualatin	27.4%	1,298	4,741	27,135
West Linn	23.6%	486	2,059	25,905
Wilsonville	17.2%	873	5,079	25,635
Woodburn	27.6%	796	2,888	25,135
Source: 2014-2018 American Community Survey 5-Year Estimates, Table B25070 and				
PSU Certified Population Estimates as of July 1, 2019				