



CITY OF OREGON CITY

CITY COMMISSION SPECIAL MEETING

AGENDA

Commission Chambers, Libke Public Safety Facility, 1234 Linn Ave, Oregon City
Wednesday, September 29, 2021 at 7:00 PM

EXECUTIVE SESSION OF THE CITY COMMISSION:

The Executive Session will begin immediately following the City Commission Special Meeting.

- 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.*
- ii. *PURSUANT TO ORS 192.660(2)(e): to conduct deliberations with persons designated by the governing body to negotiate real property transactions.*

7:00 PM - SPECIAL MEETING OF THE CITY COMMISSION

Please attend in-person, email recorderteam@orccity.org, or call 503-496-1509 to participate in this meeting.

1. 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.

2. CONVENE MEETING AND ROLL CALL

3. PUBLIC HEARINGS

3a. AP 21-00004 and AP-21-00005, Two appeals of Planning Files GLUA-21-00002: SP-21-00001 / LL-21-00002 for a Lot Line Adjustment and Site Plan and Design Review for a 60-Unit Residential Condominium Project on Holmes Lane - Neighborhood Association Fee Waiver Request Associated with One Appeal

4. ADJOURNMENT

PUBLIC COMMENT GUIDELINES

Complete a Comment Card prior to the meeting and submit it to the City Recorder. When the Mayor/Chair 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 Website.

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



CITY OF OREGON CITY

Staff Report

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

To: City Commission **Agenda Date:** 09/29/2021
From: Community Development Director Laura Terway

SUBJECT:

AP 21-00004 and AP-21-00005, Two appeals of Planning Files GLUA-21-00002: SP-21-00001 / LL-21-00002 for a Lot Line Adjustment and Site Plan and Design Review for a 60-Unit Residential Condominium Project on Holmes Lane - Neighborhood Association Fee Waiver Request Associated with One Appeal

STAFF RECOMMENDATION:

Staff recommends the City Commission deny AP-21-00004 and AP-21-00005 and approve GLUA-21-00002: SP-21-00001 / LL-21-00002 with amended conditions as identified in the revised staff report dated September 22, 2021.

EXECUTIVE SUMMARY:

The City Commission has been asked to consider two appeals challenging the Community Development Director's decision approving a consolidated request for a lot line approval as well as a 60-unit multi-family development.

On September 1, 2021, the City Commission initiated review of these appeals. During this hearing, the Commission concluded that BHNA's appeal, including the fee waiver, was properly requested. The matter was continued to the September 15, 2021 when the City Commission provided direction to revise the decision and tentatively denied both appeals. Staff is returning with a revised staff report, dated September 22, 2021 for the City Commission's consideration. The proceeding is closed to additional public testimony.

BACKGROUND:

The Community Development Director approved a Type II application for redevelopment on two adjoining properties, each presently developed with a single-family dwelling. The proposal includes relocating the adjoining property line to reduce the size of one property and construct a 60-unit residential condominium on the remaining portion of the site. Although this proposal outwardly has the appearance of a

subdivision with groupings of rowhouses, all of the units are proposed on one lot, so it was reviewed for compliance with applicable multi-family design standards.

The City received notice of intent to appeal from two parties. AP-21-00004 was submitted by the Barclay Hills Neighborhood Association on August 5, 2021. AP-21-00005 was submitted on August 5, 2021 by the applicant/owners' representative. A summary of the issues raised include:

AP-21-00004: Procedural and substantive challenges largely directed to alleged adverse impacts resulting from the proposed development.

AP-21-00005: Concern regarding condition of approval #3 related to Holmes Lane frontage improvements and that a number of other conditions of approval are subjective and cannot be imposed as this development is for "needed housing."

At the September 15, 2021 City Commission hearing, the City Commission provided direction to revise the conditional approval and tentatively denied both appeals. Staff is returning with a revised staff report, dated September 22, 2021 for the City Commission's consideration. The proceeding is closed to additional public testimony.

OPTIONS:

1. Deny AP-21-00004 and AP-21-00005 and approve GLUA-21-00002: SP-21-00001 / LL-21-00002 with amended conditions as identified in the revised staff report dated September 22, 2021.
2. Provide further direction to staff and continue the matter to the October 6, 2021 City Commission hearing.



**CITY COMMISSION RESOLUTION OF APPEALS AP 21-00004 AND AP-21-0005
NOTICE OF DECISION WITH CONDITIONS OF APPROVAL**

Sept 22, 2021

FILE NUMBER: AP 21-00004 and AP-21-0005 reviewing
GLUA-21-00002: SP-21-00001 / LL 21-00002

APPLICANT: Emerio Design, LLC Attn: Steve Miller
6445 SW Fallbrook Pl., Suite 100
Beaverton, OR 97008

Submitted: 01/11/2021

Complete: 4/28/2021

120-Day Deadline: 10/11/2021

OWNERS: Orvetta Herndon – 32E06AA05001 (Owner)
535 Holmes Lane
Oregon City, OR 97405

Christopher Streeter – 32E06AA05100 (Owner)
545 Holmes Lane
Oregon City, OR 97405

REQUEST: Approval of Site Plan and Design Review and Lot Line Adjustment for a 60-unit residential condominium project in the High-Density Residential District (R-2 zone). This includes extension of a full local public street connecting Holmes Lane to Mountain View Street.

ADDRESSES: 535 Holmes Ln Oregon City, OR 97045,
Clackamas County APN: 3-2E-06AA-05001
545 Holmes Ln, Oregon City, OR 97045,
Clackamas County APN: 3-2E-06AA-05100

REVIEWER: Pete Walter, AICP, Senior Planner
Josh Wheeler, P.E., Assistant City Engineer
Laura Terway, AICP, Community Development Director

DECISION: Approval with Conditions.

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

Conditions of Approval
Planning File GLUA-21-00002: SP-21-00001 / LL 21-00002

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

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

(B) = Verify that condition of approval has been met with the Building Division.

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

The following conditions of approval shall be met to the satisfaction of the City during the process of design and prior to issuance of public improvement or building permits for construction associated with the proposed multi-family development.

1. The development plans shall comply with all current Oregon City Public Works design standards, specifications, codes, and policies prior to receiving a permit and beginning construction. (DS)
2. The developer shall submit or address all items in section 16.12.014 of the Oregon City Municipal Code based on the timing requirements contained therein and as deemed applicable by the City. (DS)
3. The development shall provide the following along the development's frontage of Holmes Lane on the development side of the centerline: 11'-12'-wide drive lane, 0.5' curb, 5-foot-wide landscape strip, 6-foot-wide raised bike lane, 6-foot-wide sidewalk, and a 0.5-foot-wide buffer. The development shall dedicate right-of-way (ROW) to achieve 29' to 30' of ROW. (DS)
4. The alignment of the new north-south street (Rilance Lane) shall have at least fifty feet of tangent adjacent to the intersection (measured from the nearest curb line) unless topography requires a lesser distance.
5. The development shall provide street lighting plans with photometric information for Holmes Lane, the new north-south street (Rilance Lane) and Mountainview Street which conforms to Portland General Electric adopted standards for light pole location and illumination standards prior to receiving a permit and beginning construction. (DS)
6. The development shall provide new fire hydrant(s) in, and around, the property as required by Clackamas Fire District Number 1 and extend water main(s) (public and/or private) as necessary to supply required fire hydrants. (DS)
7. The development shall include whatever improvements, coupled with requisite access easement, identified by Clackamas Fire District No 1 as are necessary to accommodate emergency vehicles. (P)
8. All intersections, existing and proposed, adjacent the development property, shall have pedestrian crossings for each direction of travel which complies with Americans with Disabilities Act (ADA). Approved curb ramp design(s) will need to be included on engineering plans following proper engineering technical standards prior to receiving a permit and beginning construction. (DS)
9. The development shall be allowed no more than two connections (a maximum of 8" in size) to the existing public sanitary sewer main within Holmes Lane to provide the development sanitary sewer service. The sanitary sewer design shall comply with the City's sanitary sewer design standards. (DS)
10. The development shall extend an 8-inch water main from Holmes Lane to, and through, the development and shall connect to the existing water main within Mountainview Street to create a loop. (DS)
11. The engineering plans shall provide a local benchmark, onsite, using the NAVD88 datum prior to receiving a permit and beginning construction. (DS)
12. The applicant shall provide finalized engineered drainage plan(s), drainage report(s), and design flow calculation report(s) stamped and signed by a licensed engineer addressing all items from the Section 9.3 & 9.4 of the Public Works Stormwater and Grading Design Standards. (DS)
13. The developer shall provide an engineered grading plan prepared by a professional engineer in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards. (DS)
14. A city issued erosion and sediment control permit shall be obtained prior to commencement of any earth disturbing activities. (DS)
15. Erosion and sediment control plans shall be submitted for review and approval by the City prior to issuance of an erosion and sediment control permit. (DS)

16. The developer shall obtain a 1200-C (NPDES) permit from Oregon Department of Environmental Quality (DEQ) for construction activities one acre or greater prior to receiving a permit and beginning construction. (DS)
17. Performance Guarantee which is equal to 120% of the estimated cost for construction of public improvements as shown in city approved construction plans shall be provided prior to receiving a permit and beginning construction. The estimated costs shall be supported by a verified engineering estimate and approved by the city engineer. The guarantee shall be in a form identified in Code 17.50.140.A of the Oregon City Municipal Code. The guarantee shall remain in effect until the construction of all required improvements are completed and accepted by the city. (DS)
18. The developer shall submit a request to the Community Development Department to receive approval for new street names; only approved street names shall be included on the final construction plans. (DS)
19. The development shall submit a plan/plat and/or proposed deed for dedication of new public rights-of-way to the City for review and approval prior to recording and pay associated recording fees. (DS)
20. Prior to issuance of construction plans of the right-of-way improvements, the applicant shall submit a street tree plan which includes the placement of street trees along all street frontages evenly distributed throughout the total development in accordance with OCMC 12.08. The street tree plan will be submitted to and reviewed by the City and PGE during the construction plan review process. The city may accept fee-in-lieu of planting pursuant to OCMC 12.08 if site or other constraints prevent meeting the required total number of tree plantings. The engineer of record shall confirm that the final street tree plan conforms to OCMC Chapter 12.08. (P)
21. Prior to issuance of a permit associated with the proposed development, the applicant shall submit a revised tree retention, removal and replanting or mitigation plan prepared in accordance with OCMC 17.41 and Table 17.41.060-1, which includes a calculation for the number of mitigation trees required in accordance with 17.41. The number of replacement trees required on the development site shall be calculated separately from, and in addition to required tree plantings. The city may accept fee-in-lieu of planting or off-site planting of trees for any mitigation trees that cannot be replanted on-site due to lack of available area. (P)
22. The revised tree retention, removal and replanting or mitigation plan shall include provisions to protect trees that are proposed to be retained throughout the construction process pursuant to OCMC 17.41.130. Prior to issuance of development permits the applicant shall submit documentation demonstrating compliance with the tree protection standards in OCMC 17.41.130. No permits for site grading or any construction shall be issued prior to submittal of documentation that tree protection fences and applicable signage have been installed properly. (P)
23. The applicant shall provide a revised site plan including the items listed within OCMC 17.62.040.A.3, 4, 5, 6, 7, 9, 10, 11, 16 and OCMC 17.62.040.B and indicating that all accessways serving garages for the units shall maintain a minimum width of twenty feet. (P)
24. The applicant shall provide a minimum of two bicycle parking spaces located in one of the common areas in accordance with OCMC 17.52.040. Garages are an acceptable location for all other bicycle parking. (P)
25. The applicant shall submit a revised landscape plan prepared by a registered landscape architect in compliance with OCMC 17.62 and 17.52 including: (P)
 - a. The calculation and demonstration that a minimum of 15% of the site is landscaped.
 - b. Compliance with OCMC 10.32 upon planting and over time.
 - c. The "large tree" near unit 49 shall be a species which will reach over eighteen inches dbh at maturity.
 - d. An additional "large tree" which reaches over eighteen inches dbh at maturity shall be planted in the open space near 545 Holmes Lane and a second tree shall also be planted in the northwest corner of the property behind the retaining wall by unit 22. (P)
 - e. A minimum of 10 foot wide landscaped area between the subject site and 567 Holmes Lane Any changes to the existing design shall comply with the standards in the Oregon City Municipal Code. The applicant may reduce the number of on or off-street parking provided or modify the building design or locations as needed in order to accommodate for the revisions. The 10' wide landscape buffer shall be planted in accordance with the perimeter parking lot landscaping standards in OCMC 17.52.060.C. Existing trees may be utilized for this standard.

- f. An evergreen hedge screen of thirty to forty-two inches high or shrubs spaced no more than four feet apart on average and ground cover shall be planted along the sides of the “driveways” for units 1-13 including within the space between the “driveways” for unit 2/3, 7/8 and 11/12. Units 14-60 shall be designed to have a 5’ wide landscaped area with an evergreen hedge screen of thirty to forty-two inches high or shrubs spaced no more than four feet apart on average and ground cover along the sides of the driveways. Exceptions are allowed for the following spaces less than 5’ in width:
1. A narrower space is allowed near the drive aisle between units 22 and 23;
 2. The landscaped area may be 4.5’ adjacent to the pedestrian path offsite; and
 3. The narrow space between garage doors where no landscaping is proposed is not required to be landscaped unless otherwise identified.

The hedge/shrubs shall be parallel to and not nearer than two feet from the public right-of-way line or drive aisle. The spaces near the street for units 14-60 shall be planted with street trees to the extent feasible.

- g. A 3.5’ wide landscape strip extending the length of the driveway with at least one shrub and groundcover in the space between the driveways on units D, E, and F.
- h. The 3.5’ landscape strip between the subject site and Stafford Park (tax lot 5200) shall be widened to 5 feet and planted in accordance with the perimeter parking lot landscaping standards in OCMC 17.52.060.C. Existing trees may be utilized for this standard.
- i. The space behind the retaining wall in the northwest corner of the site shall be landscaped with ground cover and a minimum of 5 shrubs.
- j. Within three years of planting, landscaping will cover one hundred percent of the landscaped area. No mulch, bark chips, or similar materials shall be allowed at the time of landscape installation except under the canopy of shrubs and within two feet of the base of trees.
- k. All landscaping in accordance with these requirements shall comply with the planting standards in OCMC 17.52.060.B.4-7.
26. The width of each “driveway” connecting the drive aisle (identified as private roads in the application) to each dwelling for units 14-60 shall be limited to 11 feet in width each (with space to allow to transition to the curb cut).
27. The along the shared line between unit 49 and the common open space, the applicant shall install a 3 ½’ fence or hedge with the spacing standards set forth in OCMC 17.52.060(C)1.b. (P)
28. The applicant shall be responsible for maintenance of the site per OCMC 17.52.080. (P)
29. The applicant shall submit documentation identifying if any fences or hedges are proposed. All fences and hedges shall comply with OCMC 17.54.100. (P)
30. The applicant shall provide public pedestrian access easements in a form approved by the City where these paths connect to the city park property. (P)
31. The applicant shall submit documentation demonstrating compliance with the mechanical standards in OCMC 17.62.050.G (P)
32. The applicant shall provide a revised elevation drawing and floor plan for building type plan F for unit 60 indicating compliance with OCMC 17.62.055 for the street facing façade. (P)
33. The applicant shall submit a revised street-facing elevation for units 14, 38, 48, and 49 with the width of the front porch extended from 12’5’ to 25’. Further the depth of the front porch for units 14, 38, 48, and 49 shall be extended from the exterior wall of the home a minimum of 4’. (P)
34. The applicant shall assure that the design elevation as conditioned for unit 48 is the same as the final street facing façade is the same as the street facing façade for unit 38. (P)
35. The applicant shall demonstrate that projections from buildings comply with OCMC 17.12.045. (P)
36. The applicant shall provide revised elevations comply with the minimum window requirements of OCMC Table 17.62.055.J - Minimum Windows. Windows provided in doors or garage doors may meet the standard if they are between 3.5 feet and six feet from the ground. Further, the applicant shall assure that reflective, glazed, mirrored or tinted glass is limited to ten percent of the lineal footage of windows on the street facing facade. 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. (P)

37. The applicant shall provide an exterior lighting plan that meets the applicable standards of OCMC 17.62.065 prior to issuance of a building permit. The site photometric plan indicating lighting levels at the property line shall be submitted indicating compliance with standards C.1-14. A. (P)
38. The applicant shall demolish all structures at 535 Holmes Lane and all accessory structures 545 Holmes Lane unless documentation is submitted for a building proposed to be retained which complies with the dimensional standards of the R-2 district and accessory structure standards in 17.54. (P)
39. The applicant shall submit \$710 for the alternative parking plan and the alternative landscaping plan review. (P)
40. The applicant shall complete the Lot Line Adjustment by submitting an electronic copy of the proposed Lot Line Adjustment survey for preliminary approval to the Planning Division. Once the proposed survey is approved, a mylar copy shall be submitted to the Planning Division for signature. Once signed, the applicant shall take the signed mylar and revised deeds to Clackamas County to be recorded. The current deed holders or their assigns shall sign the revised deeds for the approved legal descriptions and the documents recorded at the Clackamas County Clerk's Office. The signed mylar shall be recorded at the Clackamas County Surveyor's Office. Provide an electronic copy of the recorded documents to the Planning Division. (P)
41. The development shall maintain compliance with OCMC 10.32 prior to issuance of any certificate of occupancy for the site and over time. Prior to approval of construction plans for the public street improvements, the applicant shall include on the plans the location of fencing, vegetation, signage and related structures and assure that these features are located, maintained or removed to avoid unnecessarily restricting sight distance.

The following conditions of approval shall be met to the satisfaction of the City during construction of the proposed multi-family development.

42. Pavement cuts or other improvement made in a City street or alley shall be done in accordance with the City of Oregon City Public Works Pavement Cut Standards and restored in accordance with the City of Oregon City Public Works Pavement Cut Standards. (DS)
43. The workmanship and materials for any work performed under permits issued by Oregon City Public Works shall be in accordance with the 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. (DS)
44. Underground utilities, waterlines, sanitary sewers and storm drains proposed to be 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 franchise utility easement within private property. (DS)
45. Permitted hours of construction shall be set forth by the City Engineer in the pre-construction meeting. (DS)
46. All new franchise utilities shall be placed underground and all existing overhead utilities adjacent to the property frontage shall be relocated underground unless deemed infeasible by the City and franchise utilities. (DS)

The applicant shall include the following information prior to issuance of an occupancy permit associated with the proposed multi-family development. The information shall be approved prior to issuance.

47. The development shall provide a 10-foot-wide public utility easement (PUE) along all property lines fronting existing or proposed right-of-way. The location and width of the PUE may be adjusted if approved by the City Engineer. In such cases, the applicant shall obtain written acceptance from all utilities for the location and width proposed for said public utility easement. (DS)
48. Public improvements shall be constructed according to approved final engineering plans prior to occupancy. (DS)
49. Improvements shall be constructed under the inspection and approval of the City. Expenses incurred thereby shall be borne by the applicant and paid prior to final approval. The applicant's project engineer also shall inspect construction. (DS)
50. The property owner(s) shall sign a Restrictive Covenant Non-Remonstrance Agreement for the purpose of making storm sewer, sanitary sewer, water or street improvements in the future that benefit the property and

all fees associated with processing and recording the Non-Remonstrance Agreement shall be paid prior to occupancy. (DS)

51. The property owner(s) shall execute an agreement providing maintenance of, and giving Oregon City access to, privately-owned stormwater management facilities and pay associated recording fees. The agreement shall include a site plan identifying all privately-owned stormwater management facilities and an operation and maintenance plan for each type of stormwater facility in accordance with the Public Works Stormwater and Grading Design Standards. The agreement shall run with the land and be applicable to subsequent property owners. The agreement shall be reviewed and accepted by the City prior to occupancy. (DS)
52. Maintenance Guarantee equal to fifteen percent of the estimated cost for construction of public improvements as shown in city approved construction plans shall be provided prior to occupancy. The estimated costs shall be supported by a verified engineering estimate approved by the City Engineer. The guarantee shall be in a form identified in Code 17.50.140.A of the Oregon City Municipal Code. The maintenance guarantee shall warrant to the City of Oregon City that construction of public improvements will remain, for a period of twenty-four (24) months from the date of acceptance, free from defects in materials and workmanship. (DS)
53. As-built construction plans and digital copies of as-built drawings shall be filed with the City Engineer within 90 days of completing improvements. (DS)

I. APPEAL ISSUES:

On July 22, 2021, the Community Development Director approved a Type II application for redevelopment on two adjoining properties which includes relocating the adjoining property line to allow for the construction of a 60-unit multi-family development. This decision was appealed by the Applicant Emerio Design (hereinafter “Applicant”) as well as by the Barclay Hills Neighborhood Association (hereinafter “BHNA”). After hearing testimony from all parties with standing, the City Commission voted to deny both appeals, although some conditions of approval were modified in response to both appeals as discussed in greater detail below. These findings and conclusions memorialize the Commission’s approval. The attached findings incorporate the August 25, 2021 Supplemental Staff Report and the Second Supplemental Staff Report in support of this decision, to the extent not inconsistent with the findings below.

1. Procedural Issues

a. City Commission Ex Parte Contacts and Impartiality

In addition to presenting the quasi-judicial procedures as required by state law, at the beginning of each meeting, each City Commissioner was given the opportunity to disclose any ex parte contacts (including site visits) and to declare any conflict of interest or bias. All emails received by Commissioners outside of the public hearing were distributed to all parties and included within the record, to the extent that the email author had standing and the letter was limited to issues raised in the notice of appeal and did not include new evidence.

As part of these disclosures during the Sept 1 hearing, Commissioner McGriff stated that she was a board member as well as actively involved with the McLoughlin Memorial Association (“MMA”), which submitted a letter on June 1, 2021 in opposition to the application. When questioned about her involvement with these comments, Commissioner McGriff explained that she was asked by the MMA president whether it should respond and she advised that if they had concerns, they should comment and provided information as to the process including direction to the application notice for identification of the approval criteria. She had no further involvement in the drafting of these comments and did not review them until after they were submitted.

During the proceeding, the Applicant challenged Commissioner McGriff for bias, urging her to recuse herself from further participation. In response, on Sept 15, Commissioner explained that she did not advise MMA to testify in

opposition to the application and that she did not believe that her long-standing involvement with MMA would interfere with her ability to review the appeals impartially and based on the criteria. She also said that she had not prejudged the outcome of the appeal. She stated that she was fully capable of and intended to make a decision, not considering her own experience or understanding of this area, but rather based on the evidence submitted into the record in advance of the Director's decision and the arguments raised in the appeal.

2. Preliminary Jurisdictional Issues

The applicant filed a motion to dismiss the BHNA appeal on jurisdictional grounds including whether BHNA properly obtained a fee waiver and whether BHNA submitted comments sufficient to establish standing to qualify as an appellant in this appeal. After hearing testimony from both parties, the City Commission voted to deny the motion to dismiss. It concluded that the meeting minutes supplied along with the BHNA notice of appeal was sufficient to indicate that the decision to appeal was approved by the neighborhood as required by OCMC 17.50.290.C. As such, a fee waiver was appropriate. The Council also concluded that the submittal of written comments by Mr. James Donnelly, in his capacity as BHNA Land Use Committee Chair, and resubmittal by Ms Karla Laws, in her capacity as BHNA Chair, was sufficient to establish that BHNA submitted written comments before the expiration of the comment period and had standing to proceed with an appeal pursuant to OCMC 17.50.190.D.1.

3. Scope of the Record

The regulations governing appeals within the City provides that review shall be limited to the issues raised in the notice of appeal and that no new evidence may be considered. OCMC 17.50.190.F. In addition, only those individuals or neighborhood associations who submitted comments in writing during the comment period, have standing and are allowed to submit oral or written testimony during an appeal. OCMC 17.50.190.D.1. Those that participated in the initial review and have standing in this appeal include:

- Applicant (Emerio Design, LLC Steve Miller and team)
- Aaron Wolf
- Barbara Streeter
- Barclay Hills Neighborhood Association
- Christopher Streeter
- DeAnn Beals
- Gene Sloomans
- Mark Beals
- McLoughlin Memorial Association
- Nancy Lingmann
- Nancy J. Nelson
- Orvetta Herndon
- Terry Lingmann
- Timothy Keene
- Wes Rogers, Oregon City School District

The City received written testimony from a number of individuals who did not participate in the proceedings below. As a result, the City rejects written comment or requests to speak at the appeal hearings from the following community members that did not participate in the initial review as identified above. Written materials received from the following individuals are expressly rejected from the record and were not considered by the Commission in making this decision: Christine Kosinski, Jerry Herrmann, Jim and Ardith Hall, Leon Liegel, Catherine Pieslewicz, and emails between Christian Nauer of the Confederated Tribes of the Grand Ronde, Dilianna Vassileva and Shane James.

Further, OCMC 17.50.190.F states “The decision shall be on the record and the issues under consideration shall be limited to those listed in the notice of appeal.” The following issues included in the notice of appeal and identified in the initial proceeding:

- Traffic related
 - Request for new traffic report.
 - Concern about speeding and unreported traffic accidents.
 - Request for a speed monitor.
 - The speed limit was wrong in the traffic study.
 - Safety concern, including of the new proposed street.
 - Date of traffic data is old.
 - Lack of sight distance.
 - The traffic impact of the use is too low.
 - Condition of Mountainview and concern related to traffic analysis.
- Parking
 - Not enough parking.
 - Parking will occur in fire lanes, park property, and neighborhood streets.
- Landscaping
 - Concern about what trees are being removed and they are not accurately represented on the plans.
 - Concern for tree removal and encourage tree retention, including large trees.
 - Lack of 10’ landscaped buffer between site and from 567 Holmes Lane.
 - Requested landscape buffer to Park.
- Stormwater and Singer Creek
 - Concern about stormwater and drainage to Singer Creek from street runoff and pond.
 - Concern about mud associated with construction will go to Singer Creek.
- Other
 - Concern about the effects of development on nearby historic sites.
 - The property should be rezoned.
 - Concern for lack of sewer in area.
 - Question for applicant providing funding to Stafford Park.
 - Staffing qualifications.
 - Process of review.
 - Visibility of land use sign.

During the appeal process additional issues were identified which were not included in the notice of appeal and are rejected by the Commission. The additional issues were identified by the staff and applicant in the proceeding such as:

- Rezoning of 535 and 545 Holmes Lane to R-6.
- Adequacy of available infrastructure to support current zoning in the area.
- Staff visits to the site and relative distance of proposed development site to the Planning Department office.
- Whether other property owners on Holmes Lane will be required to improve the street.
- Engineering responsibility / hypothetical change in engineer.
- Condominium ownership arrangement.
- Information about the Department of Environmental Quality (DEQ), or algae blooms, environmental disaster, runoff to the Willamette River, amount of impervious surfaces, location of stormwater conveyance system, elevation design of detention pond, engineered drainage plan or drainage report, water quality and flow control requirements, roadside stormwater facilities, failed collection ponds or stormwater on Mountainview.
- Permitting of demolition onsite.
- Retaining walls and associated landscaping behind units 21-24.
- Grading of units 19-27.
- Engineering responsibility.
- Traffic count data not previously included in record.
- Hours of construction.

- Applicant's request to modify the standards or OCMC Chapter 16 relating to Holmes Lane.
- Making Mountainview Street a through street and no longer a dead-end street.
- Management of garbage onsite.
- Infrastructure to support surrounding zoning and timing of improvements.
- Concern about archeological notification to Christian Nauer.

In addition, the appeal proceedings including new evidence, facts, and issues which the City Commission was unable to consider in the appeal proceeding. Per OCMC 17.50.030.B "Review by the city commission shall be on the record pursuant to OCMC 17.50.190 under ORS 197.195(5)". OCMC 17.50.190.D reiterates that "Review by the city commission shall be on the record, limited to the issues raised in the comments and no new evidence shall be considered." The Commission limits the evidence and facts to those included in the record prior to the close of the public comment period. The City Commission rejects all new facts which were not in the record prior to commencement of the appeal. Some examples of evidence include:

- Pictures and evidence of existing conditions around the site and experiences related to traffic and traffic patterns which were not in the traffic study, the City's review, or initial testimony.
- Traffic counts and speeding experiences that were not included in the record.
- Evidence and experiences about the review process, notice, neighborhood association meetings which were not included in the original submittal or in comments submitted during the initial review.
- Evidence and experiences related to stormwater pond capacity, stormwater impacts to the Willamette River.
- Evidence related to grading and topography.
- Comments and personal observations made during the September 1 hearing relating to speeding cars on Holmes Road.
- Commissioner McGriff's comments and personal observations made during the September 1 hearing relating to her knowledge that because of the uneven surfaces of Holmes Lane there is an "issue" with sight distance at the Rilance intersection, that additional sight distance should be required because that people use that area as a cut-through.
- Comments in a September 6 email string regarding there being no "barrier of a fence between the park and the development" and the project's "huge impact on this small park"; and its request to make certain trees "heritage trees."
- Comments during the September 1 hearing relating to there being a sewer/sanitary moratorium in the area in the past.
- Comments made during the September 1 hearing relating to Singer Creek Park and the City Parks Department's approval of only a small area of access near Linn for public use as relates to stormwater.
- September 14 comments regarding the "ethics of the appeal," certain community members' the impact of the development on "not only Barclay Hills but Rivercrest, McLoughlin, and traffic intersecting to Molalla Ave.," and whether the Commission may by its own motion review the action of a hearings officer under ORS 227.180.
- Ms. Catherine Pieslewicz's September 14 email comments regarding access to Singer and Stafford Parks, the proposed development's private streets/drive alleys, and concerns relating to the Applicant and its representatives.

II. BACKGROUND:

1. Existing Conditions

The subject site consists of two (2) tax lots totaling approximately 430 feet in depth north to south and approximately 495 feet wide east to west, totaling 4.33 acres in size. Together the site area is generally square in shape with street frontage along both Holmes Lane and Mountain View Street. The site is currently developed with two single-family dwellings, one on each tax lot, as well as accessory structures on both tax lots. The site area is vegetated with a mix of trees, shrubs, and grass fields, and has a generally flat topography. In addition, the site area is bound by two city parks, Singer Creek Park to the west and Stafford City Park to the east.

The site is zoned R-2 High Density Residential. This zone district is designed for high density residential development.

The site abuts Holmes Lane on the south which is designated as a collector road in the Oregon City Transportation System Plan (TSP), and Mountain View Avenue to the north which is designated as a local road in the TSP.

Adjacent Zoning and Land Uses

<u>Direction</u>	<u>Zoning</u>	<u>Land Use</u>
North	R-2	Mountain View St / Single Family Residence
East	R-6	Single Family Residence
	I	City Park (Stafford)
South	R-6	Holmes Lane ROW / Single Family Residences / Museum
West	I	City Park (Singer Creek)

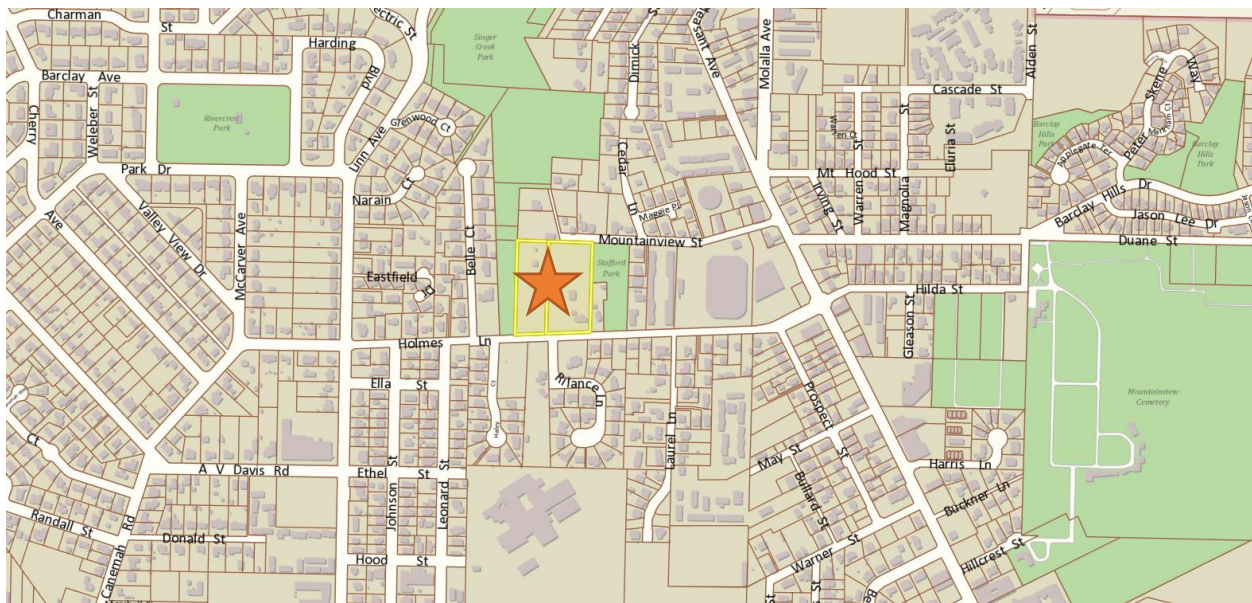


Figure 1. Vicinity Map



Figure 2: Existing Conditions – Aerial Image

2. Project Description

The applicant is proposing a lot line adjustment to reduce the size of 545 Holmes Lane and construct a 60-unit residential condominium on the remaining portion of the property. The home at 545 is proposed to be retained on the reduced lot. The subject site has an underlying zoning district of High-Density Residential District (R-2) and will be developed utilizing the requirements of the City's Site Plan and Design Review section. Although this proposal is referred to as a "condominium development" and outwardly has the appearance of groupings of duplexes and rowhouses, all of the units are proposed to be on one tax lot, so it is considered a multi-family housing development pursuant to the definition in OCMC 17.04.780 - Multi-family residential.

"Multi-family 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. Multi-family developments, known as apartments and condominiums, may include structures that are similar in form to townhouses, cluster housing, duplexes, or single-family dwellings.

Therefore the application is reviewed as a Type II Site Plan and Design Review application and is required to comply with OCMC 17.62 and the applicable multi-family design standards therein.

Though the applicant indicated there are private streets in the proposal, they are not right-of-way and are not accepted as private streets, but are rather reviewed as drive aisles for the multi-family development in accordance with OCMC 17.52.

Since the subject property is surrounded by the Stafford City Park and Singer Creek Park on both sides of the proposed development, the Applicant would like to take advantage of this unique arrangement by making it easily accessible for the future condominium owners. Although all open space requirements appear to be met on-site, the Applicant would like to work with the City to enhance Stafford City Park so it can provide additional recreational opportunities for the future residents. To that end, the Applicant expressed an interest to make a proportionate financial contribution to the City so the City can purchase a play structure or similar type of amenity to enhance the park. This review is limited to the site plan and design review of the proposed

development pursuant to the applicable code criteria. The applicant is advised to work independently with the City Parks and Recreation Department regarding contributions to parks improvements.

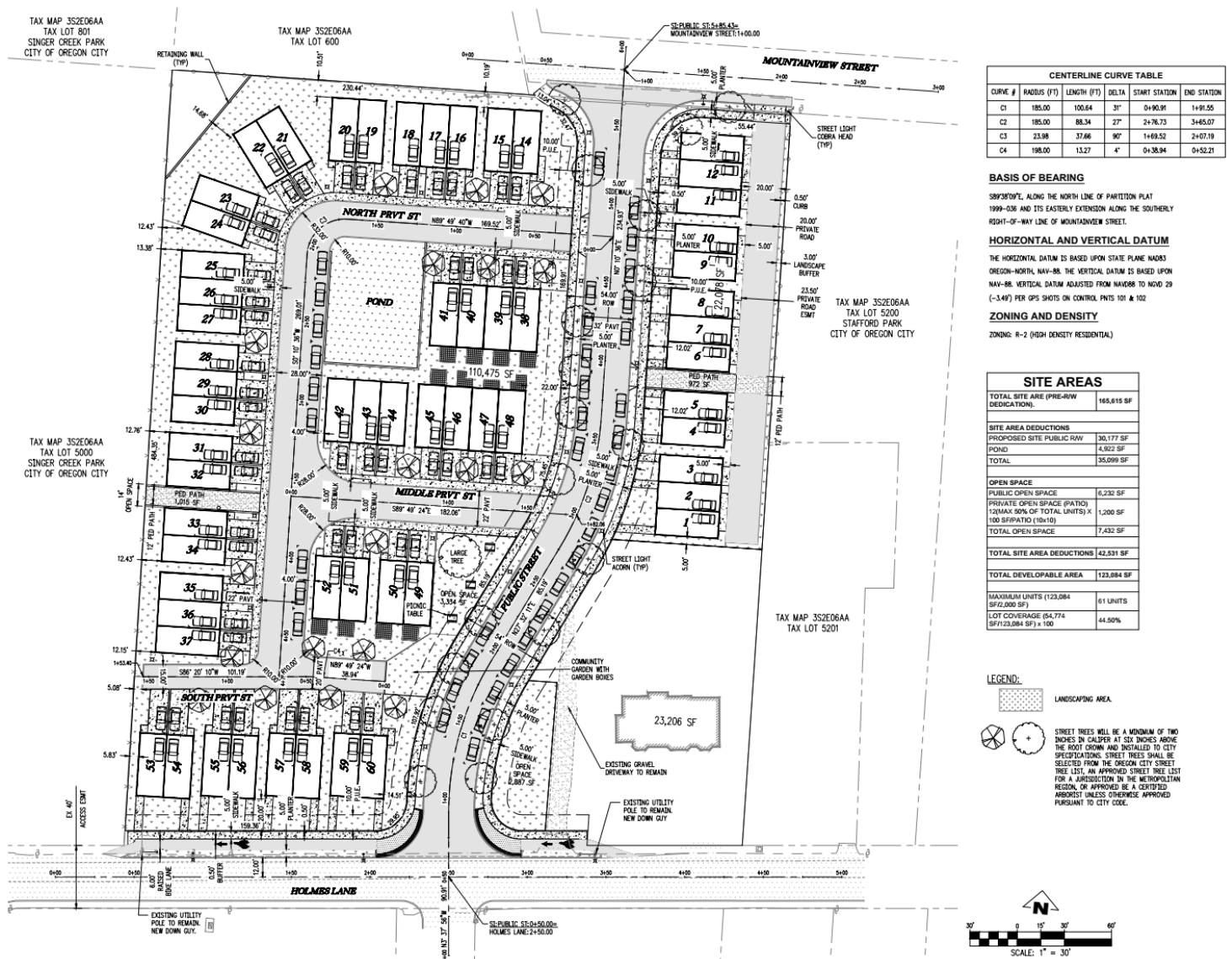


Figure 3: Proposed Site Plan

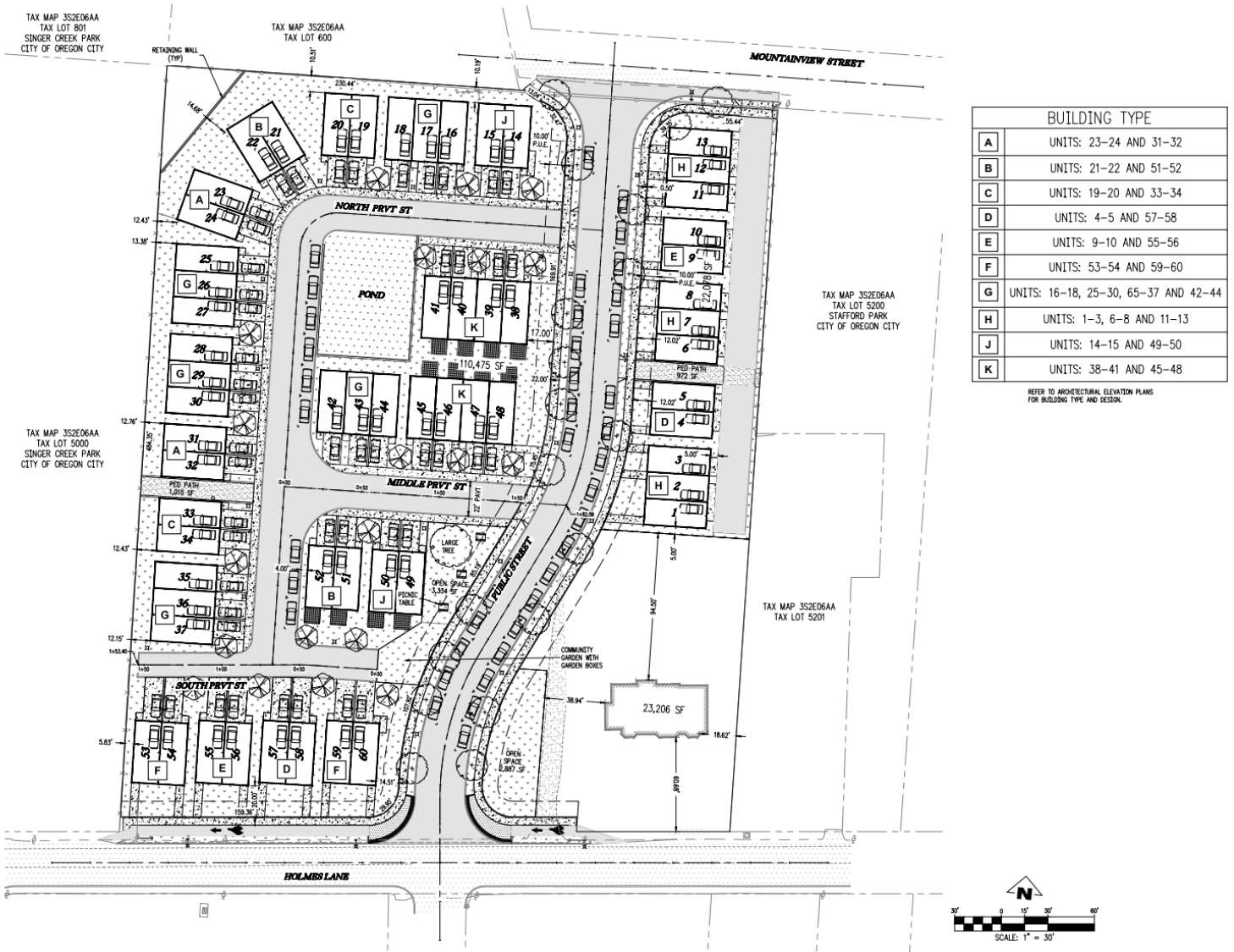




Figure 5: Proposed Building Elevations – Plan A



Figure 6: Proposed Building Elevations – Plan B



Figure 7: Proposed Building Elevations – Plan C



Figure 8: Proposed Building Elevations – Plan D

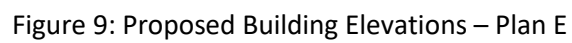




Figure 10: Proposed Building Elevations – Plan F



Figure 11: Proposed Building Elevations – Plan G



Figure 12: Proposed Building Elevations – Plan H



Figure 13: Proposed Building Elevations – Plan I



Figure 14: Proposed Building Elevations – Plan J – Right Elevation is Street Facing



Figure 13: Proposed Building Elevations – Plan K - Right Elevation is Street Facing

3. Permits and Approvals: The applicant is responsible for obtaining approval and permits from each applicable governmental agency and department at Oregon City including but not limited to the Engineering and Building Divisions. The applicant may submit a phased occupancy request at a future date.

4. Public Comment

Public comments were submitted by the following parties. The following table is intended as a summary. Full comments are attached to the staff report.

James Donnelly

James Donnelly submitted comments on behalf of the Barclay Hills Neighborhood Association. Concern that the traffic report is full of mistakes with the incorrect number of lanes cited on Mountainview, an incorrect speed limit cited on Holmes Lane and Molalla Avenue, and old data from 2018. Concern for the data of am and pm peak hour trips cited is too low. Concern for the safety of connecting Mountainview with Holmes Lane. Concern for traffic sight obstructions (12.04.195) for the new road at Holmes Lane which will be difficult to see cars coming from the east due to the road topography. Concern for speeding on Holmes Lane and a request for a speed monitoring device. Concern that not all trees onsite are accounted for in the proposed plans (such as those near Stafford Park and Mountainview) and concern that mature trees are being removed. Concern that there is not a landscaped buffer adjacent to the abutting R-6 zoned property. Concern that the parking will be insufficient and that parking should not occur in fire lanes and in

Stafford Park, on Holmes Lane, or on Mountainview Street, and in the surrounding neighborhoods. Concern roadway width not sufficient to allow for cars in travel lanes to pass alongside parked cars. Concern that the water from the pond and the street runoff will drain into Singer Creek with oil, chemicals, pesticides, and herbicides. Concern for construction causing mud in Singer Creek. Asked if there will be mosquito prevention with the new pond. Concern that the development is close to historic structures and locations and would have a negative effect. Suggestion to rezone property to the zoning pre-2004 designation.
Gene Sloomans, 581 Holmes Lane, Apt 31, Oregon City
Concern for more traffic crashes, cats killed, speeding, drug use, crime, and trash.
Timothy Keene, 450 Mountainview Street, Oregon City
Request for a traffic light at the intersection of Mountainview and Molalla and concern of increased vehicle and foot traffic on Mountainview Street which does not have adequate sidewalks and intersection management or sidewalks to handle the increased demand and could result in a safety hazard. Turning left from Mountainview to Molalla Avenue is challenging already and will be increased after the development is constructed. Curious about the impact of the trees at the edge of Stafford Park as well as plans for park maintenance, monitoring, and development.
Mark and DeAnn Beals, 573 Holmes Lane, Oregon City
Concern about a discrepancy in the traffic study and the building plans, the traffic survey was from September, 2017 and additional development has since occurred. The speed limit identified in the traffic study is incorrect and there are not bike lanes on Holmes Lane or crosswalks on Rilance or Holmes Lane. Concern that the increased traffic impact would be unsafe, particularly since many speed along Holmes Lane. Concern that the traffic study does not consider traffic from Mountainview traveling on the proposed Reliance Lane to Holmes, or school bus stops. Concern for safety and parking. Concern for people parking on Mountainview or Holmes, concern not sufficient parking onsite. Concern for the City's historical value and nearby historic structures. Concern for crime and garbage. Concern for the park being at capacity, park condition, drugs, homeless, safety, and trash. Concern for adequacy of the sewage system and the effects of the development for others on the sewer system.
McLoughlin Memorial Association, 536 Holmes Lane, Oregon City
Concerns about impact on Goal 5 historic or natural resources. Concern that the application submittal did not include identification of Goal 5 resources within 100 feet as required. Concern that the application does not contain a drawing to show how the property relates to Goal 5 resources, particularly those on the National Register and thus the impacts are unable to be identified. Concern that a 20' landscape buffer is required but not shown. Concern that the traffic analysis is insufficient because traffic speeds along Holmes Lane with no traffic devices to slow the speed of traffic, and the street has a substandard surface with no bike lanes, and a narrow sidewalk on the east side. Concern about sight distance from Rilance Lane to Holmes Lane and Mountainview at Molalla Avenue which will be exacerbated with the additional traffic volumes. The traffic data used was from 2014 and 2017 and does not adequately address the traffic volumes. Concern that not all of the development criteria are addressed in the application.
Nancy J. Nelson, 142 Narain Ct, Oregon City
Identification that there is a very high likelihood of finding subsurface archaeological resources as well as precontact Native American archaeological resources. Concern for pollutants from the development in the Singer Creek watershed. A request for a study of Linn Avenue and Molalla Avenue and note that cars speed along Linn Avenue which creates an uncomfortable space to walk, particularly given the lack of sidewalks.
Terry and Nancy Lingmann, 602 Holmes Lane, Oregon City
Concern of safety with sparsely spaced street lights on Holmes Lane, obscured visibility (and a blind spot) to westbound traffic from Molalla Avenue, obscured visibility (and a blind spot) to eastbound traffic from 5 th Avenue. Increased traffic from the City facility since the changes to ingress/egress, improvements at Grocery Outlet has

increased vehicle and pedestrian traffic (and block traffic with deliveries). Speeding on Holmes Lane is problematic with increased pedestrian traffic and inconsistent bike lanes. Concern for reducing park and green spaces and the increase in people and traffic on Holmes Lane.
Aaron Wolff, 703 Barclay Hills Drive, Oregon City
Support for better use of the land and improvements offered at nearby parks. Wish for a more cohousing emphasis with a community focused design and that the units will not be affordable. Concern of the traffic study utilizing the incorrect speed limit. Request to retain large shade trees and plant new trees which have a wider canopy. Concern new road is wider than needed which may encourage speeding.
Karla Laws
Submitted comments on behalf of the Barclay Hills Neighborhood Association and an email concerned about office hours.
Building Division
Identified that the proposal does not conflict with their interests.
Oregon City School District, Wes Rogers
Identified that the proposal does not conflict with their interest. Indicated sufficient capacity at middle and high schools and expect a few elementary students with this development.
Clackamas River Water
CRW provided comments that the application falls outside the CRW water district, no written comments will be provided.

The primary themes from the comments are summarized below.

- Transportation. The applicant submitted a Transportation Impact Study (TIS). The TIS was prepared under the direction of Dana Beckwith, PE of Global Transportation Engineering. The TIS is dated December 2020. The TIS was reviewed by John Replinger, PE, of Replinger and Associates, the City's transportation planning consultant. A detailed summary of the study and the City's analysis is provided in 16.12.033.
- Landscaping, trees, street lights, archaeological resources, sight-distance, stormwater, and density were identified and are analyzed within this report.
- Crime, mosquitos, affordability, park maintenance, homelessness, trash, presence of sidewalks and bike lanes nearby, and other issues were identified but are not an applicable criteria for development.
- Relationship to historic structures or sites. Neither of the properties within the subject site are within a historic district or contain individual historic landmarks designated outside of a district and thus are not subject to historic review.

Additional comments were provided in the appeal hearings which are not captured above. The comments may be reviewed in the video of each meeting. None of the comments provided indicate that an approval criterion has not been met or cannot be met through the Conditions of Approval attached to this Staff Report.

III. ANALYSIS AND FINDINGS:

Municipal Code Standards and Requirements: The following sections of the Oregon City Municipal Code are applicable to this land use approval:

CHAPTER

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CHAPTER 12.04 – STREETS SIDEWALKS AND PUBLIC SPACES

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.*
- 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.*

Finding: Applicable. The above standards are not actual development approval criteria for the Applicant's 60-unit condominium proposal, but rather the City's jurisdictional and regulatory management requirements for all public rights-of-way within the City. The Applicant is aware of these requirements and understands all rights-of-ways within the proposal will be managed pursuant to the above standards. The Applicant is aware of these requirements and understands all rights-of-ways within the proposal will be managed pursuant to the above standards. The City of Oregon City has jurisdiction over Holmes Lane.

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.

Finding: Applicable. Driveways will be reviewed in accordance with OCMC 16.12.035, and the driveway requirements may be modified through the procedures in OCMC 16.12.013. See 16.12.035 for more information.

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.

Finding: Not applicable. There are no existing sidewalks on the street abutting the development property.

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 approved by the City Engineer.*
 - 2. *Sidewalks constructed on unimproved streets shall be constructed of concrete according to lines and grades approved 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.*

Finding: Not applicable. There are no existing sidewalks on the street abutting the development property.

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.

Finding: Not Applicable. No retaining walls exist or are proposed on this project adjacent to the public sidewalk.

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.

Finding: Complies with Condition. Pavement cuts are proposed within Holmes Lane due to proposed utility service installations and required frontage improvements. Pavement cuts or other improvement made in a City street or alley shall be done in accordance with the City of Oregon City Public Works Pavement Cut Standards and restored in accordance with the City of Oregon City Public Works Pavement Cut Standards. (Also written in 16.12.029) **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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. A "temporary obstruction" includes, but is not limited to, moving containers, 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 route complying with Americans with Disability Act (ADA) standards.*
- e. Alternative routes if necessary;*
- f. Minimizing obstruction area; and*
- g. 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.*
- 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.*

Finding: Not Applicable. No obstructions are proposed within the right of way.

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.

Finding: Not Applicable. No vacations are proposed as part of this application.

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.

Finding: Complies with condition. See findings from chapter 16.12 of this report.

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.

Finding: Complies with Condition. The workmanship and materials for any work performed under permits issued by Oregon City Public Works shall be in accordance with the 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. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

CHAPTER 12.08 – PUBLIC AND STREET TREES

12.08.015 - Street tree selection, planting and maintenance requirements.

All development shall provide street trees adjacent to all street frontages. Species and locations of trees shall be selected based upon vision clearance requirements, but shall in all cases be selected from the Oregon City Street Tree List, an approved street tree list for a jurisdiction in the metropolitan region, or be approved by a certified arborist unless otherwise approved pursuant to this section. If a setback sidewalk has already been constructed or the Public Works Department determines that the forthcoming street design shall include a setback sidewalk, then all street trees shall be installed with a planting strip or within tree wells. If existing street design includes a curb-tight sidewalk, then all street trees shall be placed according to OCMC 12.08.035.C.

- A. One street tree shall be planted for every thirty-five feet of property frontage. The tree spacing shall be evenly distributed throughout the total development frontage to meet the clearance distances required in subsection (B) below. The Community Development Director may approve an alternative street tree plan, or accept fee-in-lieu of planting pursuant to OCMC 12.08.035, if site or other constraints prevent meeting the required total number of tree plantings.*
- B. The following clearance distances shall be maintained when planting trees:

 - 1. Fifteen feet from streetlights;*
 - 2. Five feet from fire hydrants;*
 - 3. Twenty feet from intersections;*
 - 4. Five feet from all public utilities (i.e. sewer, storm and water lines, utility meters, etc.);**
- C. All street trees planted in conjunction with development shall be a minimum of two inches in caliper at six inches above the root crown and installed to city specifications. Larger caliper size trees may be approved if recommended by a certified arborist or registered landscape architect.*
- D. All established trees shall be pruned tight to the trunk to a height that provides adequate clearance for street cleaning equipment and ensures ADA complaint clearance for pedestrians.*
- E. All trees planted within the right-of-way shall be planted with root barriers at least eighteen inches in depth adjacent to the sidewalk and curb to ensure proper root growth and reduce potential damage to sidewalks, curbs and gutters.*
- F. All trees planted beneath powerlines shall be selected based on what is appropriate for the location. In addition, the tree species shall be approved by the associated franchise powerline utility company.*

G. *Tree species, spacing and selection for stormwater facilities in the public right-of-way and in storm water facilities shall conform to requirements of OCMC 13.12 and the adopted Stormwater and Grading Design Standards and be approved by the City Engineer.*

H. *Any public or street trees planted within the Natural Resource Overlay District shall conform to the applicable requirements of OCMC 17.49 - Natural Resources Overlay District (NROD).*

Finding: Complies with Condition. The proposal includes installation of public street trees along all street frontages which include Mountainview Ave, the public street extension between Mountainview Ave and Holmes Lane, Holmes Lane. Though the proposal identified the potential location of trees, they are likely to change slightly with the redesigned site plan required to accommodate the larger landscaped buffer between the site and a neighboring property as well as with the placement of streetlights, utility meters, etc. as required by this code section. Prior to issuance of construction plans of the right-of-way improvements, the applicant shall submit a street tree plan which includes the correct number of street trees evenly distributed throughout the total development in accordance with OCMC 12.08. The street tree plan will be submitted to and reviewed by PGE during the construction plan review process. The city may accept fee-in-lieu of planting pursuant to OCMC 12.08 if site or other constraints prevent meeting the required total number of tree plantings. The engineer of record shall confirm that the final street tree plan conforms to this chapter. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

12.08.035 - *Tree removal and replacement.*

Existing street trees, trees in the right-of-way, and trees on public property shall be retained and protected during development unless removal is specified as part of a land use approval or in conjunction with a public capital improvement project, in accordance with OCMC 17.41.

Finding: Not applicable. The applicant did not propose to remove any existing street trees.

CHAPTER 13.12 – STORMWATER MANAGEMENT

13.12.050 - *Applicability and exemptions.*

This chapter establishes performance standards for stormwater conveyance, quantity and quality.

Additional performance standards for erosion prevention and sediment control are established in OCMC 17.47.

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

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

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

Finding: Applicable. As part of the submitted application materials, the Applicant has provided a preliminary stormwater management report. Additionally, the submitted plans show that the proposed stormwater facility will be located entirely on one privately owned parcel, the conveyance facilities will be privately maintained, and private conveyance facilities will receive not stormwater runoff from outside the parcel's property limits. Connection to a public stormwater conveyance system is required to serve this development.

B. *Water Quality and Flow Control. The water quality and flow control requirements of this chapter shall apply to the following proposed uses or developments, unless exempted under subsection C:*

1. Activities located wholly or partially within water quality resource areas pursuant to OCMC 17.49 that will result in the creation of more than five hundred square feet of impervious surface within the NROD or will disturb more than one thousand square feet of existing impervious surface within the NROD as part of a commercial or industrial redevelopment project. These square footage measurements will be considered cumulative for any given five-year period; or
2. Activities that create or replace more than five thousand square feet of impervious surface, cumulated over any given five-year period.

Finding: Applicable. The proposed development will create or replace more than 5000 square feet of impervious surface; therefore, the requirements of this section apply

C. Exemptions. The following exemptions to subsection B of this section apply:

1. An exemption to the flow control requirements of this chapter will be granted when the development site discharges to the Willamette River, Clackamas River or Abernethy Creek; and either lies within the one hundred-year floodplain or is up to ten feet above the design flood elevation as defined in OCMC 17.42, provided that the following conditions are met:
 - a. The project site is drained by a conveyance system that is comprised entirely of manmade elements (e.g. pipes, ditches, culverts outfalls, outfall protection, etc.) and extends to the ordinary high water line of the exempt receiving water; and
 - b. The conveyance system between the project site and the exempt receiving water has sufficient hydraulic capacity and erosion stabilization measures to convey discharges from the proposed conditions of the project site and the existing conditions from non-project areas from which runoff is collected.
2. Projects in the following categories are generally exempt from the water quality and flow control requirements:
 - a. Stream enhancement or restoration projects approved by the City.
 - b. Farming practices as defined by ORS 30.960 and farm use as defined in ORS 214.000; except that buildings associated with farm practices and farm use are subject to the requirements of this chapter.
 - c. Actions by a public utility or any other governmental agency to remove or alleviate an emergency condition.
 - d. Road and parking area preservation/maintenance projects such as pothole and square cut patching, surface sealing, replacing or overlaying of existing asphalt or concrete pavement, provided the preservation/maintenance activity does not expand the existing area of impervious coverage above the thresholds in subsection B of this section.
 - e. Pedestrian and bicycle improvements (sidewalks, trails, pathways, and bicycle paths/lands) where no other impervious surfaces are created or replaced, built to direct stormwater runoff to adjacent vegetated areas.
 - f. Underground utility projects that replace the ground surface with in-kind material or materials with similar runoff characteristics.
 - g. Maintenance or repair of existing utilities.

Finding: Not Applicable. This code section does not apply to the Applicant's proposal as none of the exemptions are relevant to the subject site. No exemptions apply to the proposed development.

D. Uses Requiring Additional Management Practices. In addition to any other applicable requirements of this chapter, the following uses are subject to additional management practices, as defined in the Public Works Stormwater and Grading Design Standards:

1. Bulk petroleum storage facilities;
2. Above ground storage of liquid materials;
3. Solid waste storage areas, containers, and trash compactors for commercial, industrial, or multi-family uses;

4. Exterior storage of bulk construction materials;
5. Material transfer areas and loading docks;
6. Equipment and/or vehicle washing facilities;
7. Development on land with suspected or known contamination;
8. Covered vehicle parking for commercial or industrial uses;
9. Industrial or commercial uses locating in high traffic areas, defined as average daily count trip of two thousand five hundred or more trips per day; and
10. Land uses subject to DEQ 1200-Z Industrial Stormwater Permit Requirements.

Finding: Not Applicable. This code section does not apply to the Applicant's proposal because none of the uses listed in this code section are being proposed by the Applicant. The development has not proposed use of the land that requires additional management practices as defined in the Public Works Stormwater and Grading Design Standards.

13.12.080 - Submittal requirements.

A. Applications subject to stormwater conveyance, water quality, and/or flow control requirements of this chapter shall prepare 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.

B. Each project site, which may be composed of one or more contiguous parcels of land, shall have a separate valid city approved plan and report before proceeding with construction.

Finding: Complies with Condition. This is a submittal requirement rather than a substantive approval criterion. It exists to advise applicants about what is required in order to conduct a meaningful review of the OCMC 13.12.090 criteria. The applicant's preliminary drainage plan and report provided submittals required for land use approval as necessary to satisfy this submittal requirement as well as the Public Works Stormwater and Grading Design Standards. However, the report is preliminary and a finalized version of the report reflective of a separate valid city approved plan is required. Requirements of this code section can be met by further review to confirm compliance with the criteria outlined in Section 13.12.090 of this report before construction occurs and a condition of approval is imposed to assure this result.

13.12.090 - Approval criteria for engineered drainage plans and drainage report.

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

A. The plan and report demonstrate how the proposed development and stormwater facilities will accomplish the purpose statements of this chapter.

B. The plan and report meet the requirements of the Public Works Stormwater and Grading Design Standards adopted by resolution under OCMC 13.12.020.

C. The storm drainage design within the proposed development includes provisions to adequately control runoff from all public and private streets and roof, footing, and area drains and ensures future extension of the current drainage system.

D. Streambank erosion protection is provided where stormwater, directly or indirectly, discharges to open channels or streams.

E. Specific operation and maintenance measures are proposed that ensure that the proposed stormwater quantity control facilities will be properly operated and maintained.

Finding: Complies with Condition. OCMC 13.12.090 requires that drainage plans or reports will satisfy the City's adopted Stormwater and Grading Design Standards. The applicant shall meet these standards by providing a final engineered drainage plan, drainage report and design flow calculations. This is accomplished by following the general stormwater principles within Chapter 1.3 of the Standards. The

requirements will follow Chapter 1.4 of the Standards implementing specific designs that control stormwater and prevent future flooding. This is also accomplished by meeting Chapter 1.4.4 and all of Chapter 4 to treat stormwater to the maximum extent practicable as provided for in the Standards. Section 9.3 and 9.4 of the Standards lists the items required to be submitted which will address all items throughout Chapters 1 through 8 and the Appendices of the Standards. By following these Standards, all stormwater will be controlled and treated in such a way that there is no negative downstream impact to properties, features, or right-of-way.

The Applicant has provided a preliminary stormwater management report. The submitted preliminary stormwater report has been prepared in accordance with the above criteria and demonstrates that the proposed development includes provisions to adequately control runoff from all drive aisles, private and public streets, and roof, footing, and area drains and ensures future extension of the current drainage system necessary to accommodate those flows. However, the detailed calculations of stormwater flows and treatment solution designs have yet to be finalized and reviewed for compliance with Public Works Stormwater and Grading Design Standards. In other words, the conceptual analysis indicates that compliance with all of the detailed flow limitations and construction specifications can and will be satisfied when final engineering occurs. The applicant shall provide finalized engineered drainage plan(s), drainage report(s), and design flow calculation report(s) stamped and signed by a licensed engineer addressing all items from the Section 9.3 & 9.4 of the Public Works Stormwater and Grading Design Standards. **Therefore, based on this review of the preliminary drainage analysis, staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

13.12.100 - Alternative materials, alternative design and methods of construction.

The provisions of this chapter are not intended to prevent the use of any material, alternate design or method of construction not specifically prescribed by this chapter or the Public Works Stormwater and Grading Design Standards, provided any alternate has been approved and its use authorized by the City Engineer. The City Engineer may approve any such alternate, provided that the City Engineer finds that the proposed design is satisfactory and complies with the intent of this chapter and that the material, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed by this chapter in effectiveness, suitability, strength, durability and safety. The City Engineer shall require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding its use. The details of any action granting approval of an alternate shall be recorded and entered in the City files.

Finding: Not Applicable. The applicant has not proposed alternative design methods requiring special approval by the City Engineer. However, should the applicant propose such methods with the public facilities construction plan submittal, the proposal will be reviewed and approved by the City Engineer as required.

13.12.110 - Transfer of engineering responsibility.

Project drainage plans shall always have a project engineer. If the project engineer is changed during the course of the work, the City shall be notified in writing and the work shall be stopped until the replacement engineer has agreed to accept the responsibilities of the project engineer. The new project engineer shall provide written notice of accepting project responsibility to the City within seventy-two hours of accepting the position as project engineer.

Finding: Not applicable. The developer is already required to execute a "Developer/Engineer Agreement for Public Works Improvements" per section 16.12.014.

13.12.120 - Standard construction specifications.

The workmanship and materials shall be in accordance with the current edition of the "Standard Specifications for Public Works Construction," as prepared by the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the City, in effect at the time of application. The exception to this requirement is where this chapter and the Public Works Stormwater and Grading Design Standards provide other design details, in which case the requirements of this chapter and the Public Works Stormwater and Grading Design Standards shall be complied with.

Finding: Complies with Condition. The workmanship and materials for any work performed under permits issued by Oregon City Public Works shall be in accordance with the 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. (Also written in the findings of section 12.04.270). There is nothing about this application or other evidence submitted into the record that leads the City to conclude that compliance with these "Standard Specification" will not occur. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

13.12.140 - Maintenance of public stormwater facilities.

A. A stormwater facility that receives stormwater runoff from a public right-of-way shall be a public facility. Upon expiration of the warranty period and acceptance by the City as described below, the City shall be responsible for maintenance of those public stormwater facilities. Access for maintenance of the stormwater facilities shall be provided to the City through the granting of a stormwater easement or other means acceptable to the City.

Finding: Not applicable. The development has not proposed any public stormwater facilities which may receive stormwater runoff from a public right-of-way so this provision does not apply. If public stormwater facilities receiving stormwater from the public right-of-way are constructed, they will be maintained as public improvements subject to a two-year warranty provided by the developer per provision within section 17.50.141. Upon expiration of the warranty period provided by section 17.50.141, the City will maintain roadside facilities along city ROW. **See findings from section 17.50.141 regarding warranty of public improvements that would apply if necessary.**

B. Responsibility for maintenance of stormwater facilities including all landscaping, irrigation systems, structures and appurtenances shall remain with the property owner/developer for two years (known as the warranty period). The owner/developer shall provide the City a separate two-year landscaping maintenance surety bond for one hundred ten percent of the landscaping cost. Transfer of maintenance of stormwater conveyance systems shall occur when the City accepts the stormwater conveyance system.

Finding: Not applicable. The development has not proposed any public stormwater facilities which may receive stormwater runoff from a public right-of-way that would require maintenance as specified in this criterion. If public stormwater facilities are constructed, they will be maintained as roadway improvements through a two-year warranty provided by the developer per provision within section 17.50.141. Upon expiration of the warranty period provided by section 17.50.141, the City will maintain public stormwater facilities along city ROW. **See findings from section 17.50.141 regarding warranty of public improvements.**

13.12.145 - Maintenance of private stormwater facilities.

A. An applicant shall submit an operation and maintenance plan for each proposed stormwater facilities, unless exempted in the Public Works Stormwater and Grading Design Standards. The information in the operation and maintenance plan shall satisfy the requirements of the Public Works Stormwater and Grading Design Standards.

B. Private owners are required to inspect and maintain stormwater facilities on their property in accordance with an approved operation and maintenance plan. A maintenance log is required to document facility inspections and specific maintenance activities. The log shall be available to City inspection staff upon request.

C. Failure to operate or maintain a stormwater facility according to the operation and maintenance plan may result in an enforcement action under Section 13.12.150.

Finding: Complies with Condition. Because multi-family development is proposed, all stormwater conveyance from development must be privately managed. Therefore, the development proposes a private stormwater facility to manage and treat all stormwater run-off on-site including runoff from the new impervious area long public roadways. The property owner(s) shall execute an agreement providing maintenance of, and giving Oregon City access to, privately-owned stormwater management facilities and pay associated recording fees. The agreement shall include a site plan identifying all privately-owned stormwater management facilities and an operation and maintenance plan for each type of stormwater facility in accordance with the Public Works Stormwater and Grading Design Standards. The agreement shall run with the land and be applicable to subsequent property owners. The agreement shall be reviewed and accepted by the City prior to occupancy of any units. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

13.12.170 - Permits from other jurisdictions.

A. The Oregon State Department of Environmental Quality (DEQ) currently issues NPDES 1200-C permits for projects that cover areas of one acre or greater. No permit shall be issued for projects of this size (or any other size as modified by DEQ) without a copy of said DEQ permit being on file with Oregon City. DEQ is responsible for policing its own permits; however, if City personnel observe conditions that are believed to be in violation of any such permit, and cannot get corrections made, the City will bring such conditions to the attention of the appropriate DEQ representatives.

Finding: Complies with Condition. The development exceeds 1.0 acre in disturbed area. The developer shall obtain a 1200-C (NPDES) permit from Oregon Department of Environmental Quality (DEQ) for construction activities one acre or greater prior to receiving a permit and beginning construction. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

B. Projects may require Oregon State Division of State Lands (DSL) and/or United States Army Corps of Engineers (USACE) permits. If such permits are required, no permission to construct will be granted until such a time as a copy of such permit is on file with the City or notice is received from those agencies that a permit is not required. DSL/USACE is responsible for enforcing its own permits; however, if City personnel observe conditions that are believed to be in violation of any such permit, and cannot get corrections made, the City will bring such conditions to the attention of the appropriate DSL/USACE representatives.

Finding: Not Applicable. A permit from DSL or USACOE is not required of this project.

C. Projects may require Oregon State Department of Fish and Wildlife (ODFW) permits. When ODFW permits are required, no work will be authorized until the receipt of a copy of the ODFW permit. ODFW is responsible for policing its own permits; however, if City personnel observe conditions that are believed to be in violation of any such permit, and cannot get corrections made, the City will bring such conditions to the attention of the appropriate ODFW representatives.

Finding: Not Applicable. A permit from ODFW is not required of this project.

CHAPTER 15.48 – GRADING, FILLING AND EXCAVATING

15.48.030 Applicability—Grading permit required.

A. A city-issued grading permit shall be required before the commencement of any of the following filling or grading activities:

- 1. Grading activities in excess of ten cubic yards of earth;*
- 2. Grading activities which may result in the diversion of existing drainage courses, both natural and man-made, from their natural point of entry or exit from the grading site;*
- 3. Grading and paving activities resulting in the creation of impervious surfaces greater than two thousand square feet or more in area;*
- 4. Any excavation beyond the limits of a basement or footing excavation, having an unsupported soil height greater than five feet after the completion of such a structure; or*
- 5. Grading activities involving the clearing or disturbance of one-half acres (twenty-one thousand seven hundred eighty square feet) or more of land.*

B. Those fill and grading activities proposed to be undertaken in conjunction with a land use application, including but not limited to subdivisions, planned unit developments, partitions and site plan reviews, are subject to the standards of this chapter. However, a separate grading permit is not required. Approval of the construction plans submitted through the land use application process shall constitute the grading permit required under this chapter.

Finding: Applicable. The preliminary plan presents grading and paving activities that will result in the disturbance of more than one-half acre. Fill and grading activities are proposed to be undertaken in conjunction with a land use application. A separate grading permit is not required. Approval of the construction plans submitted through the land use application process shall constitute the grading permit required under this chapter.

15.48.040 - Grading permit exemptions.

The following filling and grading activities shall not require the issuance of a grading permit:

- A. Excavation for utilities, or for wells or tunnels allowed under separate permit by other governmental agencies;*
- B. An excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit. The placement of any fill material removed from such an excavation requires a grading permit if:*
 - 1. It exceeds fifty cubic yards,*
 - 2. More than ten cubic yards are removed from the site, or*
 - 3. The fill is placed on the site to a depth greater than one foot;*
- C. Farming practices as defined in ORS 30.930 and farm uses as defined in ORS 215.203, except that buildings associated with farm practices and farm uses are subject to the requirements of this chapter;*
- D. Excavation for cemetery graves;*
- E. Sandbagging, diking, ditching, filling or similar work when done to protect life or property during an emergency;*
- F. Repaving of existing paved surfaces that does not alter existing drainage patterns;*
- G. Maintenance work on public roads performed under the direction of the city, Clackamas County or Oregon State Department of Transportation personnel.*

Finding: Not Applicable. The application does not qualify for an exemption.

15.48.090 Submittal requirements.

An engineered grading plan or an abbreviated grading plan shall be prepared in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards whenever a city

approved grading permit is required. In addition, a geotechnical engineering report and/or residential lot grading plan may be required pursuant to the criteria listed below.

A. *Abbreviated Grading Plan.* The city shall allow the applicant to submit an abbreviated grading plan in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards if the following criteria are met:

1. No portion of the proposed site is within the flood management area overlay district pursuant to [Chapter 17.42](#), the unstable soils and hillside constraints overlay district pursuant to [Chapter 17.44](#), or a water quality resource area pursuant to [Chapter 17.49](#); and
2. The proposed filling or grading activity does not involve more than fifty cubic yards of earth.

B. *Engineered Grading Plan.* The city shall require an engineered grading plan in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards to be prepared by a professional engineer if the proposed activities do not qualify for abbreviated grading plan.

C. *Geotechnical Engineering Report.* The city shall require a geotechnical engineering report in compliance with the minimum report requirements of the Public Works Stormwater and Grading Design Standards to be prepared by a professional engineer who specializes in geotechnical work when any of the following site conditions may exist in the development area:

1. When any publicly maintained facility (structure, street, pond, utility, park, etc.) will be supported by any engineered fill;
2. When an embankment for a stormwater pond is created by the placement of fill;
3. When, by excavation, the soils remaining in place are greater than three feet high and less than twenty feet wide.

D. *Residential Lot Grading Plan.* The city shall require a residential lot grading plan in compliance with the minimum report requirements of the Public Works Stormwater and Grading Design Standards to be prepared by a professional engineer for all land divisions creating new residential building lots or where a public improvement project is required to provide access to an existing residential lot.

Finding: Complies with Conditions. A preliminary grading plan was submitted from which staff has determined that compliance with the Public Works Stormwater and Grading Design Standards is feasible. As such, the conditions require the developer to provide an engineered grading plan prepared by a professional engineer in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards. **Based on the size of the site, the grading proposed and general topography, staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

CHAPTER 16.12 – MINIMUM PUBLIC IMPROVEMENTS AND DESIGN STANDARDS FOR DEVELOPMENT

16.12.010 - Purpose and general provisions.

All development shall be in conformance with the policies and design standards established by this chapter and with applicable standards in the City's public facility master 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.

Finding: Complies with Condition. The above code section is not an actual approval criterion for Site and Design Review, but rather a general-purpose statement relating to the City's Engineering Department's review of the required civil plans after the Applicant has received Land-Use approval for the proposed project. The Applicant is aware of this code section and will work closely with the City's

Engineering Staff upon gaining Site and Design Review approval from the City's Planning Department for the proposed development. Compliance with the "purpose and general provisions" of chapter 16.12 can be met by adhering to the following: The development plans shall comply with all current Oregon City Public Works design standards, specifications, codes, and policies prior to receiving a permit and beginning construction. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

16.12.011 - 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. 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.

Finding: Applicable. The applicant is applying for Site and Design Review approval; therefore, the development shall follow the standards set forth in OCMC 16.12.

16.12.012 - 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.

Finding: Applicable. The city has exercised its regulatory management authority by providing findings within this staff report with conditions to be met by the applicant prior to working within all public rights-of-way. Holmes Lane and Mountainview Street are under the jurisdiction of the City of Oregon City.

16.12.013 - 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. Compliance with the following criteria is required:

- A. The modification meets the intent of the standard;
- B. The modification provides safe and efficient movement of pedestrians, motor vehicles, bicyclists and freight; science experiments ahead
- C. The modification is consistent with an adopted transportation or utility plan; and
- D. The modification is complementary with a surrounding street design; or, in the alternative;
- E. 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.

Finding: Complies as proposed. A modification is proposed for the design of Holmes Lane. The applicant submitted a site plan showing a proposed design for Holmes Lane which differs from the standard identified in the code below.

Table 16.12.016 Street Design (excerpt)

Road Classification	Comprehensive Plan Designation	Right-of-Way Width	Pavement Width	Public Access	Sidewalk	Landscape Strip	Bike Lane	Street Parking	Travel Lanes	Median
	Residential	85 ft.	59 ft.	0.5 ft.	5 ft.	7.5 ft.	6 ft.	7 ft.	(3) 11 ft. Lanes	N/A

- A. The modification meets the intent of the standard;
The proposed modification meets the intent of the code by providing adequate space for all modes of travel. The applicant proposes to install sidewalk and a bike lane along the Holmes Lane frontage; this satisfies TSP projects W67 and B53.

- B. The modification provides safe and efficient movement of pedestrians, motor vehicles, bicyclists and freight; science experiments ahead

The applicant provided Transportation Impact Study found the following:

- A capacity analysis showed that both study intersections operate at acceptable levels of service under existing conditions and that they will continue to operate at acceptable levels with the addition of background growth and site trips. No capacity issues were found and no mitigations are recommended.
- A crash data analysis was conducted for the two study intersections. Ten crashes were reported at the intersection of Holmes Lane at Molalla Avenue and none were reported at the intersection of Holmes Lane at Rilance Lane. Crash patterns were analyzed and no mitigations are recommended.

- C. The modification is consistent with an adopted transportation or utility plan; and
This is not applicable since the city has not adopted a transportation plan specific to Holmes Lane. Also, the applicant proposes to install sidewalk and a bike lane along the Holmes Lane frontage; this satisfies TSP projects W67 and B53. The applicant has provided a 12-foot-wide automobile lane which meets the TSP "Optimum Street Design" guidance which states, "Determine if the street is located along a regional truck route, local truck route, or a transit route. If so, the through lane width should be a minimum of 12 feet along a truck route or 11 feet along a transit route. If not, the lane width can be reduced to a minimum of 12 feet along major arterials, 11 feet on minor

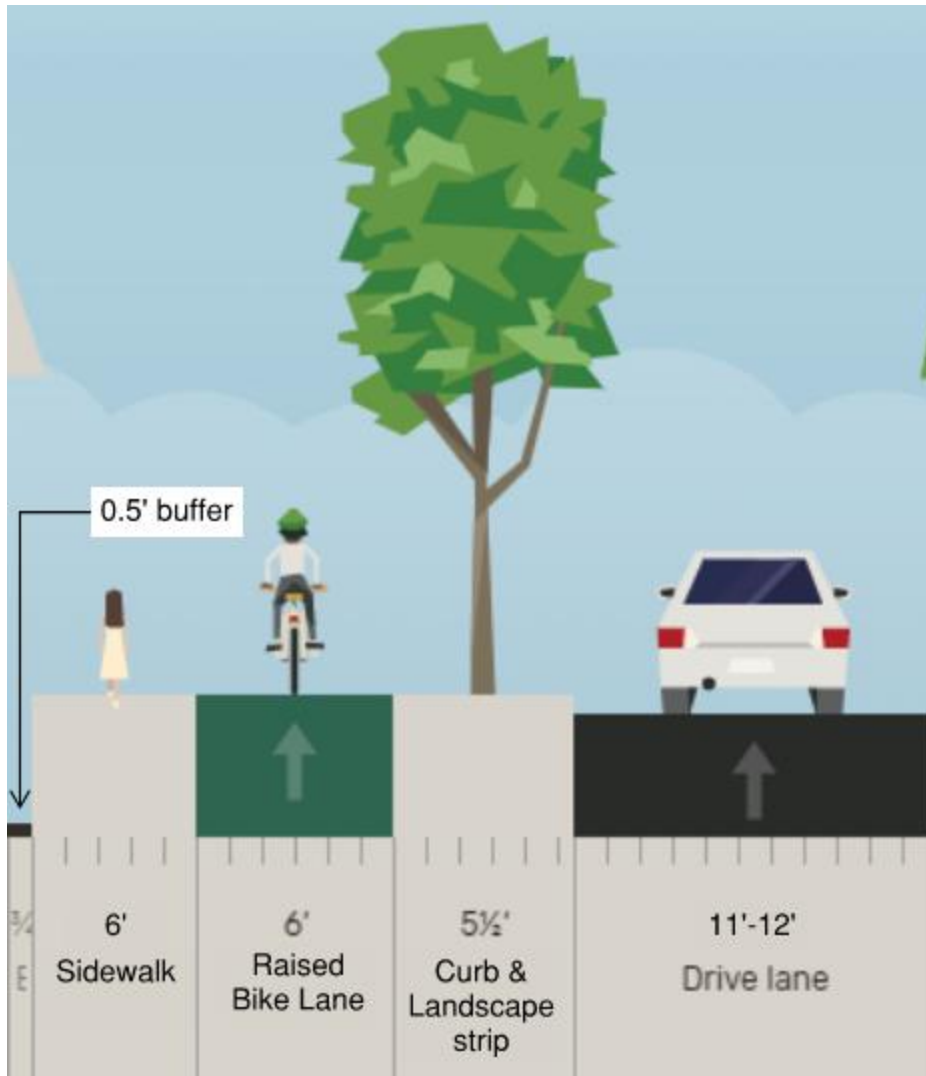
arterials, and 10 feet along collectors and local streets, as determined by the City.” Holmes Lane is a collector street which is neither a transit route or a truck route so 12-foot-wide travel lanes consistent with the TSP.

- D. The modification is complementary with a surrounding street design; or, in the alternative; The proposed street improvement matches the existing improvements made on the south side Holmes Lane and the east end of Holmes Lane (near the intersection of Molalla Avenue) where there is an established, bike lane, curb, furnishing zone and raised sidewalk but no on-street parking. The applicant provided Transportation Impact Study which stated that, “volumes for Holmes Lane at Rilance Lane did not meet the minimum thresholds for analysis as outlined in Section 4C.04.03 of the Manual for Uniform Traffic Control Devices (MUTCD). Left and right turn lane warrants were similarly not examined due to low turning movement volumes for movements not served by a dedicated turn lane under 2023 buildout conditions at both study intersections.” Therefore, a center turn lane is not needed. Due to conflicts with existing high voltage electrical transmission poles which cannot be relocated underground (per OCMC 13.34.090.A) a parking lane is not required or feasible along Holmes Lane.*
- E. 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.*
- This is not applicable since the modification is not requested for constitutional reasons.

To ensure the development provides the necessary improvements along Holmes Lane the following has been conditioned:

The development shall provide the following along the development’s frontage of Holmes Lane on the development side of the centerline: 11’-12’-wide drive lane , 0.5’ curb, 5-foot-wide landscape strip, 6-foot-wide raised bike lane, 6-foot-wide sidewalk, and a 0.5-foot-wide buffer. The development shall dedicate right-of-way (ROW) to achieve 29’ to 30’ of ROW.

A conceptual image of the required improvements along Holmes Lane is shown below (view is looking west).



Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

16.12.014 - 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;*
- 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 city funded public projects contracted by the City (not less than one million dollars single incident and two million dollars aggregate);*
- H. *Preconstruction Meeting;*
- 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, maybe be submitted in conjunction with documentation for other infrastructure improvements that are done with the development (such as street, sanitary sewer, and water).

Finding: Complies with Condition. The developer shall submit or address all items in section 16.12.014 of the Oregon City Municipal Code based on the timing requirements contained therein and as deemed applicable by the City. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

16.12.015 - 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.

Finding: Complies as proposed. As part of the proposed development, the Applicant will be constructing a new north/south public street through the project that will connect Holmes Lane with Mountainview Street. In addition, the Applicant will be providing two (2) pedestrian connections, one on the east side and one on the west side of the project, to provide access to Stafford Park and Singer Creek Park, respectively. The applicant proposes to install sidewalk and a bike lane along the Holmes Lane frontage; this satisfies TSP projects W67 and B53.

The location and grades of the proposed street system provides for the continuation or appropriate projection of existing principal streets in the surrounding area and gives access for future development of adjoining land. The development has provided a convenient street system for the safety of all modes of travel, including pedestrian and bicycle to, from, and through the subject site. The widths of the proposed right-of-way and street improvements must satisfy requirements of table 16.12.016. **See findings from 16.12.016 regarding required improvements.**

16.12.016 - 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.

	<i>Industrial</i>	<i>120 ft.</i>	<i>88 ft.</i>	<i>0.5 ft.</i>	<i>5 ft.</i>	<i>10.5 ft.</i>	<i>6 ft.</i>	<i>N/A</i>	<i>(5) 14 ft. Lanes</i>	<i>6 ft.</i>
	<i>Residential</i>	<i>126 ft.</i>	<i>94 ft.</i>	<i>0.5 ft.</i>	<i>5 ft.</i>	<i>10.5 ft.</i>	<i>6 ft.</i>	<i>8 ft.</i>	<i>(5) 12 ft. Lanes</i>	<i>6 ft.</i>

<i>Road Classification</i>	<i>Comprehensive Plan Designation</i>	<i>Right-of-Way Width</i>	<i>Pavement Width</i>	<i>Public Access</i>	<i>Sidewalk</i>	<i>Landscape Strip</i>	<i>Bike Lane</i>	<i>Street Parking</i>	<i>Travel Lanes</i>	<i>Median</i>
<i>Minor Arterial</i>	<i>Mixed Use, Commercial or Public/Quasi Public</i>	<i>116 ft.</i>	<i>94 ft.</i>	<i>0.5 ft.</i>	<i>10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells</i>		<i>6 ft.</i>	<i>8 ft.</i>	<i>(5) 12 ft. Lanes</i>	<i>6 ft.</i>
	<i>Industrial</i>	<i>118 ft.</i>	<i>86 ft.</i>	<i>0.5 ft.</i>	<i>5 ft.</i>	<i>10.5 ft.</i>	<i>6 ft.</i>	<i>7 ft.</i>	<i>(5) 12 ft. Lanes</i>	<i>N/A</i>
	<i>Residential</i>	<i>100 ft.</i>	<i>68 ft.</i>	<i>0.5 ft.</i>	<i>5 ft.</i>	<i>10.5 ft.</i>	<i>6 ft.</i>	<i>7 ft.</i>	<i>(3) 12 ft. Lanes</i>	<i>6 ft.</i>

<i>Road Classification</i>	<i>Comprehensive Plan Designation</i>	<i>Right-of-Way Width</i>	<i>Pavement Width</i>	<i>Public Access</i>	<i>Sidewalk</i>	<i>Landscape Strip</i>	<i>Bike Lane</i>	<i>Street Parking</i>	<i>Travel Lanes</i>	<i>Median</i>
<i>Collector</i>	<i>Mixed Use, Commercial or Public/Quasi Public</i>	<i>86 ft.</i>	<i>64 ft.</i>	<i>0.5 ft.</i>	<i>10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells</i>		<i>6 ft.</i>	<i>8 ft.</i>	<i>(3) 12 ft. Lanes</i>	<i>N/A</i>
	<i>Industrial</i>	<i>88 ft.</i>	<i>62 ft.</i>	<i>0.5 ft.</i>	<i>5 ft.</i>	<i>7.5 ft.</i>	<i>6 ft.</i>	<i>7 ft.</i>	<i>(3) 12 ft. Lanes</i>	<i>N/A</i>
	<i>Residential</i>	<i>85 ft.</i>	<i>59 ft.</i>	<i>0.5 ft.</i>	<i>5 ft.</i>	<i>7.5 ft.</i>	<i>6 ft.</i>	<i>7 ft.</i>	<i>(3) 11 ft. Lanes</i>	<i>N/A</i>

<i>Road Classification</i>	<i>Comprehensive Plan Designation</i>	<i>Right-of-Way Width</i>	<i>Pavement Width</i>	<i>Public Access</i>	<i>Sidewalk</i>	<i>Landscape Strip</i>	<i>Bike Lane</i>	<i>Street Parking</i>	<i>Travel Lanes</i>	<i>Median</i>
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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.

Finding: Complies as proposed. The development is zoned as R-2 and has proposed a local street through the development property. The submitted plan proposed an extension of a local street (Rilance Lane) through the development property with right-of-way and street dimensions which meet requirements of Table 16.12.016.

The development proposes to provide right-of-way dedication and improve the frontage of Mountainview Street to meet which meet requirements of Table 16.12.016.

The development has proposed a street design for Holmes Lane which does not meet current city code for a "Collector" road. A modified design for improvements to Holmes Lane is needed due to conflicts with existing high voltage electrical transmission poles which cannot be relocated underground (per OCMC 13.34.090.A) to accommodate requirements of Table 16.12.016. **Please see findings from 16.12.013 for required improvements along Holmes Lane.** The applicant proposes to install sidewalk and a bike lane along the Holmes Lane frontage; this satisfies TSP projects W67 and B53.

On appeal, the applicant challenged the Director's decision with respect to Condition #3, which requires the installation of half-street improvements, including bike lanes and sidewalks, on Holmes Lane "along the development's frontage." For the reasons set forth in the Supplemental Staff Report, the City finds that the proposed "development" or "development site" includes both 535 and 545 Holmes Lane. The applicant proposed development on these two lots. "Development" occurring on 545 Holmes Lane includes removal of an accessory structure, the construction of 26 new homes on land included as part of 545 Holmes Lane, and an adjusted lot line.

The Applicant's site trip distribution assumptions indicate that the largest percentage of vehicles exiting and entering this development will be between Holmes Lane and Molalla, travelling in front of 545 Holmes Lane. As Molalla Avenue provides the closest retail, shopping amenities, it is reasonable to assume that pedestrian and cyclist residents from both lots will be directly and disproportionately

benefited by sidewalks and bicycle lanes along 545 Holmes Lane frontage as they will provide all future residents safe and efficient travel to these amenities.

All of the homes are similarly sized and have the same amount of off-street parking making it reasonable to conclude that they will each generate the same amount of vehicular, cycle or pedestrian traffic. Comparing the number of homes generating traffic impacts into the City system against the extent of the improvements is a reasonable way to establish rough proportionality. The length of the Holmes Lane frontage along the development site is 383 feet. Of this, the applicant is willing to construct improvements along the 535 Holmes Lane frontage or 284 feet. Thus, the City presumes that frontage improvements of 284 feet along 535 Holmes Lane to serve traffic generated from the proposed 34 homes on that lot is constitutionally appropriate. Applying that same formula to 545 Holmes Lane, with the construction of 26 homes or nearly double the number of homes and yet, the City is seeking improvements of 99 feet of frontage or only 1/3 of the total frontage. This is substantially less frontage required per home than proposed along 535 Homes Lane. Moreover, these improvements will serve a majority of the vehicular and non-vehicular traffic from both lots as these improvements will provide the most direct and convenient access to Molalla Ave. For these reasons along as those set forth in the staff reports, the City Commission finds a nexus for requiring improvements along Holmes Lane for the full frontage of the development and that these improvements are roughly proportional to the impacts resulting from this development.

Though the applicant indicated there are private streets in the proposal, they are not right-of-way and are reviewed as drive aisles for the multi-family development in accordance with OCMC 17.52.

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.

Finding: Complies as proposed. The applicant's proposal satisfies the above criterion because sidewalks are proposed along both sides of the proposed new public street (Rilance Lane), along the sides of Holmes Lane, and Mountainview Street.

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.

Finding: Not applicable. The above criterion does not apply to the applicant's proposal because there are no existing or planned pedestrian and/or bicycle routes in the area. All bicycles and pedestrians will use the existing and proposed public street system to access the surrounding area.

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.

Finding: Complies with Condition. The applicant proposes all required street names and traffic control devices be installed as directed by the City Engineer and be in conformance with all applicable city regulations and standards. The developer shall submit a request to the Community Development Department to receive approval for new street names; only approved street names shall be included on the final construction plans. (also written in 16.12.031) **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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.

Finding: Complies with Condition. The development provided a site plan with proposed street lights along the frontage of the development but no photometric plans were provided. The development shall provide street lighting plans with photometric information for Holmes Lane, the new north-south street (Rilance Lane) and Mountainview Street which conforms with all City standards, specifications, codes, and policies and is approved by Portland General Electric (PGE) prior to receiving a permit and beginning construction. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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.

Finding: Not Applicable. A street with pavement less than 32' has not been proposed. Though the applicant indicated there are private streets in the proposal, they are not right-of-way and are reviewed as drive aisles for the multi-family development in accordance with OCMC 17.52.

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.

Finding: Complies as proposed. The applicant has proposed vegetated planter strips that are five feet in width and located between the sidewalk and curb are proposed on both sides of the new local public street (Rilance Lane), along Holmes Lane frontage and Mountainview Street frontage.

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.

Finding: Not Applicable. The decision maker has not approved access easements in lieu of streets nor has dedication of a street been deemed impracticable.

H. Vehicular and pedestrian easements shall allow for public access and shall comply with all applicable pedestrian access requirements.

Finding: Not Applicable. No vehicular or pedestrian easements are proposed.

16.12.017 - 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.

Finding: Not Applicable. No new streets with an access control are required.

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

Finding: Not Applicable. No new streets with an access control are required.

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)."

Finding: Not Applicable. No new streets with an access control are required.

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

Finding: Not Applicable. No new streets with an access control are required.

16.12.018 - 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.

Finding: Complies as Proposed. The Applicant's proposal satisfies the above criteria because the new proposed public street aligns with the center line of Rilance Lane, which is located across Holmes Lane from the subject site. No offset centerlines are being proposed and there are no twenty-four-foot-wide driveways proposed as part of the development proposal.

16.12.019 - Traffic sight obstructions.

All new streets shall comply with the Traffic Sight Obstructions in Chapter 10.32.

Finding: Complies with Condition. The submitted application includes a Transportation Impact Analysis (TIA) prepared by Global Transportation Engineering and reviewed by John Replinger of Replinger and Associates, a City consultant that addresses the traffic impacts of the proposal. The study found that a crest vertical curve limits sight distance from the proposed southern access to Holmes Lane to 425 feet to the east and suggests no off-site improvements are necessary to mitigate the traffic impacts associated with the proposed condominium project. In addition, the TIA further concludes that there will be no traffic sight obstruction created by the proposed 60-unit condominium project (the findings and designs included in the TIA are incorporated by reference herein).

As a condition of approval the development shall maintain compliance with OCMC 10.32 prior to issuance of any certificate of occupancy for the site and over time. Prior to approval of construction plans for the public street improvements, the applicant shall include on the plans the location of fencing,

vegetation, signage and related strictures and assure that these features are located, maintained or removed to avoid unnecessarily restricting sight distance. In addition, the applicant shall demonstrate that compliance with the sight distance standards in OCMC 10.32 is required upon planting and over time. **Based on the applicant's traffic study staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

16.12.020 - Street design—Intersection angles.

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

Finding: Complies as conditioned. All proposed streets have been laid out to intersect at angles as near as possible to right angles. The proposed new public street will intersect with Holmes Lane and Mountainview Street at right angles. All street intersections are proposed with a minimum curb return radius of twenty-five feet. The alignment of the new north-south street (Rilance Lane) is proposed with less than fifty feet of tangent adjacent to the intersection. The alignment of the new north-south street (Rilance Lane) shall have at least fifty feet of tangent adjacent to the intersection (measured from the nearest curb line) unless topography requires a lesser distance. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

16.12.021 - Street design—Grades and curves.

Grades and center line radii shall conform to standards approved by the City Engineer.

Finding: Complies as Proposed. Applicant acknowledges streets will be designed per this standard. The proposed street grades and center line radii have been designed to conform to the standards approved by the City Engineer. This will be further reviewed during the civil plan review should the Applicant's request receive land use approval.

16.12.022 - Street design—Development abutting arterial or collector street.

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

Finding: Complies as proposed. The subject property abuts Holmes Lane along the site's front property boundary. Holmes Lane is functionally classified as a "Collector" street per the City's Transportation System Plan (TSP). The city has not required access control, screen planting, and/or any walls within an easement to protect residential properties since those properties will have pedestrian access along the frontage of Holmes Lane. The development has provided vehicular access for the residential units by providing streets.

16.12.023 - 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.

Finding: Not applicable. The City Engineer has not required that crosswalks for this development include a large vegetated or sidewalk area which extends into the street pavement.

16.12.024 - 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.

Finding: Not Applicable. This application does not propose any half streets.

16.12.025 - 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.

Finding: Not Applicable. No cul-de-sacs or dead-end streets are proposed or required for this development.

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.

Finding: Not Applicable. No cul-de-sacs or dead-end streets are proposed or required for this development.

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.

Finding: Not Applicable. No cul-de-sacs or dead-end streets are proposed or required for this development.

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.

Finding: Not Applicable. The development has not proposed a permanent dead-end streets. The areas marked as a private street are being analyzed as drive aisles which provide access through the multi-family development.

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).

Finding: Not Applicable. No cul-de-sacs or dead-end streets are proposed or required for this development.

16.12.026 - 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.

Finding: Not Applicable. No alley proposed.

16.12.027 - 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.

Finding: Not Applicable. Off-site street improvements are not proposed or required for this development.

16.12.028 - 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.

Finding: Complies as Proposed. All proposed and existing streets within and adjacent to the site have been designed and laid out to promote pedestrian and bicycle circulation. Holmes Lane is not designated as a transit street. With that being said, there is an existing transit stop located approximately 0.21 miles west of the site at the intersection of Linn Avenue and Holmes Lane, as well as a transit stop located approximately 0.25 miles east of the site at the intersection of Holmes Lane and Molalla Ave. Both existing transit stops are located within an easy walking distance of the proposed development. As such, no additional transit stops are required for the proposed development.

16.12.029 - 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.

Finding: Complies with Condition. Pavement cuts are proposed within Holmes Lane due to proposed utility service installations and required frontage improvements. Pavement cuts are proposed within Holmes Lane due to proposed utility service installation and required frontage improvement. Pavement cuts or other improvement made in a City street or alley shall be done in accordance with the City of Oregon City Public Works Pavement Cut Standards and restored in accordance with the City of Oregon City Public Works Pavement Cut Standards. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

16.12.030 - Blocks—Width.

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

Finding: Complies as Proposed. As part of the proposed development, the applicant will be dedicating a new local public street running north/south through the development. The proposed public street will intersect with Mountainview Street at the north end of the site and align with Rilance Lane where it intersects with Holmes Lane at the south end of the site. The applicant has provided a road which meets city block length requirements.

16.12.031 - Street design—Street names.

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

Finding: Complies with Condition. At this time the Applicant has not chosen a street name for the new local public street. It's possible that it could be considered an extension of an existing street since it will align with Rilance Lane located across Holmes Lane from the site. If the City determines this to be the case, then the new local public street will be Rilance Lane. However, if the Applicant is able to offer an

alternative street name, then the Applicant requests the opportunity to provide a new street name for the new public street with the dedication of the street.

The developer shall submit a request to the Community Development Department to receive approval for new street names; only approved street names shall be included on the final construction plans.

Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

16.12.032 – 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.

Finding: Complies as Proposed. No public off-street accessways are proposed or required for the proposed development. All bicycles will share the public street system with other vehicles and the proposed new local public street will provide direct and safe access between residential areas. Similar to the bicycles, pedestrians will also utilize the existing and proposed public street system for access to surrounding residential areas, retail and office areas, parks, and transit streets. However, the Applicant is proposing two (2) open space/pedestrian access areas to connect the subject site to the adjacent public parks on either side of the subject site. The open space/pedestrian access areas will be located between units 5 and 6, and 33 and 34 to provide convenient access to both Stafford Park and Singer Creek Park, respectively.

A. Entry points shall align with pedestrian crossing points along adjacent streets and with adjacent street intersections.

Finding: Not applicable. No public off-street accessways are proposed or required for the proposed development.

B. 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.

Finding: Not applicable. No public off-street accessways are proposed or required for the proposed development.

C. 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.

Finding: Not applicable. No public off-street accessways are proposed or required for the proposed development.

D. 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.

Finding: Not applicable. No public off-street accessways are proposed or required for the proposed development.

E. Accessways shall comply with Americans with Disabilities Act (ADA).

Finding: Not applicable. No public off-street accessways are proposed or required for the proposed development.

F. 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.*

Finding: Not applicable. No public off-street accessways are proposed or required for the proposed development.

G. Accessways shall be designed to prohibit unauthorized motorized traffic. Curbs and removable, lockable bollards are suggested mechanisms to achieve this.

Finding: Not applicable. No public off-street accessways are proposed or required for the proposed development.

H. 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.

Finding: Not applicable. No public off-street accessways are proposed or required for the proposed development.

I. 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.

Finding: Not Applicable. The site is not a park, greenway nor has other natural resource areas.

J. 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.

Finding: Not Applicable. No alternative design has been proposed for pedestrian and bicycle accessways.

K. 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.

Finding: Not applicable. No public off-street accessways are proposed or required for the proposed development.

16.12.033 - 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 Throughway 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:

I-205/OR 99E Interchange

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.

Finding: Complies with conditions. The applicant submitted a Transportation Impact Study (TIS). The TIS was prepared under the direction of Dana Beckwith, PE of Global Transportation Engineering. The TIS is dated December 2020. The TIS was reviewed by John Replinger, PE, of Replinger and Associates, the City's transportation planning consultant. Mr. Replinger found that the TIS addresses the city's requirements, which include preparation of a TIS in accordance with the adopted *Guidelines for Preparation of Transportation Impact Analysis (TIA)*, consistency with the *Oregon City Transportation System Plan (TSP)*, and other relevant standards. The applicant's report addresses the proposed site, building footprint, access driveways, and parking facilities. It includes an evaluation of existing conditions, background conditions, full traffic buildout conditions, conclusions and recommendations.

Due to the COVID pandemic, current traffic counts were likely to be lower than normal and would underestimate reasonable volumes. Rather than relying on such counts, traffic volumes at the two key intersections were developed from road tube counts from 2017 and adjusted upward to reflect traffic growth. Intersection turning volumes were derived from these estimated road volumes.

According to the submitted report:

- A capacity analysis showed that both study intersections operate at acceptable levels of service under existing conditions and that they continue to operate at acceptable levels with the addition of background growth and site trips. No capacity issues were found and no mitigations are recommended. The traffic study analyzed the buildout condition of Rilance at Holmes Lane and Molalla Avenue at Holmes Lane and found that the mobility targets are met. It is important to note that the city does not have a standard for the "capacity" of local street.

Table 8: 2023 Buildout Conditions Intersection Performance Summary

Intersection	Mobility Targets	Peak Hour	2023 Buildout Conditions		
			Control Delay (Sec) ¹	Level of Service	V/C
Signalized					
Molalla Avenue at Holmes Lane	V/C < 0.99	AM	10.5	B	0.57
	LOS D or better	PM	11.0	B	0.61
Unsignalized					
Holmes Lane at Rilance Lane	LOS E or better	AM	10.2	B	0.03
		PM	11.0	B	0.02
Notes: ¹ Delay is reported as the average total delay of the intersection, Red = does not meet mobility target					

- Concerns were identified that Linn Avenue was not evaluated for mobility performance. The Guidelines for Transportation Impact Analyses specifies analysis of intersections of classified as collectors and above when the development results in 20 or more peak hour trips.
- Concerns were identified that Mountainview was not evaluated for mobility performance. According to the traffic study, the overall impact of the development includes:
 - AM Peak Hour: 6 trips into the development and 20 out
 - PM Peak Hour: 20 trips into the development and 11 out

The traffic study directed the trips to Holmes Lane because Holes Lane allows drivers to travel both east and west and it provides access to Holmes Lane and Molalla Avenue which is a signalized intersection. Further, Mountainview is narrow and does not allow travel to the west. Testimony included in the record states that access is difficult turning left (north) onto Molalla Avenue from Mountainview. In order to analyze the most intense reasonable case scenario, the study assumed all trips would utilize Holmes Lane, though the Commission believes it is likely that some trips may be entering the site from Mountainview or may take Mountainview if they are traveling south on Molalla Avenue. This allows for a more intense analysis on Holmes Lane, which could exceed the 20 trip threshold. The low volume of trips from the proposal concludes that it is not likely that at least 20 trips would utilize Mountainview in the peak hour, requiring additional analysis.

Table 7: Buildout Year Trip Generation Summary

ITE Code	Size	Unit	Peak Hour Rate			AM Peak Hour			PM Peak Hour			Weekday Daily Total
			AM	PM	Daily	Total	In	Out	Total	In	Out	
Proposed												
220	59	units	0.36	0.44	5.44	27	6	21	33	21	12	432
Existing												
210	2	unit	0.74	0.99	9.44	1	0	1	2	1	1	19
Net New Site Trips												
Proposed minus Existing Site Trips						26	6	20	31	20	11	413

- Some commenters expressed concern about the operation of the intersection of Molalla Avenue and Mountainview Street. The delay in making left turns from Mountainview Street to Molalla Avenue was mentioned. The city's performance standards for operations at intersections varies based on the intersection's location (i.e., with the Regional Center or outside the Regional Center); whether or not the intersection is signalized; and the classification of the streets (e.g., arterial, collector). These performance standards are established in the city code. Molalla Avenue is classified as a minor arterial street in the city's Transportation System Plan (TSP) and is part of the Regional Transportation Plan's arterial network. Mountainview Street is a local unsignalized intersection and delays for traffic from minor street intersecting arterial streets are anticipated and allowed in the

code. The Mobility Standard section of the city code (16.12.003) specifies the applicable performance standards for the intersection. For an unsignalized intersection where a minor street intersects an arterial street that is part of the regional network, the code specifically states: “There is no performance standard for the minor street approaches.” So, even if the intersection had been analyzed and delays were calculated to be very long, the code does not recognize this as a deficiency that is subject to review or mitigation.

- A crash data analysis was conducted for the two study intersections. Ten crashes were reported at the intersection of Holmes Lane at Molalla Avenue and none were reported at the intersection of Holmes Lane at Rilance Lane. Crash patterns were analyzed and no mitigations are recommended.
- A sight distance study was performed at the Mountainview and Holmes Lane accesses following the guidance provided in the American Association of State Highway and Transportation Official’s (AASHTO) Geometric Design of Highways and Streets, 2011.

Table 5: Sight Distance Evaluation

Sight Distance Evaluated	Estimated Available Sightline (ft)	Sight Distance Standards (ft)	Meets Standard?
Proposed Mountainview Street site access			
Case B1: Left-turn	N/A	N/A	N/A
	N/A	N/A	N/A
Case B2: Right-turn	> 400	240	Yes
SSD – WB on Mountainview Street	> 400	155	Yes
SSD – EB on Mountainview Street	N/A	N/A	N/A
Proposed Holmes Lane site access			
Case B1: Left-turn	To the east ≈ 425	390	Yes
	To the west > 500	390	Yes
Case B2: Right-turn	≈ 425	335	Yes
SSD – EB on Holmes Lane	>500	250	Yes
SSD – WB on Holmes Lane	≈ 425	250	Yes

It was found that a crest vertical curve limits sight distance from the proposed southern access to Holmes Lane to 425 feet to the east. OCMC 10.32 includes clear and object standards for sight distance which requires ten times the speed limit in distance. As the speed limit is 25 miles per hour on all roads, the transportation study demonstrates that the sight distance standards can be met. The traffic study used a speed limit which was 10 mph higher than the posted standard, demonstrating that the sight distance can be met at the posted standard and for those speeding on Holmes Lane. No other sight distance issues were found and both site accesses are expected to meet all standards. Two conditions of approval have been placed on the approval requiring the development to maintain compliance with OCMC 10.32 prior to issuance of any certificate of occupancy for the site and over time. Prior to approval of construction plans for the public street improvements, the applicant shall include on the plans the location of fencing, vegetation, signage and related strictures and assure that these features are located, maintained or removed to avoid unnecessarily restricting sight distance. In addition, the applicant shall demonstrate that compliance with the sight distance standards in OCMC 10.32 is required upon planting and over time. Based on the applicant’s traffic study staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

- Traffic signal and turn lane warrants analyses were not conducted due to low volumes that did not meet the minimum threshold for analysis.
- Site circulation and parking were examined. No circulation or parking issues are expected.
- Intersection and site driveway queueing was analyzed. No queueing issues are expected.

Upon review of the submitted TIS, Replinger and Associates found that the TIS addresses the city’s requirements and provides an adequate basis to evaluate impacts of the proposed site development.

The engineer used trip rates from the Institute of Transportation Engineers' Trip Generation Manual using land use category 220 – lowrise multi-family residential. After subtracting for the current use, the engineer predicted 27 new AM peak hour trips; 32 new PM peak hour trips; and 420 new daily trips.

To account for background traffic growth and existing conditions, the traffic counts were adjusted by one percent per year through 2023, the year associated with completion of the development. Although the proposed development meets the definition of multi-family residential dwellings, some of the attributes of the proposed development, such as individual driveways and garages, suggest trip generation may be somewhat higher and could approach trip rates associated with detached, single-family homes. It is worth noting that even if the development were to generate as many trips as 60 detached, single-family homes, the overall conclusion about the adequacy of the transportation system to accommodate the development remains unchanged. The traffic growth assumptions and methodology appear reasonable.

Traffic volumes were calculated for the intersections described above. At each location, the level of service (LOS) and delay calculations and the volume-to-capacity (v/c) ratios were provided to assess traffic operations relative to the city's operational standards. The analysis was undertaken for the AM and PM peak hours and included 2021 existing conditions, 2023 background conditions, and year 2023 total traffic conditions with the development.

According to the analysis, the study area intersections are predicted to meet city performance standards under existing conditions and in year 2023 with and without the development. The poorest performance is calculated to be LOS B, which easily meets city performance standards.

The engineer measured sight distance at the new access point on Mountainview Street and the new access at the intersection of Holmes Lane and Rilance Lane. The engineer indicated sight distance exceeds 400 feet at the access points. This exceeds the recommended sight distance associated with the posted speed for both Holmes Lane and Mountainview Street. The engineer incorrectly identified the posted speed for Holmes Lane as 35 mph rather than the correct 25. This error actually reduces the required sight distance so the misstatement of the speed is of no consequence. As explained in the comment letter reviewing the TIA and in the meetings for the appeal, the applicant's engineer followed prescribed methods for evaluating sight distance and found sight distance exceeded the intersection sight distance applicable to the streets at the posted travel speeds. The available sight distance is adequate to provide for speeds that are somewhat in excess of the posted speed. The engineer concludes sight distance is adequate and recommends no mitigation.

The TIS describes pedestrian and bicycle facilities in the area. Sidewalks are currently intermittent along some of the streets in the study area. Sidewalks will be provided on the site frontage on both Holmes Lane and on Mountainview Street and on the public street running through the site. The additional sidewalks constructed in connection with the development will help improve pedestrian connections and safety.

The engineer concluded that traffic operations would be adequate at the analyzed intersections. The engineer concludes no off-site mitigation is needed for traffic operations and no safety mitigation is necessary.

The recommendations of Replinger and Associates are hereby made conditions of approval. Prior to approval of construction plans for the public street improvements, the applicant shall include on the

plans the location of fencing, vegetation, signage and related structures and assure that these features are located, maintained or removed to avoid unnecessarily restricting sight distance in accordance with city standards.

The proposed development will not have a disproportionate effect on traffic speeds on Holmes Lane. The concern of the speeding on Holmes Lane as well as request for speed monitoring has been forwarded to the Police department.

Please refer to the applicant's TIS and the comments of Replinger and Associates for the full analysis. **Based on the transportation study submitted and the City's review by a transportation engineer, staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

16.12.035 - Driveways.

A. All new development and redevelopment shall meet the minimum driveway spacing standards identified in Table 16.12.035.A.

<i>Table 16.12.035.A Minimum Driveway Spacing Standards</i>		
<i>Street Functional Classification</i>	<i>Minimum Driveway Spacing Standards</i>	<i>Distance</i>
<i>Major Arterial Streets</i>	<i>Minimum distance from a street corner to a driveway for all uses other than detached single and two-family dwellings</i>	<i>175 ft.</i>
<i>Minor Arterial Streets</i>	<i>Minimum distance from a street corner to a driveway for all uses other than detached single and two-family dwellings</i>	<i>175 ft.</i>
<i>Collector Streets</i>	<i>Minimum distance from a street corner to a driveway for all uses other than detached single and two-family dwellings</i>	<i>100 ft.</i>
<i>Local Streets</i>	<i>Minimum distance from a street corner to a driveway for all uses other than detached single and two-family dwellings</i>	<i>25 ft.</i>

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.

Finding: Complies as Proposed. All driveways proposed are off Local streets and are more than 25 feet from the nearest street corner. All driveways proposed by the applicant meet requirements of table 16.12.035. Note that though the applicant submitted an application identifying private streets, the city does not accept private streets for this proposal and is instead considering them drive aisles for connectivity to the dwelling units.

B. Nonresidential or multi-family residential driveways that generate high traffic volumes shall be treated as intersections and shall adhere to requirements of OCMC 16.12.020.

Finding: Not applicable. The driveways proposed with the development have not been determined to have high traffic volumes to be treated as intersections and comply with the requirements of OCMC 16.12.020.

C. One driveway may be allowed per frontage, unless otherwise restricted. In no case shall more than two driveways 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.

Finding: Refer to H below.

D. When a property fronts multiple roads, access shall be provided from the road with the lowest classification in the Transportation System Plan whenever possible to minimize points of access to arterials and collectors. 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.

Finding: Complies as Proposed. All proposed driveways will be taking access from either the drive aisles, which are the lowest classification streets supporting the proposed development. The Applicant's proposal satisfies the above criteria.

E. 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		12 feet
Single-Family Detached in R-5 & R-3.5	10 feet		12 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 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.

Finding: Complies as proposed. The alternative parking plan conditioned that the "driveway" width connecting the dwelling to the drive aisle for units 14-60 shall be limited to 11 feet in width each (with space to allow to transition to the curb cut). The driveway approaches are assessed as single-family attached which are allowed to be 10-12 feet in width. The width of the drive aisles which connect to the road comply with this standard.

F. 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.

Finding: Not Applicable. No restrictions are proposed by the City Engineer.

G. 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.*

Finding: Complies as proposed. All proposed driveways will be reviewed for compliance with the above criteria during the civil plan and building permit review processes. All driveways are proposed to be paved at least ten feet back into the property. The applicant has not proposed driveways to have a slope greater than 15%.

H. 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 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.

Finding: Complies as Proposed. The design proposed includes a drive aisle that is marked as a private road on the proposed plans. The City does not accept the private road designation when it functions as a drive aisle within the multi-family development. Thus the proposal would have two driveway access points on the proposed Rilance Lane roadway. OCMC 16.12.035.C limits driveways to one per frontage but then goes on to acknowledge that there are cases where additional driveways are allowed. "In no case shall more than two driveways 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". The proposed development is a large multifamily development which has proposed two driveways along the new proposed roadway. Due to the configuration of the development, the driveways are spaced a significant distance apart. The transportation analysis and spacing did not identify any conflict and thus the second driveway is allowed.

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.

Finding: Applicable. Please refer to the findings within sections 13.12,15.48, 16.12 & 17.47 of this report.

16.12.085 - Easements.

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

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

Finding: Complies with Condition. The development shall provide a 10-foot-wide public utility easement (PUE) along all property lines fronting existing or proposed right-of-way. The location and width of the PUE may be adjusted if approved by the City Engineer. In such cases, the applicant shall obtain written acceptance from all utilities for the location and width proposed for said public utility easement. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

Finding: Not applicable. Easements for unusual facilities have not been identified or required for this development.

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.

Finding: Not Applicable. The application does not affect any watercourses.

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.

Finding: Not Applicable. The application has not proposed any joint access use. All units within the development property have vehicular access via private roads. Access easements are not required.

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

Finding: Not Applicable. The application does not impact any natural resources; therefore, no easements are required.

16.12.090 - Minimum improvements—Procedures.

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

A. Improvement work shall not commence until construction plans have been reviewed and approved by the City Engineer and to the extent that improvements are 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.

Finding: Complies with Condition. Commencement of improvement work is further restricted by requirements of section 16.12.014; see section 16.12.014 of this report for associated findings. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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.

Finding: Complies with Condition. Improvements shall be constructed under the inspection and approval of the City. Expenses incurred thereby shall be borne by the applicant and paid prior to final approval. The applicant's project engineer also shall inspect construction. Inspection fees are set by City resolution, see section 16.12.014 of this report. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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.

Finding: Compiles with Condition. See findings from section 17.47, 17.49 of this report.

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 franchise utility easement within private property.

Finding: Compiles with Condition. Underground utilities, waterlines, sanitary sewers and storm drains proposed to be 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 franchise utility easement within private property. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

E. As-built construction plans and digital copies of as-built drawings shall be filed with the City Engineer upon completion of the improvements.

Finding: Complies with Condition: As-built construction plans and digital copies of as-built drawings shall be filed with the City Engineer within 90 days of completing improvements. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

F. The City Engineer may regulate the hours of construction and access routes for construction equipment to minimize impacts on adjoining residences or neighborhoods.

Finding: Complies with Condition. Permitted hours of construction shall be set forth by the City Engineer in the pre-construction meeting. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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.

Finding: Complies as proposed. The applicant has proposed a public street within the development and public street improvements along adjacent rights-of-way which provides 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. As explained in 16.12.095.B and 13.12.090, all stormwater conveyance from development including runoff from the new impervious area along public roadways will be privately managed. All intersections, existing and proposed, adjacent the development property, shall have pedestrian crossings for each direction of travel which complies with Americans with Disabilities Act (ADA). Approved curb ramp design(s) will need to be included on engineering plans following proper engineering technical standards prior to receiving a permit and beginning construction. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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.

Finding: Complies as proposed. Because multi-family development is proposed, all stormwater conveyance from development must be privately managed. Therefore, the development proposes a private stormwater facility to manage and treat all stormwater run-off on-site including runoff from the

new impervious area long public roadways. The private stormwater pond is sized to accommodate runoff from the new north-south street (Rilance Lane), the new Holmes Lane and Mountainview Street improvements to the private facility and from there into the nearest downstream off-site natural drainageway.

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.

Finding: Complies with Condition. The development shall minimize taps to the existing sanitary sewer main within Holmes Lane to the maximum extent practicable while providing the development with connection to the City's sanitary sewer system. The sanitary sewer design shall be in accordance with the City's sanitary sewer design standards. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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.

Finding: Complies with Condition. The development shall extend an 8-inch water main from Holmes Lane to, and through, the development and shall connect to the existing water main within Mountainview Street to create a loop. The development shall provide new fire hydrant(s) in, and around, the property as required by Clackamas Fire District Number 1 and extend water main(s) (public and/or private) as necessary to supply required fire hydrants. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

E. Street Trees. Refer to OCMC 12.08, Street Trees.

Finding: See findings from section 12.08.

F. Bench Marks. At least one bench mark shall be located within the subdivision boundaries using datum plane specified by the City Engineer.

Finding: Complies with Condition. The engineering plans shall provide a local benchmark, onsite, using the NAVD88 datum prior to receiving a permit and beginning construction. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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. Existing and new electrical lines and other wires, including but not limited to communication, street lighting and cable television, shall be placed underground.

Finding: Complies with Condition. All new franchise utilities shall be placed underground and all existing overhead utilities adjacent to the property frontage shall be relocated underground unless

deemed infeasible by the City and franchise utilities. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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.

Finding: Not Applicable. No facilities are required to be oversized as part of this application.

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.

Finding: See findings from section 17.47 of this report

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.*

Finding: Applicable. Please refer to the findings in chapter 16.12.016 within this report for applicable street design standards required for the public street created by the proposed subdivisions or partitions.

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.

Finding: Complies as proposed. As part of the development proposal, the Applicant is proposing a new local public street running north-south through the site. The creation of the new public street and the resultant separate land parcels will be established by deed. The development shall submit a plan/plat and/or proposed deed for dedication of new public rights-of-way to the City for review and approval prior to recording and pay associated recording fees. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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.

Finding: See findings from OCMC 17.50.140 regarding timing of construction of improvements and guarantee for construction of improvements.

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.

Finding: Complies as conditioned. Public improvements are required to be completed and accepted by the City Engineer. Public improvements shall be constructed according to approved final engineering plans prior to occupancy. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of 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.

Finding: Please see findings from Section 17.50.140 of this report.

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.

Finding: Please see findings from Section 17.50.141 of this report.

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.

Finding: Complies with Condition. The property owner(s) shall sign a Restrictive Covenant Non-Remonstrance Agreement for the purpose of making storm sewer, sanitary sewer, water or street improvements in the future that benefit the property and all fees associated with processing and recording the Non-Remonstrance Agreement shall be paid prior to occupancy. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

CHAPTER 16.20 - PROPERTY LINE ADJUSTMENTS AND ABANDONMENT PROCESS AND STANDARDS

16.20.010 - Purpose and general provisions.

The community development director under the applicable provisions in Chapter 17.50 shall process applications for property line adjustments and abandonments as a Type I decision. Approval shall be granted only upon determination by the community development director that all applicable requirements of this title and ORS Chapter 92 have been met.

Finding: Complies. The applicant filed a property line adjustment application to adjust a common property boundary between 535 Holmes Ln Oregon City, OR 97045, Clackamas County APN 3-2E-06AA-05001 and 545 Holmes Ln, Oregon City, OR 97045, Clackamas County APN 3-2E-06AA-05100. The proposed property line adjustment is a Type I decision, though is being processed concurrently with the Type II Site Plan and Design Review request.

16.20.020 - Adjustment/abandonment submission requirements.

An application for a property line adjustment or abandonment shall include two copies of the following documents submitted to the Community Development Director:

- A. Application requirements as identified in OCMC 17.50.080;*
- B. A boundary survey prepared by an Oregon professional land surveyor in accordance with ORS 92.060(7) except where the application proposes the relocation of a currently monumented common boundary of a lot in a subdivision or a parcel in a partition when the adjusted property line is a distance of even width along the common boundary. The survey shall include in its title the following: "Proposed Property Line Adjustment Survey," shall identify the city planning file number and approval date immediately below the title block with space for signature and date by the community development director;*
- C. Legal descriptions of the parent parcels to be adjusted and the resulting parcels to be created;*
- D. A current preliminary title report or trio for the subject property(ies);*
- E. A receipt from the county assessor's office indicating that all taxes for the lot or parcels involved are paid in full for the preceding tax year; and*
- F. Documentation indicating there are not any liens favoring the city on the subject site.*

Finding: Complies as Proposed. The application was deemed complete.

16.20.040 - Adjustment/abandonment approval standards.

All parcels resulting from a lot line adjustment or abandonment shall conform to the applicable requirements of Title OCMC 16 and 17 including the standards within the zoning designation such as, but not limited to, lot width, depth, lot coverage, subdivision density requirements, setbacks, as well as access and frontage requirements, ORS 92.010 to ORS 92.160, and any other city regulation deemed applicable by the community development director or state law. In no case shall a lot line adjustment result in a parcel that is unbuildable due to the presence of an overlay district or other physical constraint unless the parcel is recorded as a "tract" as defined by OCMC 17.04.1303.

The community development director shall determine if the applicant's submission complies with these standards, and issue to the applicant a notice of decision consistent with OCMC 17.50.120. The community development Director decision is final and not appealable to any other decision-maker within the city.

Finding: Complies with conditions. The applicant filed a property line adjustment application to adjust a common property boundary between 535 Holmes Ln Oregon City, OR 97045, Clackamas County APN 3-2E-06AA-05001 and 545 Holmes Ln, Oregon City, OR 97045, Clackamas County APN 3-2E-06AA-05100. The proposed changes to the lot are reviewed throughout this report – particularly within the dimensional standards of the zoning designation.

The applicant shall complete the Lot Line Adjustment with the following conditions:

- a. Demolish all structure at 535 Holmes Lane and all accessory structures at 545 Holmes Lane, unless documentation for the retention of an accessory structure at 545 is submitted demonstrating compliance with the dimensional standards in the R2 District and accessory structure standards in 17.54 are met.
- b. The applicant shall complete the Lot Line Adjustment by submitting an electronic copy of the proposed Lot Line Adjustment survey for preliminary approval to the Planning Division. Once the proposed survey is approved, a mylar copy shall be submitted to the Planning Division for signature. Once signed, the applicant shall take the signed mylar and revised deeds to Clackamas County to be recorded. The current deed holders or their assigns shall sign the revised deeds for the approved legal descriptions and the documents recorded at the Clackamas

County Clerk's Office. The signed mylar shall be recorded at the Clackamas County Surveyor's Office. Provide an electronic copy of the recorded documents to the Planning Division.

The applicant can meet this standard through compliance with the Conditions of Approval.

CHAPTER 17.47 – EROSION AND SEDIMENT CONTROL

17.47.030 - Applicability.

A. This chapter, which may also be referred to as "erosion control" in this Code, applies to development that may cause visible or measurable erosion on any property within the city limits of Oregon City.

B. This chapter does not apply to work necessary to protect, repair, maintain or replace existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements in response to emergencies, provided that after the emergency has passed, adverse impacts are mitigated in accordance with applicable standards.

Finding: Applicable. The application disturbs more than 1,000 square feet of earth; therefore, erosion and sediment control standards shall be followed.

17.47.060 - Permit required.

The applicant must obtain an erosion and sediment control permit prior to, or contemporaneous with, the approval of an application for any building, land use or other city-issued permit that may cause visible or measurable erosion.

Finding: Complies as conditioned. A city issued erosion and sediment control permit shall be obtained prior to commencement of any earth disturbing activities. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.47.070 - Erosion and sediment control plans.

A. An application for an erosion and sediment control permit shall include an erosion and sediment control plan, which contains methods and interim measures to be used during and following construction to prevent or control erosion prepared in compliance with City of Oregon City public works standards for erosion and sediment control. These standards are incorporated herein and made a part of this title and are on file in the office of the city recorder.

B. Approval Standards. An erosion and sediment control plan shall be approved only upon making the following findings:

- 1. The erosion and sediment control plan meets the requirements of the City of Oregon City public works standards for erosion and sediment control incorporated by reference as part of this chapter;*
- 2. The erosion and sediment control plan indicates that erosion and sediment control measures will be managed and maintained during and following development. The erosion and sediment control plan indicates that erosion and sediment control measures will remain in place until disturbed soil areas are permanently stabilized by landscaping, grass, approved mulch or other permanent soil stabilizing measures.*

C. The erosion and sediment control plan shall be reviewed in conjunction with the requested development approval. If the development does not require additional review, the manager may approve or deny the permit with notice of the decision to the applicant.

D. The city may inspect the development site to determine compliance with the erosion and sediment control plan and permit.

E. Erosion that occurs on a development site that does not have an erosion and sediment control permit, or that results from a failure to comply with the terms of such a permit, constitutes a violation of this chapter.

F. If the manager finds that the facilities and techniques approved in an erosion and sediment control plan and permit are not sufficient to prevent erosion, the manager shall notify the owner or his/her designated representative. Upon receiving notice, the owner or his/her designated representative shall immediately install interim erosion and sediment control measures as specified in the City of Oregon City public works standards for erosion and sediment control. Within three days from the date of notice, the owner or his/her designated representative shall submit a revised erosion and sediment control plan to the city. Upon approval of the revised plan and issuance of an amended permit, the owner or his/her designated representative shall immediately implement the revised plan.

G. Approval of an erosion and sediment control plan does not constitute an approval of permanent road or drainage design (e.g., size and location of roads, pipes, restrictors, channels, retention facilities, utilities, etc.).

Finding: Complies as conditioned. Erosion and sediment control plans shall be submitted for review and approval by the City prior to issuance of an erosion and sediment control permit. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.47.080 - Plan implementation.

An approved erosion control and sediment control plan shall be implemented and maintained as follows:

A. Plan approval, where required, shall be obtained prior to clearing or grading. No grading, clearing or excavation of land requiring a plan shall be undertaken prior to approval of the plan.

B. The erosion and sediment control facilities shall be constructed prior to any clearing and grading activities, and maintained in such a manner as to ensure that sediment laden water does not enter the drainage system or violate applicable water standards.

C. The implementation of an erosion and sediment control plan and the construction, maintenance, replacement, and upgrading of erosion and sediment control facilities is the responsibility of the owner or his/her designated representative until all construction is completed and approved, and vegetation, landscaping or approved finished surfaces is established.

D. The erosion and sediment control facilities herein are the minimum requirements for anticipated site conditions. During the construction period, these erosion and sediment control facilities shall be upgraded as needed for unexpected storm events and to ensure that sediment-laden water does not leave the site.

E. Any observation of visible or measurable erosion, or an observation of more than a ten-percent increase in downstream channel turbidities, will result in an enforcement action by the city.

F. The owner or his/her designated representative shall implement the measures and construct facilities as provided for and according to the implementation schedule in the approved plan. The manager shall be allowed reasonable access to the development site for inspection purposes.

Finding: Applicable. Plan approval is required and is required to be obtained per chapter 16.12. The Oregon City Erosion Control Officer ensures that the development will comply with the city's Erosion and Sediment Control Standards. The Oregon City Erosion Control Officer will access the development site and perform inspections to ensure compliance prior to any clearing and grading activities are permitted. The Oregon City Erosion Control Officer ensures implementation of an erosion and sediment control plan and the construction, maintenance, replacement, and upgrading of erosion and sediment control facilities. The Oregon City Erosion Control Officer may issue a Stop Work Order if the owner or his/her designated representative fails to implement and maintain the approved erosion control and sediment control plan until all construction is completed and approved, and vegetation, landscaping or approved finished surfaces is established.

17.47.090 - Plan performance guarantee and security.

After the plan is approved by the manager and prior to construction or grading, the owner shall provide a financial guarantee. Erosion and sediment control shall be included in the cost estimate for the primary project, such as land division or site plan, and included in that project's performance guarantee.

Finding: Complies as conditioned. See findings in Section 17.50.140.

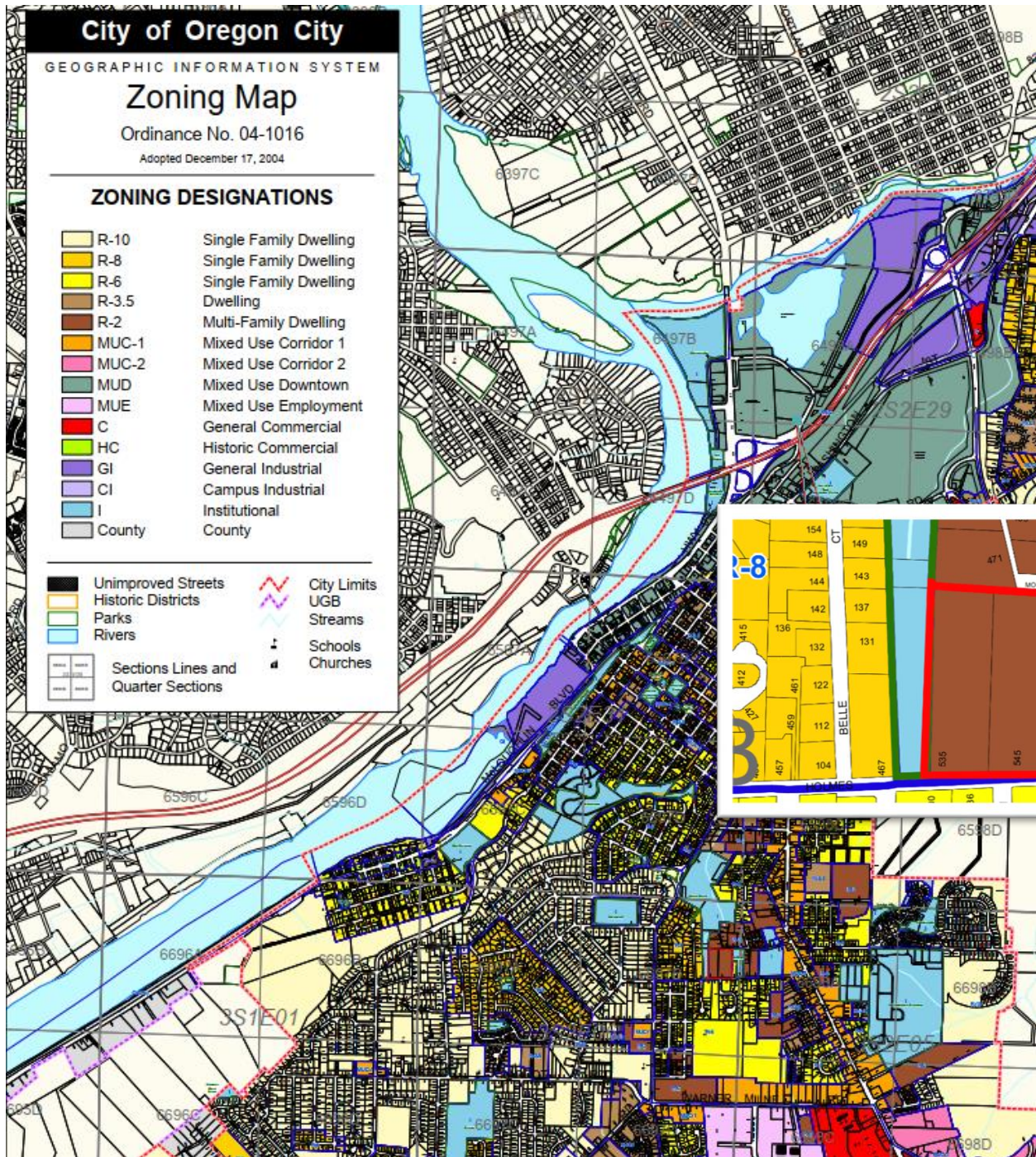
CHAPTER 17.12 HIGH DENSITY RESIDENTIAL DISTRICT

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.*

Finding: Complies as proposed. The site consists of two single-family dwellings, each on their own lot. The Applicant is proposing to perform a Lot Line Adjustment to reduce the size of 545 Holmes Lane in which the existing single-family home will be retained. Though the circa 1930 single-family dwelling is not a permitted use, it was existing on the lot prior to 2004 when the zoning designation was changed to multi-family. The proposal will amend the size of the associated lot, but to not the use of the single-family home.



The development includes a 60-unit condominium project consisting of twenty-five duplex, triplex, and quad plex style buildings. As after the lot line adjustment occurs, all the units will be on one tax lot (with a public street through the middle) the development meets the definition of a multi-family development, a permitted use.

17.12.040 - Dimensional standards.

Dimensional standards in the R-2 district are as follows:

Table 17.12.040

Standard**R-2***Minimum lot size¹*

- Duplex
- Single-family attached
- 3-4 plex and multifamily

4,000 sq. ft.
2,000 sq. ft.
6,000 sq. ft.

Finding: Complies as Proposed. The units are not proposed to be on separate lots. The applicant submitted a lot line adjustment that will modify the subject site by enlarging parcel 3-2E-06AA-05001 (the development site) and reducing the size of parcel 3-2E-06AA-05100. Following the property line adjustment, parcel 3-2E-06AA-05001 (multi-family) will be approximately 165,615 square feet and parcel 3-2E-06AA-05100 (single-family) will be 23,206 square feet. The tax lots will be further reduced by the dedication of right-of-way, though the resulting size will far exceed the minimum identified in this section.

*Maximum height**All, except**Multifamily*

35 ft., except
45 ft.

Finding: Complies as Proposed. Tallest structure proposed: 33' 10".

Maximum building lot coverage

85%

Finding: Complies with Condition.

Lot size: 165,615 square feet.

Building Footprints: approx. 54,653 square feet.

Lot coverage proposed: 33.09%

The existing site is developed with two single-family homes, each on its own lot. The applicant has proposed to demolish one home and all accessory buildings throughout the subject site. The demolition will result in a vacant lot and a lot with a single-family home. The above calculations demonstrate that the single-family home complies with the minimum lot coverage. The applicant shall demolish the single-family home at 535 Holmes Lane and all accessory structures on both lots prior to construction. The applicant may submit documentation demonstrating that an accessory structure on 545 Holmes Lane may be retained if the dimensional standards of the R-2 District and accessory structure standards in 17.54 are met. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*Minimum lot width**All, except**Single-family attached*

50 ft., except
20 ft.

Finding: Complies as Proposed. Smallest width proposed: approximately 268 feet and more than 100 feet.

*Minimum lot depth**All, except**Multifamily*

70 ft., except
75 ft.

Finding: Complies as Proposed. Smallest depth proposed: approximately 475 feet and 188 feet.

Minimum front yard setback

5 ft., except
0 ft. - Porch

Finding: Complies as Proposed. Smallest front setback proposed: approximately 12 feet.

Maximum front yard setback

20 ft.

Largest front setback proposed: OCMC 17.62.055.D., authorizes a larger front setback in conjunction with mitigation. The largest setback proposed is approximately 25 feet with design mitigation as authorized in 17.62.055. The front yard setback for the existing home will only be changed by any dedication.

Minimum interior side yard setback

All, except

Single-family attached

5 ft.¹
0 ft. (attached) / 5 ft.
(side)

Finding: Complies as Proposed. Smallest interior side yard setback proposed: 5.38' (unit 53).

Minimum corner side yard setback

5 ft.

Finding: Complies as Proposed. Smallest corner side setback proposed: 6' 7 ¾" (unit 13).

Minimum rear yard setback

10 ft.¹, except
5 ft. - Porch

Finding: Complies as Proposed. Smallest rear setback proposed: 10.19' (unit 15).

Garage setbacks

20 ft. from ROW,
except
5 ft. from alley

Finding: Complies as Proposed. Smallest garage setback proposed: twenty feet. The front yard setback for the existing home will only be changed by any dedication.

Minimum required landscaping (including landscaping within a parking lot)

15%

Finding: Complies with condition. The applicant did not provide a calculation for overall site landscaping, however, it appears that the amount of proposed landscaping will far exceed the minimum requirement of 15% based on initial calculations by staff as shown below. The applicant shall provide a revised landscaping plan indicating the percentage of landscaping is a minimum of 15% for both proposed lots prior to issuance of a building permit.

Lot size: 165,615 square feet

Square Feet of Landscaping: 50,318 square feet (approx. based on preliminary stormwater report pervious area)

Percentage: approx. 30%

The applicant can meet this standard by complying with the conditions of approval.

Notes:

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.

Finding: Complies with condition. The applicant proposed a three-foot wide landscaping strip abutting the R-6 zoned parcel to the east of the subject site (parcel 3-2E-06AA-05201), which does not meet the standard. Public concerns were raised regarding this standard. The applicant shall revise the proposed design to create a minimum of 10 foot width landscaped area between 3-2-E-06AA-5001 and 3-2E-06AA-5201. This revision will also affect the location of the drive aisles and units 1-5, however the applicant believes that they can maintain compliance with applicable standards. Prior to issuance of building permits, the applicant shall provide a revised site plan with a minimum of 10 foot width landscaped area between 3-2-E-06AA-5001 and 3-2E-06AA-5201. The revisions shall comply with all requirements of the Oregon City Municipal Code. A revised landscaping plan shall also be submitted. Although the City Commission acknowledges that it cannot require the preservation of existing landscaping within this buffer, the Commission strongly urges the applicant to maintain the trees located near the property line. **The applicant can meet this standard by complying with the conditions of approval.**

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.

Finding: Complies with Conditions. It is anticipated that some of the proposed units may have building projections such as cornices, eaves, overhangs, canopies, sunshades, gutters, chimneys, flues, sills, or similar architectural features projecting into the required yards by up to twenty-four inches. The applicant shall demonstrate that projections from buildings comply with OCMC 17.12.045. **The applicant can meet this standard by complying with the conditions of approval.**

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.

Finding: Complies as Proposed. Per the definition in OCMC 17.04.1280, "Through lot" means a lot having frontage on two streets that are not alleys. The site with the proposed multi-family meets the definition by having frontage on Mountain View Avenue and Holmes Lane. The applicant exceeds the minimum front setback on both frontages with proposed twenty-foot setbacks along Holmes Lane and a ten-foot setback along Mountainview Street.

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.

Finding: Complies as Proposed. In calculating the density for the proposed 60-unit condominium project, Sections 17.04.808 and 17.04.810 of the Code define Net density and Net developable area to mean the number of dwelling units divided by the net developable area, as measured in acres. The net

developable area, as defined in Section 17.04.810, “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.

The net developable area is calculated below.

Deductions from Gross Square Footage:

Holmes Lane right-of-way	2,796 Sq. Ft.
New Public Street right-of-way	26,269 Sq. Ft.
Mountain View St. right-of-way	1,112 Sq. Ft.
Public Open Space	6,232 Sq. Ft.
Private Open Space	1,200 Sq. Ft.
<u>Water Quality</u>	<u>4,922 Sq. Ft.</u>
Total =	42,531 Sq. Ft. in Deductions

Gross Square Footage	165,615 Sq. Ft.
<u>-Deductions</u>	<u>42,531 Sq. Ft.</u>
Net Square Footage =	123,084 Sq. Ft. or 2.82 Net Acres

In this case, there are 123,084 Sq. Ft. or 2.82 net buildable acres because of right-of-way dedications, open space areas, and water quality areas are all excluded in the overall calculation of net buildable acreage. Calculating net density per the dimensional standards listed above provides for up to 61 units (123,084 Sq. Ft. divided by 2,000 Sq. Ft. (single-family attached) = 61.5 or 62 units). The Applicant’s proposal is for 60 units, which is slightly below the maximum allowed in the R-2 zone, thus satisfying the density requirements.

An affordable housing density bonus was not proposed.

CHAPTER 17.41 – TREE PROTECTION, PRESERVATION, REMOVAL AND REPLANTING STANDARDS

17.41.020 - Tree protection—Applicability.

1. Applications for development subject to OCMC 16.08 (Land Divisions) or OCMC 17.62 (Site Plan and Design Review) shall demonstrate compliance with these standards as part of the review proceedings for those developments. Compliance with this chapter is required from the date a land use application is filed until a land division is recorded or other development approval is final.

2. *For public capital improvement projects, the City Engineer shall demonstrate compliance with these standards pursuant to a Type I process.*
3. *Tree canopy removal greater than twenty-five percent on areas with greater than twenty-five percent slope, unless exempted under OCMC 17.41.040, shall be subject to these standards.*
4. *A heritage tree or grove which has been designated pursuant to the procedures of OCMC 12.32 shall be subject to the standards of this section.*
5. *A tree that has been planted pursuant to this section shall remain or shall be replaced with a new tree if removed.*

Finding: Applicable. The property located at 535 Holmes Lane after the Lot Line Adjustment is seeking an application for site plan and design review, therefore, this chapter applies to the reconfigured 535 Holmes Lane. The reconfigured 545 Holmes Lane is not seeking site plan and design review and thus this chapter does not apply to the reconfigured lot.

17.41.030 - Tree protection—Conflicting code provisions.

Except as otherwise specified in this section, where these standards conflict with adopted city development codes or policies, the provision which provides the greater protection for regulated trees or groves, as defined in OCMC 17.04, shall govern.

Finding: Not applicable. No conflicting code provisions are apparent.

17.41.040 - Exemptions.

These regulations are not intended to regulate normal cutting, pruning and maintenance of trees on private property except where trees are located on lots that are undergoing development review or are otherwise protected within the Natural Resource Overlay District (NROD) of OCMC 17.49. These standards are not intended to regulate farm and forest practices as those practices are defined under ORS 30.930, for farm or forestlands. These regulations do not apply to the removal of trees that are considered invasive species. An applicant for development may claim exemption from compliance with these standards if the development site containing the regulated grove or trees was a designated farm or forest use, tree farm, Christmas tree plantation, or other approved timber use within one year prior to development application. "Forest practices" and "forestlands" as used in this subsection shall have the meaning as set out in ORS 30.930. The Community Development Director has the authority to modify or waive compliance in this case.

Finding: Not applicable. The applicant did not seek exemption from the standards. The property is not within the Natural Resources Overlay District, nor is the applicant claiming exemption from the standards under ORS 30.390. There are no farm or forest practices existing or proposed.

17.41.050 - Compliance options.

Applicants for review shall comply with these requirements through one or a combination of the following procedures:

- A. *Option 1—Mitigation. Retention and removal of trees, with subsequent mitigation by replanting pursuant to OCMC 17.41.060.*
- B. *Option 2—Dedicated Tract. Protection of trees or groves by placement in a tract within a new subdivision or partition plat pursuant to OCMC 17.41.080; or*
- C. *Option 3—Restrictive Covenant. Protection of trees or groves by recordation of a permanent restrictive covenant pursuant to OCMC 17.41.110; or*
- D. *Option 4—Cash-in-lieu of planting pursuant to OCMC 17.41.120.*

Finding: Complies with conditions. The Applicant proposes meeting the tree protection, preservation, removal and replanting standards through options 1 and 4 above. Except for the existing vegetation and trees to remain at 535 Holmes Lane after the lot line adjustment, the remainder of the existing trees are

proposed to be removed to accommodate the proposed development. The Applicant is requesting to pay a cash-in-lieu of planting pursuant to OCMC 17.41.120. This option is only available if the applicant can demonstrate that the site cannot physically accommodate additional tree plantings. The applicant did not submit a tree retention, removal, and replanting plan for review and further the plans submitted appear to not accurately reflect the existing conditions and the number of trees proposed to be removed. For example, the existing conditions plan indicates that an existing hedge will be protected, but the hedge is not identified on the plans and public comment was received regarding trees which did not appear on the existing conditions plan. The City values the presence of existing trees which add to the character of the neighborhood nearby parks, provide shade, buffer properties, and have positive environmental effects and encourages their retention. Trees larger in size and groupings of trees are of particular importance. Prior to issuance of a permit associated with the proposed development, the applicant shall submit a revised mitigation plan, which includes a calculation for the number of mitigation trees required in accordance with Table 17.41.060-1. As noted above, the City urges the applicant to preserve the trees located within the required buffer area. The applicant will be allowed to pay a fee-in-lieu, or plant off-site any trees that cannot be accommodated onsite. **The applicant can meet this standard by complying with the conditions of approval.**

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

A. Applicants for development who select this option shall ensure that all healthy trees shall be preserved outside the construction area as defined in OCMC 17.04 to the extent practicable. Preserved trees are subject to Option 3 of this Chapter. Compliance with these standards shall be demonstrated in a tree mitigation plan report prepared by a certified arborist, horticulturalist or forester or other environmental professional with experience and academic credentials in forestry or arboriculture. Tree inventories for the purposes of mitigation calculations may be prepared by a licensed surveyor. At the applicant's expense, the City may require the report to be reviewed by a consulting arborist. The number of replacement trees required on a development site shall be calculated separately from, and in addition to, any public or street trees in the public right-of-way required under OCMC 12.08— Public and Street Trees, any required tree planting in parking lots, and any trees planted in pedestrian and bicycle accessways.

Finding: Complies with conditions. The applicant did not submit a tree retention, removal, and replanting plan for review prepared by a certified arborist, horticulturalist or forester or other environmental professional with experience and academic credentials in forestry or arboriculture. Prior to issuance of a permit associated with the proposed development, the applicant shall submit a tree retention, removal and replanting or mitigation plan prepared in accordance with OCMC 17.41, which includes a calculation for the number of mitigation trees required in accordance with this standard and Table 17.41.060-1. The City values the presence of existing trees which add to the character of the neighborhood nearby parks, provide shade, buffer properties, and have positive environmental effects and encourages their retention. Trees larger in size and groupings of trees are of particular importance. As stated in this code section, the number of replacement trees required on a development site shall be calculated separately from, and in addition to, any public or street trees in the public right-of-way required under OCMC 12.08— Public and Street Trees, any required tree planting in parking lots, and any trees planted in pedestrian and bicycle accessways. The city may accept fee-in-lieu of planting or off-site planting of trees for any mitigation trees that cannot be replanted on-site due to lack of available area. **The applicant can meet this standard by complying with the conditions of approval.**

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

1. Trees that are removed outside of the construction area shall be replanted with the number of trees specified in Column 1 of Table 17.41.060-1. Trees that are removed within the construction area shall be replanted with the number of replacement trees required in Column 2; or
2. Dying, diseased or hazardous trees, when the condition is verified by a certified arborist to be consistent with the definitions in OCMC 17.04, may be removed from the tree replacement calculation. Dead trees may also be removed from the calculation, with the condition of the tree verified either by the Community Development Director or by a certified arborist at the applicant's expense, when the Community Development Director cannot make a determination. To the extent that the Community Development Director determines that the dead, dying, hazardous or diseased condition of the tree is the result of intentional action, the removal of that tree shall require mitigation pursuant to Column 2 of Table 17.41.060-1.

Finding: Complies with conditions.

The applicant did not submit a tree retention, removal, and replanting plan for review prepared by a certified arborist, horticulturalist or forester or other environmental professional with experience and academic credentials in forestry or arboriculture. Prior to issuance of a permit associated with the proposed development, the applicant shall submit a tree retention, removal and replanting or mitigation plan prepared in accordance with OCMC 17.41, which includes a calculation for the number of mitigation trees required in accordance with this standard and Table 17.41.060-1. The City values the presence of existing trees which add to the character of the neighborhood nearby parks, provide shade, buffer properties, and have positive environmental effects and encourages their retention. Trees larger in size and groupings of trees are of particular importance. As stated in this code section, the number of replacement trees required on a development site shall be calculated separately from, and in addition to, any public or street trees in the public right-of-way required under OCMC 12.08— Public and Street Trees, any required tree planting in parking lots, and any trees planted in pedestrian and bicycle accessways. The city may accept fee-in-lieu of planting or off-site planting of trees for any mitigation trees that cannot be replanted on-site due to lack of available area. **The applicant can meet this standard by complying with the conditions of approval.**

Table 17.41.060-1
Tree Replacement Requirements

Size of tree removed (DBH)	Column 1 Number of trees to be planted. (If removed Outside of construction area)	Column 2 Number of trees to be planted. (If removed Within the construction area)
6 to 12"	3	1
13 to 18"	6	2
19 to 24"	9	3
25 to 30"	12	4
31 and over"	15	5

Steps for calculating the number of replacement trees:

1. Count all trees measuring six inches DBH (minimum four and one-half feet from the ground) or larger on the entire development site.
2. Designate the size (DBH) of all trees pursuant to accepted industry standards.

3. Document in a certified arborist report any trees that are currently dead, dying, diseased or hazardous.
4. Subtract the number of dead, dying, diseased or hazardous trees in step 3 from the total number of trees on the development site in step 1. The remaining number is the number of healthy trees on the site. Use this number to determine the number of replacement trees in steps 5 through 8.
5. Identify the construction area (as defined in OCMC 17.04.230).
6. Determine the number and diameter of trees to be removed within the construction area. Based on the size of each tree, use Column 2 to determine the number of replacement trees required.
7. Determine the number and diameter of trees to be removed outside of the construction area. Based on the size of each tree, use Column 1 to determine the number of replacement trees required.
8. Determine the total number of replacement trees from steps 6 and 7.

Finding: Complies with conditions. The applicant did not submit a tree retention, removal, and replanting plan for review prepared by a certified arborist, horticulturalist or forester or other environmental professional with experience and academic credentials in forestry or arboriculture. Prior to issuance of a permit associated with the proposed development, the applicant shall submit a tree retention, removal and replanting or mitigation plan prepared in accordance with OCMC 17.41, which includes a calculation for the number of mitigation trees required in accordance with this standard and Table 17.41.060-1. The City values the presence of existing trees which add to the character of the neighborhood nearby parks, provide shade, buffer properties, and have positive environmental effects and encourages their retention. Trees larger in size and groupings of trees are of particular importance. As stated in this code section, the number of replacement trees required on a development site shall be calculated separately from, and in addition to, any public or street trees in the public right-of-way required under OCMC 12.08— Public and Street Trees, any required tree planting in parking lots, and any trees planted in pedestrian and bicycle accessways. The city may accept fee-in-lieu of planting or off-site planting of trees for any mitigation trees that cannot be replanted on-site due to lack of available area. **The applicant can meet this standard by complying with the conditions of approval.**

C. Planting area priority for mitigation.

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

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

Finding: Complies with conditions. The applicant did not submit a tree retention, removal, and replanting plan for review prepared by a certified arborist, horticulturalist or forester or other environmental professional with experience and academic credentials in forestry or arboriculture. Prior to issuance of a permit associated with the proposed development, the applicant shall submit a tree retention, removal and replanting or mitigation plan prepared in accordance with OCMC 17.41, which includes a calculation for the number of mitigation trees required in accordance with this standard and Table 17.41.060-1. The City values the presence of existing trees which add to the character of the neighborhood nearby parks, provide shade, buffer properties, and have positive environmental effects and encourages their retention. Trees larger in size and groupings of trees are of particular importance. As stated in this code section, the number of replacement trees required on a development site shall be calculated separately from, and in

addition to, any public or street trees in the public right-of-way required under OCMC 12.08— Public and Street Trees, any required tree planting in parking lots, and any trees planted in pedestrian and bicycle accessways. The city may accept fee-in-lieu of planting or off-site planting of trees for any mitigation trees that cannot be replanted on-site due to lack of available area. **The applicant can meet this standard by complying with the conditions of approval.**

D. Replacement tree planting standards.

1. All replacement trees shall be either two-inch caliper deciduous or six-foot high conifer.
2. Replacement tree species shall be approved by a landscape architect or certified arborist or shall be found on the City's Native Plant or Street Tree lists.
3. Due to their diminishing range in the region, Oregon white oak (*Quercus garryana*) trees, if removed, shall be replaced by the same species.

E. All existing tree(s) in the tract shall be protected by a permanent restrictive covenant or easement approved in form by the City.

Finding: Complies with conditions. The applicant did not submit a tree retention, removal, and replanting plan for review prepared by a certified arborist, horticulturalist or forester or other environmental professional with experience and academic credentials in forestry or arboriculture. Prior to issuance of a permit associated with the proposed development, the applicant shall submit a tree retention, removal and replanting or mitigation plan prepared in accordance with OCMC 17.41, which includes a calculation for the number of mitigation trees required in accordance with this standard and Table 17.41.060-1. The City values the presence of existing trees which add to the character of the neighborhood nearby parks, provide shade, buffer properties, and have positive environmental effects and encourages their retention. Trees larger in size and groupings of trees are of particular importance. As stated in this code section, the number of replacement trees required on a development site shall be calculated separately from, and in addition to, any public or street trees in the public right-of-way required under OCMC 12.08— Public and Street Trees, any required tree planting in parking lots, and any trees planted in pedestrian and bicycle accessways. The city may accept fee-in-lieu of planting or off-site planting of trees for any mitigation trees that cannot be replanted on-site due to lack of available area. **The applicant can meet this standard by complying with the conditions of approval.**

F. Alternative mitigation plan.

The Community Development Director may, subject to a Type II procedure, approve an alternative mitigation plan that adequately protects habitat pursuant to the standards for the Natural Resource Overlay District alternative mitigation plan in OCMC 17.49.190.

Finding: Not applicable. The applicant did not propose an alternative mitigation plan. The site is not within the Natural Resource Overlay District.

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

Finding: Not applicable. The applicant has not proposed to use Option 2.

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

Finding: Not applicable. The applicant has not proposed to use Option 3.

A. Permitted adjustments.

1. The Community Development Director, pursuant to a Type II procedure, may grant an adjustment to the side, front and rear yard setback standards by up to fifty percent if necessary to retain a Regulated Tree or Grove through a restrictive covenant pursuant to this section. In no case may the side yard setback

be reduced to less than three feet. The adjustment shall be the minimum necessary to accomplish preservation of trees on the lot and shall not conflict with other conditions imposed on the property.

2. The City Engineer may grant an adjustment to street standards , pursuant to adopted public works standards, in order to preserve a tree. This may include flexibility to redesign sidewalk and planter strip sizes and locations and allow placement of sidewalks and planter strips in an easement within private lots.

3. The Community Development Director, pursuant to a Type II procedure, may allow other adjustments in order to preserve any healthy tree that cannot be moved due to its size, but will contribute to the landscape character of the area and will not present a foreseeable hazard if retained.

Finding: Not applicable. The applicant has not proposed any reductions in side, front or rear setbacks, modification of street standards, or any other adjustments in order to preserve trees.

17.41.120 - Cash-in-lieu of planting (Option 4).

The applicant may choose this option in-lieu-of or in addition to Compliance Options 1 through 3. In this case, the Community Development Director may approve the payment of cash-in-lieu into a dedicated fund for the remainder of trees that cannot be replanted in the manner described above.

The cash-in-lieu payment per required mitigation tree shall be as listed on the adopted fee schedule and shall be adjusted annually based on the Consumer Price Index. The price shall include 150% of the cost of materials, transportation and planting.

Finding: Complies with conditions. The applicant did not submit a tree retention, removal, and replanting plan for review prepared by a certified arborist, horticulturalist or forester or other environmental professional with experience and academic credentials in forestry or arboriculture. Prior to issuance of a permit associated with the proposed development, the applicant shall submit a tree retention, removal and replanting or mitigation plan prepared in accordance with OCMC 17.41, which includes a calculation for the number of mitigation trees required in accordance with this standard and Table 17.41.060-1. The City values the presence of existing trees which add to the character of the neighborhood nearby parks, provide shade, buffer properties, and have positive environmental effects and encourages their retention. Trees larger in size and groupings of trees are of particular importance. As stated in this code section, the number of replacement trees required on a development site shall be calculated separately from, and in addition to, any public or street trees in the public right-of-way required under OCMC 12.08— Public and Street Trees, any required tree planting in parking lots, and any trees planted in pedestrian and bicycle accessways. The city may accept fee-in-lieu of planting or off-site planting of trees for any mitigation trees that cannot be replanted on-site due to lack of available area. **The applicant can meet this standard by complying with the conditions of approval.**

17.41.130 - Regulated tree protection procedures during construction.

A. No permit for any grading or construction of public or private improvements may be released prior to verification by the Community Development Director that regulated trees designated for protection or conservation have been protected according to the following standards. No trees designated for removal shall be removed without prior written approval from the Community Development Director.

B. Tree protection shall be as recommended by a qualified arborist or, as a minimum, to include the following protective measures:

1. Except as otherwise determined by the Community Development Director, all required tree protection measures set forth in this section shall be instituted prior to any development activities, including, but not limited to clearing, grading, excavation or demolition work, and such measures shall be removed only after completion of all construction activity, including necessary landscaping and irrigation installation, and any required plat, tract, conservation easement or restrictive covenant has been recorded.

2. *Approved construction fencing, a minimum of four feet tall with steel posts placed no farther than ten feet apart, shall be installed at the edge of the tree protection zone or dripline, whichever is greater. An alternative may be used with the approval of the Community Development Director.*
 3. *Approved signs shall be attached to the fencing stating that inside the fencing is a tree protection zone, not to be disturbed unless prior approval has been obtained from the Community Development Director.*
 4. *No construction activity shall occur within the tree protection zone, including, but not limited to; dumping or storage of materials such as building supplies, soil, waste items; nor passage or parking of vehicles or equipment.*
 5. *The tree protection zone shall remain free of chemically injurious materials and liquids such as paints, thinners, cleaning solutions, petroleum products, and concrete or dry wall excess, construction debris, or run-off.*
 6. *No excavation, trenching, grading, root pruning or other activity shall occur within the tree protection zone unless directed by an arborist present on site and approved by the Community Development Director.*
 7. *No machinery repair or cleaning shall be performed within ten feet of the dripline of any trees identified for protection.*
 8. *Digging a trench for placement of public or private utilities or other structure within the critical root zone of a tree to be protected is prohibited. Boring under or through the tree protection zone may be permitted if approved by the Community Development Director and pursuant to the approved written recommendations and on-site guidance and supervision of a certified arborist.*
 9. *The Community Development Director may require that a certified arborist be present during any construction or grading activities that may affect the dripline of trees to be protected.*
 10. *The Community Development Director may impose conditions to avoid disturbance to tree roots from grading activities and to protect trees and other significant vegetation identified for retention from harm. Such conditions may include, if necessary, the advisory expertise of a qualified consulting arborist or horticulturist both during and after site preparation, and a special maintenance/management program to provide protection to the resource as recommended by the arborist or horticulturist.*
- C. Changes in soil hydrology due to soil compaction and site drainage within tree protection areas shall be avoided. Drainage and grading plans shall include provision to ensure that drainage of the site does not conflict with the standards of this section. Excessive site run-off shall be directed to appropriate storm drainage facilities and away from trees designated for conservation or protection.*

Finding: Complies with conditions. The applicant did not respond to this criterion. Prior to issuance of development permits the applicant shall submit documentation demonstrating compliance with the tree protection standards in OCMC 17.41.130. **The applicant can meet this standard by complying with the conditions of approval.**

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.

Finding: Complies. The applicant applied for and attended three pre-application conferences to discuss the proposed development with staff (PA-19-00045, PA-19-00065 and PA-20-00016). PA-20-00016 was held on May 5, 2020. The Community Development Director waived a fourth pre-application conference since neither the applicant's proposal nor the applicable development standards had changed significantly. The land use application was filed January 11, 2021.

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. The applicant attended a virtual meeting with members of the Barclay Hills Neighborhood Association on November 10, 2021. A copy of the email, sign-in sheet, and minutes was provided.

17.50.090 - Public notices.

All public notices issued by the city announcing applications or public hearings of quasi-judicial or legislative actions, shall comply with the requirements of this section.

A. Notice of Type II Applications. Once the community development director has deemed a Type II application complete, the city shall prepare and send notice of the application, by first class mail, to all record owners of property within three hundred feet of the subject property and to any city-recognized neighborhood association whose territory includes the subject property. The applicant shall provide or the city shall prepare for a fee an accurate and complete set of mailing labels for these property owners and for posting the subject property with the city-prepared notice in accordance with OCMC [17.50.100](#). The city's Type II notice shall include the following information:

- 1. Street address or other easily understood location of the subject property and city-assigned planning file number;*
- 2. A description of the applicant's proposal, along with citations of the approval criteria that the city will use to evaluate the proposal;*
- 3. A statement that any interested party may submit to the city written comments on the application during a fourteen-day comment period prior to the city's deciding the application, along with instructions on where to send the comments and the deadline of the fourteen-day comment period;*
- 4. A statement that any issue which is intended to provide a basis for an appeal shall be raised in writing during the fourteen-day comment period with sufficient specificity to enable the city to respond to the issue;*
- 5. A statement that the application and all supporting materials may be inspected, and copied at cost, at city hall during normal business hours;*
- 6. The name and telephone number of the planning staff person assigned to the application or is otherwise available to answer questions about the application;*
- 7. The notice shall state that a city-recognized neighborhood association requesting an appeal fee waiver pursuant to OCMC 17.50.290.C must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal.*

Finding: Complies. Notice of the proposed development was provided in accordance with this section on May 10, 2021 with a comment deadline of May 24, 2021. Due to the addition of new information by the applicant after the public notice was sent (consisting of slight revisions to the street facing facades of some of the units), a second public notice was provided on May 21, 2021 with a comment deadline of June 4, 2021. The Planning Division office was closed the last day of the public comment period. Though comments were able to be received via mail, email, and at other city facilities such as City Hall (in which one was submitted on that day and included within the record), the city has a practice of not ending a public comment period on a day the Planning Division office is closed. After hearing concern that the office was closed from the chair of the neighborhood association on June 4th, an email was sent to the chair and vice chair of the neighborhood association letting them know that the comment period would be extended to June 7th. No additional comments were received during this extended time period.

17.50.100 - Notice posting requirements.

Where this chapter requires notice of a pending or proposed permit application or hearing to be posted on the subject property, the requirements of this section shall apply.

A. City Guidance and the Applicant's Responsibility. The City shall supply all of the notices which the applicant is required to post on the subject property and shall specify the dates the notices are to be posted

and the earliest date on which they may be removed. The City shall also provide a statement to be signed and returned by the applicant certifying that the notice(s) were posted at the correct time and that if there is any delay in the City's land use process caused by the applicant's failure to correctly post the subject property for the required period of time and in the correct location, the applicant agrees to extend the applicable decision-making time limit in a timely manner.

B. **Number and Location.** The applicant shall place the notices on each frontage of the subject property. If the property's frontage exceeds six hundred feet, the applicant shall post one copy of the notice for each six hundred feet or fraction thereof. Notices do not have to be posted adjacent to alleys or unconstructed right-of-way. Notices shall be posted within ten feet of the street and shall be visible to pedestrians and motorists. Notices shall not be posted within the public right-of-way or on trees. The applicant shall remove all signs within ten days following the event announced in the notice.

Finding: Complies. The property was posted with land use notices on May 10, 2021 and again on May 21, 2021. The notices were posted within ten feet of the street and were visible to pedestrians and motorists. The initial location was chosen at the direction of staff so that it would be visible from the intersection of Rilance Lane and Holmes Lane, however, the sign was slightly obscured by vegetation when viewed from the east. Though slightly obscured, the sign was visible to both pedestrians and motorists. Due to a complaint about the visibility of the Holmes Lane notice due to vegetation, staff relocated the notice on 5/26/2021, relocating it slightly further to the west.



17.50.140 – Financial guarantees.

When conditions of permit approval require a permittee to construct certain public improvements, the City shall require the permittee to provide financial guarantee for construction of the certain public improvements. Financial guarantees shall be governed by this section.

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

B. **Performance Guarantees.** A permittee shall be required to provide a performance guarantee as follows.

1. **After Final Approved Design by The City:** The City may request the Permittee to submit a Performance Guarantee for construction of certain public improvements. A permittee may request the option of submitting a Performance Guarantee when prepared for temporary/final occupancy. The guarantee shall

be one hundred twenty percent of the estimated cost of constructing the public improvements as submitted by the permittee's engineer. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the City Engineer.

2. *Before Complete Design Approval and Established Engineered Cost Estimate:* The City may request a permittee to submit a Performance Guarantee for construction of certain public improvements. A permittee may request the option of submitting a performance guarantee before public improvements are designed and completed. The guarantee shall be one hundred fifty percent of the estimated cost of constructing the public improvements as submitted by the permittee's engineer and approved by the City Engineer. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the City Engineer.

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

D. *Fee-in-lieu.* When conditions of approval or the City Engineer allows a permittee to provide a fee-in-lieu of actual construction of public improvements, the fee shall be one hundred fifty percent of the estimated cost of constructing the public improvements as submitted by the permittee's engineer and approved by the City Engineer. The percentage required is to ensure adequate funds for the future work involved in design, bid, contracting, and construction management and contract closeout. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the City Engineer. The fee-in-lieu shall be submitted as cash, certified check, or other negotiable instrument acceptable by the City Attorney.

Finding: Complies as conditioned. Performance Guarantee which is equal to 120% of the estimated cost for construction of public improvements as shown in city approved construction plans shall be provided prior to receiving a permit and beginning construction. The estimated costs shall be supported by a verified engineering estimate and approved by the city engineer. The guarantee shall be in a form identified in Code 17.50.140.A of the Oregon City Municipal Code. The guarantee shall remain in effect until the construction of all required improvements are completed and accepted by the city. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.50.141 – Public improvements – Warranty

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. The warranty is to be used at the discretion of the City Engineer or designee to correct deficiencies in materials or maintenance of constructed public infrastructure, or to address any failure of engineering design.

A. *Duration of Warranty.* Responsibility for maintenance of public improvements shall remain with the property owner or developer for a warranty period of two years.

B. *Financial Guarantee.* Approvable forms of guarantee include irrevocable standby letters of credit to the benefit of the City issued by a recognized lending institution, bond, certified checks, dedicated bank accounts or allocations of construction loans held in reserve by the lending institution for the benefit of the City. The form of guarantee shall be specified by the City Engineer and, prior to execution and acceptance by the City shall be reviewed and approved by the City Attorney. The guarantee shall be filed with the City Engineer.

C. *Amount of Warranty.* The amount of the warranty shall be equal to fifteen percent of the estimated cost of construction of all public improvements (including those improvements that will become owned and maintained by the City at the end of the two year maintenance period), and shall be supported by a verified engineering estimate and approved by the City Engineer. Upon expiration of the warranty period and acceptance by the City as described below, the City shall be responsible for maintenance of those improvements.

D. *Transfer of Maintenance.* The City will perform an inspection of all public improvements approximately forty-five days before the two-year warranty period expires. The public improvements shall be found to be in a clean, functional condition by the City Engineer before acceptance of maintenance responsibility by the City. Transfer of maintenance of public improvements shall occur when the City accepts the improvements at the end of the two year warranty period. **Finding: Complies as conditioned.** Maintenance Guarantee equal to fifteen percent of the estimated cost for construction of public improvements as shown in city approved construction plans shall be provided prior to occupancy. The estimated costs shall be supported by a verified engineering estimate approved by the City Engineer. The guarantee shall be in a form identified in Code 17.50.140.A of the Oregon City Municipal Code. The maintenance guarantee shall warrant to the City of Oregon City that construction of public improvements will remain, for a period of twenty-four (24) months from the date of acceptance, free from defects in materials and workmanship. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

CHAPTER 17.52 OFF-STREET PARKING AND LOADING

The following applies to the proposed multi-family development.

17.52.010 - Applicability.

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

Finding: Applies. The proposal is for a multi-family development proposal.

17.52.020 - Number of automobile spaces required.

A. *The number of parking spaces shall comply with the minimum and maximum standards listed in Table 17.52.020. The parking requirements are based on spaces per one thousand square feet net leasable area unless otherwise stated.*

Table 17.52.020		
LAND USE	PARKING REQUIREMENTS	
	MINIMUM	MAXIMUM
Multifamily Residential	1.00 per unit	2.5 per unit

1. *Multiple Uses.* In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.

Finding: Complies with Condition. The proposal meets the definition of multifamily residential because it includes 5 or more units on one lot. Though the development extends across both sides of public roadway, the development is on a single lot. Pursuant to the minimum and maximum standards listed in Table 17.52.020, the minimum parking requirement is 1.00 off-street parking space per unit, and the maximum parking requirement is 2.50 off-street parking spaces per unit. Based on these requirements, the minimum off-street parking requirement for the Applicant's proposal is 60, and the maximum off-street parking requirement is 150. The Applicant is proposing 116 off-street parking spaces consisting of a combination of single car garages for each unit, driveways of at least 20 feet in length for units 14-60, and 9 spaces in the drive aisle. In addition there are an additional 31 spaces within the public street (which do not have to be counted toward off-street parking). The Applicant's proposal exceeds the minimum off-street parking requirement for multi-family development per Table 17.52.020. The applicant may reduce the number of on or off-street parking provided as needed in order to accommodate for the revisions to allow for the enlarged landscaped buffer with the adjoining site. The "dead-end" design of the drive aisles (turnaround) shall be marked with no-parking signs or markings for large emergency vehicles and other long vehicles in the form of a hammerhead or other design in accordance with Clackamas Fire District No. 1. The development shall include whatever improvements, coupled with requisite access easement, identified by Clackamas Fire District No 1 as are necessary to accommodate emergency vehicles. **The applicant can meet this standard by complying with the conditions of approval.**

2. Requirements for types of buildings and uses not specifically listed herein shall be determined by the Community Development Director, based upon the requirements of comparable uses listed.

Finding: Not applicable. The use is listed in Table 17.52.020.

3. Where calculation in accordance with the above list results in a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall require one space.

Finding: Complies as Proposed. Fractions were rounded in accordance with this chapter.

4. Fleet vehicle parking shall be accommodated within the maximum parking ratio, except that in GI, CI, and MUE zones, fleet vehicle parking may be included in a parking lot in addition to the maximum number of permitted parking spaces.

Finding: Not applicable. The proposal does not include fleet vehicles.

5. A change in use within an existing habitable building located in the MUD Design District or the Willamette Falls Downtown District is exempt from additional parking requirements. Additions to an existing building and new construction are required to meet the minimum parking requirements for the areas as specified in Table 17.52.020 for the increased square footage.

Finding: Not applicable. The proposal is not within the MUD or WFD districts.

B. Parking requirements can be met either onsite, or offsite by meeting one or multiple of the following conditions:

1. Parking may be located on the same site as the associated use which it is supporting.

Finding: Complies as Proposed. The parking lot is located on the same site as the use it is supporting.

2. Mixed Uses. If more than one type of land use occupies a single structure or parcel of land, the total requirements for off-street automobile parking shall be the sum of the requirements for all uses, unless it can be shown that the peak parking demands are actually less (e.g. the uses operate on different days or

at different times of the day). In that case, the total requirements shall be reduced accordingly, up to a maximum reduction of fifty percent, as determined by the Community Development Director.

Finding: Not applicable. The proposal does not include a mix of uses.

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

Finding: Not applicable. The applicant has not proposed shared parking.

4. *On-Street Parking.* On-street parking may be counted toward the minimum standards when it is on the street face abutting the subject land use. An on-street parking space shall not obstruct a required clear vision area and it shall not violate any law or street standard. On-street parking for commercial uses shall conform to the following standards:

a. *Dimensions.* The following constitutes one on-street parking space:

1. *Parallel parking:* twenty-two feet of uninterrupted and available curb;
2. *Forty-five and/or sixty-degree diagonal parking:* Fifteen feet of curb;
3. *Ninety-degree (perpendicular) parking:* Twelve feet of curb.

4. *Public Use Required for Credit.* On-street parking spaces counted toward meeting the parking requirements of a specific use may not be used exclusively by that use, but shall be available for general public use at all times. Signs or other actions that limit general public use of on-street spaces are prohibited.

Finding: Complies as proposed. The applicant has not proposed to utilize on-street parking stalls to meet the minimum parking requirements. All parking requirements will be met using private driveways, parking along the drive aisle, and garages for the units.

C. *Reduction of the Number of the Minimum Automobile Spaces Required.* Any combination of the reductions below is permitted unless otherwise noted.

1. *Downtown Parking Overlay.* The minimum required number of parking stalls is reduced within the Downtown Parking Overlay by fifty percent.

2. *Transit Oriented Development.* For projects not located within the Downtown Parking Overlay District, the minimum required number of parking stalls is reduced up to twenty-five percent when:

- a. *In a commercial center (sixty thousand square feet or greater of retail or office use measured cumulatively within a five hundred foot radius) or*
- b. *When adjacent to multi-family development with over eighty units or*
- c. *Within 1,320 feet of an existing or planned public transit street and within 1,320 feet of the opposite use (commercial center or multi-family development with over eighty units).*

3. *Tree Preservation.* The Community Development Director may grant an adjustment to any standard of this requirement provided that the adjustment preserves a designated heritage tree or grove so that the reduction in the amount of required pavement can help preserve existing healthy trees in an undisturbed, natural condition.

4. *Transportation Demand Management.* The Community Development Director shall reduce the required number of parking stalls up to twenty-five percent when a parking-traffic study prepared by a traffic engineer demonstrates alternative modes of transportation, including transit, bicycles, and walking, and/or special characteristics of the customer, client, employee or resident population will reduce expected vehicle use and parking space demand for this development, as compared to standard Institute of

Transportation Engineers vehicle trip generation rates and further that the transportation demand management program promotes or achieves parking utilization lower than minimum city parking requirements.

A transportation demand management (TDM) program shall be developed to include strategies for reducing vehicle use and parking demand generated by the development and will be measured annually. If, at the annual assessment, the City determines the plan is not successful, the plan may be revised. If the City determines that no good-faith effort has been made to implement the plan, the City may take enforcement actions.

5. The minimum required number of stalls may be reduced by up to ten percent when the subject property is adjacent to an existing or planned fixed public transit route or within one thousand feet of an existing or planned transit stop.

Finding: Not applicable. The applicant did not request a reduction in the minimum automobile space required.

17.52.030 - Standards for automobile parking.

A. Access. Ingress and egress locations on public thoroughfares shall be located in the interests of public traffic safety and meet requirements of OCMC 16.12.035. Groups of more than four parking spaces shall be so located and served by driveways so that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley.

Finding: Complies as proposed. Analysis of ingress and egress was analyzed in the submitted transportation impact study for public streets. Please refer to findings under OCMC 16.12.035.

No access from individual units is proposed directly onto the new public street. A private drive aisle would serve as access to the garages for 13 units located along the east part of the development. The access for this driveway is near the east property boundary and about 70 feet from the new public street intersection established at Mountainview Street. All access to individual units is to the internal private street system, which functions similar to drive aisles in a traditional multi-family development.

Since all of the units will be accessed by private drive aisles, there will be no backing movements or other maneuvering within any public street rights-of-way.

B. Surfacing. Required off-street parking spaces and access aisles shall have paved surfaces adequately maintained. The use of pervious asphalt/concrete and alternative designs that reduce storm water runoff and improve water quality pursuant to the City's stormwater and low impact development design standards are encouraged.

Finding: Complies as proposed. The applicant has proposed paved surfaces for all off-street parking spaces and access aisles.

C. Drainage. Drainage shall be designed in accordance with the requirements of OCMC 13.12 and the City public works stormwater and grading design standards.

Finding: See findings from section 13.12 of this report.

D. Dimensional Standards.

1. Requirements for parking developed at varying angles are according to the table included in this section. A parking space shall not be less than seven feet in height when within a building or structure, and shall have access by an all-weather surface to a street or alley. Parking stalls in compliance with the American with Disabilities Act may vary in size in order to comply with the building division requirements. Up to thirty-five percent of the minimum required parking may be compact, while the remaining required

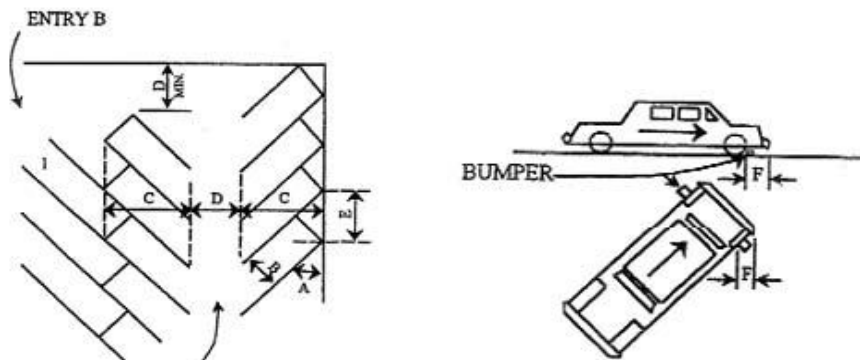
parking stalls are designed to standard dimensions. The Community Development Director may approve alternative dimensions for parking stalls in excess of the minimum requirement which comply with the intent of this chapter.

PARKING STANDARD

PARKING ANGLE SPACE DIMENSIONS

A Parking Angle		B Stall Width	C Stall to Curb	D Aisle Width	E Curb Length	F Overhang
0 degrees		8.5	9.0	12	20	0
30 degrees	Standard Compact	9' 8'	17.3' 14.9'	11' 11'	18' 16'	
45 degrees	Standard Compact	8.5 8.5	19.8' 17.0'	13' 13'	12.7' 11.3'	1.4
60 degrees	Standard Compact	9' 8'	21' 17.9'	18' 16'	10.4' 9.2'	1.7
90 degrees	Standard Compact	9' 8'	19.0' 16.0'	24' 22'	9' 8'	1.5

All dimensions are to the nearest tenth of a foot.



Finding: Complies with Condition. The proposal includes an alternative parking/landscaping plan, please refer to 17.52.030.D.2. **The applicant can meet this standard by complying with the conditions of approval.**

2. *Alternative parking/plan. Any applicant may propose an alternative parking plan. Such plans are often proposed to address physically constrained or smaller sites, however innovative designs for larger sites may also be considered. In such situations, the Community Development Director may approve an alternative parking lot plan with variations to parking dimensions of this section. The alternative shall be consistent with the intent of this chapter and shall create a safe space for automobiles and pedestrians while providing landscaping to the quantity and quality found within parking lot landscaping requirements.*

Finding: Complies with conditions. The applicant proposed an innovative design for the multi-family development. Rather a central parking lot adjacent to a building or series of buildings containing multi-family dwellings, the proposed design is intended to mimic that of a subdivision with duplexes, triplexes, and fourplexes throughout the site and accessed from a multi-family drive aisle (identified as a private road in the application) rather than a drive aisle commonly found in a traditional multi-family development. The drive aisles include sidewalks along the majority of the site as well as adjacent trees.

The overall innovative design is more similar that of a subdivision with each unit having their own garage and a driveway or alley access.



As the design is uncommon for multi-family development, the applicable codes for parking lot dimensions and associated parking lot landscaping do not apply well. Rather than have a central parking lot, parking for the proposed development consists of one indoor parking space inside of a garage connected to each unit as well as an adjacent exterior parking stall in front of the garage designed to mimic a driveway of a typical row house or single-family dwelling for units 14-60. Additional parking is currently identified within the public right-of-way and along the drive aisle (identified as a private street

on the plans) which is designed to look like on-street parking. The proposed site plan indicates a variety of off-street parking stalls with the following dimensions:

Garages (60): 8' x 18'

Driveway (47): 12' x 20'

Parking in the Drive Aisle (on-street on marked as "Private Street") (9): 8' x 20'

Total Spaces: 116

The dimensions of the parking indoors (in a garage), on the driveway, and within the drive aisle (made to look like on-street parking) are approved. However, the width of the "driveways" connecting the drive aisle (identified as private roads in the application) to each dwelling shall be limited to allow for a greater balance with landscaping. The width of each "driveway" connecting the drive aisle (identified as private roads in the application) to each dwelling for units 14-60 shall be limited to 11 feet in width each (with space to allow to transition to the curb cut).

The width of the drive-aisle will be sufficient to permit the average motorist to get into or out of their garage with the available clearances and to allow two vehicles to pass one another, which will be an infrequent and low-speed movement. A typical parking lot with 90-degree parking has a typical aisle width of 20 to 24 feet. The twenty-foot width will allow sufficient space to maneuver into and back out of their garages before using the drive aisle to go north, without encroaching on the ten-foot landscape buffer.

The proposal includes varied parking space dimensions with garage parking and driveway parking that result in safe spaces for pedestrians and automobiles, balanced with more shrubs and groundcover than a traditional parking lot. The intent of the chapter is met because the resulting garages and driveways provide safe spaces, with the conditions of approval, and are more similar to the overall neighborhood than a traditional parking lot.

Prior to issuance of a building permit, the applicant shall provide a revised site plan indicating that all driveways serving garages for the units shall maintain a minimum length of twenty feet and the drive aisle connecting to the driveways (identified as a private street on the submittal) will be a minimum of 20' wide. The "dead-end" design of the drive aisles (turnaround) shall be marked with no-parking signs or markings for large emergency vehicles and other long vehicles in the form of a hammerhead or other design in accordance with Clackamas Fire District No. 1. The development shall include whatever improvements, coupled with requisite access easement, identified by Clackamas Fire District No 1 as are necessary to accommodate emergency vehicles.

The applicant can meet this standard by complying with the conditions of approval. This alternative meets the intent of the standard to provide parking lot landscaping as well as a safe space for automobiles and pedestrians. The city transportation engineering consultant Replinger and Associates, has no concerns with the design due to the limited usage.

Due to the requirement to provide a ten-foot wide landscaped buffer strip on the east side of the development abutting the R-6 zoned property, and the requirement to widen the landscaping area between the subject site and the park to 5', the applicant may relocate or modify the units or reduce some of the parking to provide the landscape buffer and maintain a 20' wide drive aisle and 20' long driveway if used for parking. Any changes shall comply with the applicable standards.

The city adopted a fee for review of alternative parking plans, however the applicant did not submit the associated fee. Prior to issuance of permits, the applicant shall pay \$355 to the City for the alternative parking plan analysis. **The applicant can meet this standard by complying with the conditions of approval.**

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

Finding: Not applicable. This project is entirely residential, so no carpool or vanpool spaces are required.

17.52.040 - Bicycle parking standards.

B. Number of Bicycle Spaces Required. For any use not specifically mentioned in Table A, the bicycle parking requirements shall be the same as the use which, as determined by the Community Development Director, is most similar to the use not specifically mentioned. Calculation of the number of bicycle parking spaces required shall be determined in the manner established in OCMC 17.52.020 for determining automobile parking space requirements. Modifications to bicycle parking requirements may be made through the site plan and design, conditional use, or master plan review process.

TABLE A Required Bicycle Parking Spaces*

Where two options for a requirement are provided, the option resulting in more bicycle parking applies. Where a calculation results in a fraction, the result is rounded up to the nearest whole number.

USE	MINIMUM BICYCLE PARKING	MINIMUM BICYCLE PARKING - COVERED - The following percentage of bicycle parking is required to be covered
Multi-family (five or more units)	1 per 10 units (minimum of 2)	50% (minimum of 1)

* Covered bicycle parking is not required for developments with two or fewer parking stalls.

Finding: Complies with Conditions. This multi-family proposal proposes 116 off street parking spaces, therefore the minimum number of bicycle parking required is 11 bicycle parking spaces, of which six are required to be covered. The applicant shall indicate the required bicycle parking, of suitable design, in suitable locations, distributed as appropriate to serve all building on the revised site plans prior to issuance of a building permit in accordance with OCMC 17.52.040. The garages are an acceptable location for bicycle parking and will not require additional notification, provided a minimum of two bicycle parking spaces are provided in one of the common areas. **The applicant can meet this standard by complying with the conditions of approval.**

C. Design Standards.

- 1. Bicycle parking facilities shall be in the form of a lockable enclosure onsite, secure room in a building onsite, a covered or uncovered rack onsite, or within the adjacent right-of-way.*
- 2. Bicycle parking areas shall be clearly marked or visible from on-site buildings or the street. If a bicycle parking area is not plainly visible from the street or main building entrance, a sign shall be posted*

indicating the location of the bicycle parking area. Indoor bicycle parking areas shall not require stairs to access the space. If sites have more than one building, bicycle parking shall be distributed as appropriate to serve all buildings.

3. All bicycle racks shall be designed so that:

- a. The frame and at least one wheel of the bicycle can be locked to the rack with a standard U-type lock.*
- b. The user is not required to lift the bicycle onto the bicycle rack.*
- c. Each bicycle parking space is accessible without moving another bicycle.*
- d. It is a minimum of thirty inches tall and eighteen inches wide between the two points of contact.*
- e. Provides an area of six feet by two feet per bicycle.*
- g. All bicycle racks and lockers shall be securely anchored to the ground or to a structure.*

Finding: Complies with Conditions. This multi-family proposal proposes 107 off street parking spaces, therefore the minimum number of bicycle parking required is 11 bicycle parking spaces, of which six are required to be covered. The applicant shall indicate the required bicycle parking, of suitable design, in suitable locations, distributed as appropriate to serve all building on the revised site plans prior to issuance of a building permit in accordance with OCMC 17.52.040. The garages are an acceptable location for bicycle parking and will not require additional notification, provided a minimum of two bicycle parking spaces are provided in one of the common areas. **The applicant can meet this standard by complying with the conditions of approval.**

17.52.060 - Parking lot landscaping.

A. Applicability. Unless otherwise specified, construction of new parking lots and alterations of existing parking lots shall comply with parking lot landscaping standards. Parking lot landscaping requirements within this section do not apply to parking structures or parking garages, except landscaping as required in OCMC 17.62.

B. Development Standards.

- 1. The landscaping shall be located in defined landscaped areas that are uniformly distributed throughout the parking or loading area.*
- 2. All areas in a parking lot not used for parking, maneuvering, or circulation shall be landscaped.*
- 3. Parking lot trees shall be a mix of deciduous shade trees and coniferous trees. The trees shall be evenly distributed throughout the parking lot as both interior and perimeter landscaping.*
- 4. Required landscaping trees shall be of a minimum two-inch minimum caliper size (though it may not be standard for some tree types to be distinguished by caliper), planted according to American Nurseryman Standards, and selected from the Oregon City Street Tree List or approved by an arborist;*
- 5. At maturity, all of the landscaped area shall be planted in ground cover plants, which includes grasses. Mulch (as a ground cover) shall only be allowed underneath plants at full growth and within two feet of the base of a tree and is not a substitute for ground cover.*
- 6. Landscaped areas shall include irrigation systems unless an alternate plan is submitted, and approved by the Community Development Director, that can demonstrate adequate maintenance;*
- 7. All landscaping shall be installed according to accepted planting procedures, according to American Nurseryman Standards.*

C. Perimeter Parking Lot Landscaping and Parking Lot Entryway/Right-of-Way Screening. Parking lots and associated drive aisles shall include a five-foot wide landscaped buffer where the parking lot abuts the right-of-way and/or adjoining properties. In order to provide connectivity between non-single-family sites, the Community Development Director may approve an interruption in the perimeter parking lot landscaping for a single driveway where the parking lot abuts property designated as multi-family,

commercial or industrial. Shared driveways and parking aisles that straddle a lot line do not need to meet perimeter landscaping requirements.

1. The perimeter parking lot are[a] shall include:
 - a. Trees spaced a maximum of thirty feet apart (minimum of one tree on either side of the entryway is required). When the parking lot is adjacent to a public right-of-way, the parking lot trees shall be offset from the street trees;
 - b. *An evergreen hedge screen of thirty to forty-two inches high or shrubs spaced no more than four feet apart on average. The hedge/shrubs shall be parallel to and not nearer than two feet from the right-of-way line. The required screening shall be designed to allow for free access to the site and sidewalk by pedestrians. Visual breaks, no more than five feet in width, shall be provided every thirty feet within evergreen hedges abutting public right-of-ways.*

D. Parking Area/Building Buffer. Except for parking lots with fewer than five parking stalls, parking areas (excluding drive aisles with no adjacent parking) shall be separated from the exterior wall of a structure, exclusive of pedestrian entranceways or loading areas, by one of the following:

1. *Minimum five-foot wide landscaped planter strip (excluding areas for pedestrian connection) meeting the standards for perimeter parking lot area landscaping; or:*
2. *Minimum seven foot sidewalks with shade trees spaced a maximum of thirty feet apart in three-foot by five-foot tree wells.*

E. Interior Parking Lot Landscaping. Surface parking lots with more than five parking stalls shall include at least forty-five square feet of interior parking lot landscaping per parking stall to improve the water quality, reduce storm water runoff, and provide pavement shade. Pedestrian walkways or any impervious surface in the landscaped areas are not to be counted in the percentage. Fractions shall be rounded up when calculating the required number of plantings. Interior parking lot landscaping shall include:

- a. *A minimum of one tree per four parking spaces.*
- b. *A minimum of 1.5 shrubs per parking space.*
- c. *No more than eight contiguous parking spaces shall be created without providing an interior landscape strip between them. Landscape strips shall be provided between rows of parking shall be a minimum of six feet in width and a minimum of ten feet in length.*

Finding: Applicable. The applicant proposed to construct parking onsite so this section is applicable, however, the applicant has proposed an alternative landscaping plan in order to accommodate parking within and adjacent to each dwelling rather than a central parking lot.

F. Alternative landscaping plan.

Any applicant may propose an alternative landscaping plan. Such plans are often proposed to address physically constrained or smaller sites, however innovative designs for larger sites may also be considered. Alternative plans may include the use of low impact development techniques and minimized landscaping requirements. In such situations, the Community Development Director may approve variations to the landscaping standards of OCMC 17.52.060 in accordance with A and/or B below.

1. General Review Standard. The alternative shall meet the standards in OCMC 17.62.015 - Modifications that will better meet design review requirements.

Finding: Complies with conditions. The applicant proposed an innovative design for the multi-family development. Rather than central parking lot adjacent to a building or series of buildings containing multi-family dwellings, the proposed design is intended to mimic that of a subdivision with duplexes, triplexes, and fourplexes throughout the site and accessed from a central drive aisle (identified as a private road on the application). The overall design is more similar to the detached single-family homes found within the neighborhood than a traditional large multi-family structure.



As the design is uncommon for multi-family development, the applicable codes for parking lot dimensions and associated parking lot landscaping do not apply well. Rather than have a central parking lot surrounded by landscaping, parking for the proposed development consists of indoor parking inside of a garage connected to each unit, adjacent exterior parking stall in front of the garage designed to mimic a driveway for units 14-60, and 9 parking stalls along the interior drive aisle (identified as a private street on the plans) designed to look like on-street parking.

The stated purposes of the parking lot landscaping standards in 17.52.060:

1. To enhance and soften the appearance of parking lots;
2. To limit the visual impact of parking lots from sidewalks, streets and particularly from residential

areas;

3. To shade and cool parking areas;
4. To reduce air and water pollution;
5. To reduce stormwater impacts and improve water quality; and
6. To establish parking lots that are more inviting to pedestrians and bicyclists.

The purpose of the chapter is implemented in a variety of ways. Though the applicant proposed trees near each of the driveways, in order to comply with the intent of this code, the following shall be required:

- a. The driveway width for units 14-60 shall be limited to 11 feet in width each (with space to allow to transition to a 12' curb cut). The minimum width for a parking space is 9-feet wide, and thus the width should provide sufficient space for access. This will allow an opportunity for additional landscaping adjacent to the driveways.
- b. An evergreen hedge screen of thirty to forty-two inches high or shrubs spaced no more than four feet apart on average and ground cover shall be planted along the sides of the driveways for units 1-13 including within the space between the driveway for unit 2/3, 7/8 and 11/12. Units 14-60 shall be designed to have a 5' wide landscaped area with an evergreen hedge screen of thirty to forty-two inches high or shrubs spaced no more than four feet apart on average and ground cover shall be planted along the sides of the driveways. Exceptions are allowed for the following spaces less than 5' in width:
 - Near the private street between units 22 and 23 a narrower space is allowed;
 - The width of the landscaped area may be 4.5' adjacent to the pedestrian path offsite; and
 - The narrow space between garage doors where no landscaping is proposed is not required to be landscaped unless otherwise identified.

The hedge/shrubs shall be parallel to and not nearer than two feet from the right-of-way line. The spaces near the street for units 14-60 is also anticipated to have street trees, to the extent feasible.

- c. A 3.5' wide landscape strip extending the length of the driveway with at least one shrub and groundcover in the space between the driveways on units D, E, and F.
- d. The 10' wide landscape buffer between the subject site and 567 Holmes Lane shall be planted in accordance with the perimeter parking lot landscaping standards in OCMC 17.52.060.C. Existing trees may be utilized for this standard.
- e. The 3.5' landscape strip between the subject site and Stafford Park (tax lot 5200) shall be widened to 5 feet and planted in accordance with the perimeter parking lot landscaping standards in OCMC 17.52.060.C. Existing trees may be utilized for this standard.
- f. The applicant shall plant a large tree which shall reach over eighteen inches dbh at maturity in the open space near Holmes Lane and the proposed new street and in the space behind the retaining wall behind unit 22.
- g. The space behind the retaining wall in the northwest corner of the site shall be landscaped with ground cover and a minimum of 5 shrubs.
- h. All landscaping in accordance with these requirements shall comply with the planting standards in OCMC 17.52.060.B.4-7.

The overall effect will be landscaping throughout the site and buffering the view of the driveways. As a result of buffering the sides of each stall, the site will have more groundcover and shrubs than a traditional multi-family parking lot design. The trees along the drive aisle act as parking lot landscaping trees, so additional large trees have been conditioned to provide shade throughout the site. Overall, the exterior parking will be visually softened by locating some parking inside a garage and obscuring the

view of exterior parking with landscaping while providing shade, reduce air and water pollution, and improve stormwater impacts in a design that is welcoming to all users.

The city adopted a fee for review of alternative landscaping plans however the applicant did not submit the associated fee. Prior to issuance of permits, the applicant shall pay \$355 to the City for the alternative landscaping plan analysis. **The applicant can meet this standard by complying with the conditions of approval.**

2. Credit for Pervious/Low Impact Development. The Community Development Director may count up to fifty percent of the square footage of any pervious hardscaped landscape material within a parking lot that is designed and approved pursuant to the City's adopted stormwater and low impact development design standards toward minimum landscaping requirements for the site. (This includes porous pavement detention, open celled block pavers, porous asphalt, porous concrete pavement, porous turf, porous gravel, etc.).

Finding: Not applicable. The applicant did not propose any pervious hardscaping.

17.52.080 - Maintenance.

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

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

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

Finding: Complies with Conditions. The applicant's narrative did not identify that the landscaped areas will be maintained by the owner in accordance with this section. The applicant shall be responsible for maintenance of the site per OCMC 17.52.080. **The applicant can meet this standard by complying with the conditions of approval.**

17.52.090 - Loading areas.

B. Applicability.

OCMC 17.52.090 applies to uses that are expected to have service or delivery truck visits with a forty-foot or longer wheelbase, at a frequency of one or more vehicles per week. The City Engineer and decision maker shall determine through site plan and design review the number, size, and location of required loading areas, if any.

Finding: Not applicable. The development does not propose loading areas to have service or delivery truck visits with a forty-foot or longer wheelbase, at a frequency of one or more vehicles per week.

C. Standards.

1. The off-street loading space shall be large enough to accommodate the largest vehicle that is expected to serve the use without obstructing vehicles or pedestrian traffic on adjacent streets and driveways. Applicants are advised to provide complete and accurate information about the potential need for loading spaces because the City Engineer or decision maker may restrict the use of other public right-of-way to ensure efficient loading areas and reduce interference with other uses.

Finding: Not applicable. The development does not propose loading areas to have service or delivery truck visits with a forty-foot or longer wheelbase, at a frequency of one or more vehicles per week.

2. *Where parking areas are prohibited between a building and the street, loading areas or drive isles are also prohibited.*

Finding: Not applicable. The development does not propose loading areas to have service or delivery truck visits with a forty-foot or longer wheelbase, at a frequency of one or more vehicles per week.

3. *The City Engineer and decision maker, through site plan and design review, may approve a loading area adjacent to or within a street right-of-way when all of the following loading and unloading operations conditions are met:*

- a. Short in duration (i.e., less than one hour);*
- b. Infrequent (less than three operations daily between 5:00 a.m. and 12:00 a.m. or all operations between 12:00 a.m. and 5:00 a.m. at a location that is not adjacent to a residential zone);*
- c. Does not obstruct traffic during peak traffic hours;*
- d. Does not interfere with emergency response services; and*
- e. Is acceptable to the applicable roadway authority.*

Finding: Not applicable. The development does not propose loading areas adjacent to or within a street right-of-way.

CHAPTER 17.54 – SUPPLEMENTAL ZONING REGULATIONS AND EXCEPTIONS

17.54.100 Fences, Hedges, Walls, and Retaining Walls.

A. A fence, hedge, wall, retaining wall, or combination thereof may be located on real property, not within the right-of-way, subject to all of the following:

- 1. A fence, hedge, wall, retaining wall, or combination thereof located in front of a building may be up to 3.5-feet in total height as measured from the finished grade at any point on the fence.*
- 2. A fence, hedge, wall, located next to, or behind the forward most building, or within more than forty feet of the right-of-way, whichever is less may be up to:*
 - a. Six feet in total height for residential properties with less than five units as measured from the finished grade at any point on the fence; or*
 - b. Eight feet in total height for all other uses as measured from the finished grade at any point on the fence.*
- 3. A retaining wall or combination of a fence, hedge, wall located next to and behind the forward most building, or within more than forty feet of the right-of-way, whichever is less, may be up to (as measured from the finished grade) 8.5 feet in height from the finished grade.*
- 4. Fences, hedges, and/or walls located within two feet above a retaining wall, as measured on a horizontal plane, shall be measured together for the purposes of determining height.*
- 5. Property owners shall ensure compliance with the Traffic Sight Obstruction requirements in Chapter 10.32 of the Oregon City Municipal Code.*
- 6. Retaining walls completely below the elevation of the right-of-way may be up to six feet in height.*
- 7. Minimum fall protection required by the Building Official, such as railings, is not included in the height of a retaining wall but must comply with the fence height requirements.*

Finding: Complies with Conditions. The submitted site plan does not include any fences or hedges, though the applicant mentioned the potential for fences or hedges near the open space. The applicant shall submit documentation identifying if any fences or hedges are proposed. All fences and hedges shall comply with OCMC 17.54.100. **The applicant can meet this standard by complying with the conditions of approval.**

B. When no other practicable alternative exists, the City Engineer may permit a fence, hedge, wall, retaining wall, or combination thereof to be located within the right-of-way subject to all of the following:

- 1. A Revocable Permanent Obstruction in the Right of Way permit is granted per OCMC 12.04.120;*

2. Retaining walls, fences, or hedges comply with OCMC 17.54.100.A, unless determined to be impracticable by the City Engineer.

3. The abutting property owner shall ensure compliance with the Traffic Sight Obstruction requirements in Chapter 10.32 of the Oregon City Municipal Code.

Finding: Not applicable. The applicant has not proposed fences, hedges or walls within the right-of-way.

C. It is unlawful for any person to erect any electric fence or any fence constructed in whole or in part of barbed wire or to use barbed wire, except as erected in connection with security installations at a minimum height of six feet, providing further that prior written approval has been granted by the City Manager.

Finding: Not applicable. No barbed wire or electric fence is proposed.

CHAPTER 17.58 – LAWFUL NONCONFORMING USES, STRUCTURES, AND LOTS

Finding: As identified in the R-2 District within this report, the site contains two single-family homes, one of which is proposed to be demolished and the other which is proposed to be retained. Though the use is not permitted and the lot size is being reduced, the existing single-family dwelling is allowed to be retained per OCMC 17.58.030.

CHAPTER 17.62 – SITE PLAN AND DESIGN REVIEW

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;*
- e. *Building location in OCMC 17.62.055.D;*
- f. *Building Details in OCMC 17.62.050.B.9.055.I;*
- g. *Windows in OCMC 17.62.050.B.10.055.*
- h. *Parking Lot Landscaping in OCMC 17.52.060.*

Finding: Not Applicable. The applicant did not propose any modifications.

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.*

Finding: Not Applicable. The applicant did not propose any modifications under this section.

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.

Finding: Applicable. The applicant has proposed a multi-family development in the high-density residential district, therefore site plan and design review is required.

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:

- Any activity which is included with or initiates actions that require Type II-IV review.
- Any increase in square footage of a conditional or nonconforming use (excluding nonconforming structures).
- Any proposal in which nonconforming upgrades are required under OCMC 17.58.
- Any proposal in which modifications are proposed under OCMC 17.62.015.

Finding: Not applicable. This application does not meet the criteria for minor site plan and design review.

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;

Finding: Complies as Proposed. The applicant submitted a site plan with the applicable requirements of this section.

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;

Finding: Complies as Proposed. The applicant submitted a site plan with 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;

Finding: Complies with Conditions. The applicant submitted site plans with contours at 1' intervals. The applicant shall submit a revised site plan with contour lines at two-foot contour intervals for grades zero to ten percent, and five-foot intervals for grades over ten percent. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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;*

Finding: Complies with Conditions. The applicant did not identify if any of the following apply onsite or within 100'. The applicant shall submit a revised site plan with the location of all natural hazards within 100' of the site including the items listed in OCMC 17.62.040.A.4. **Based on the accessibility of the information on the City's website staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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;

Finding: Complies with Conditions. The applicant did not identify if any of the following apply onsite or within 100'. The applicant shall submit a revised site plan with the location of all natural hazards within 100' of the site including the items listed in OCMC 17.62.040.A.5. **Based on the accessibility of the information on the City's website staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

6. The location of inventoried historic or cultural resources on and within one hundred feet of the boundaries of the site;

Finding: Complies with Conditions. The applicant did not identify if any of the following apply onsite or within 100'. The applicant shall submit a revised site plan with the location of inventoried historic or cultural resources within 100' of the site including the items listed in OCMC 17.62.040.A.6. **Based on the accessibility of the information on the City's website staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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;

Finding: Complies with Conditions. The site plan submitted had a portion of the information identified in this criterion. The applicant did not identify 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. The applicant shall submit a revised site plan with the information listed in OCMC 17.62.040.A.7. **Based on the information in the record as well as information the accessibility of the information on the City's website staff has determined**

that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

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;

Finding: Complies as Proposed. The applicant submitted the information identified in this criterion.

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;

Finding: Complies with Conditions. The site plan submitted had a portion of the information identified in this criterion. The applicant did not identify 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. The applicant shall submit a revised site plan with the information listed in OCMC

17.62.040.A.9. Based on the accessibility of the information on the City's website staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

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;

Finding: Complies with Conditions. The site plan submitted had a portion of the information identified in this criterion. The applicant did not identify 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. The applicant shall submit a revised site plan with the information listed in OCMC 17.62.040.A.10. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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](#);

Finding: Complies with Conditions. The site plan submitted had a portion of the information identified in this criterion. No carpool or vanpool are proposed and the applicant is required to submit revisions to the bicycle parking plan. The applicant shall submit a revised site plan with the information listed in OCMC 17.62.040.A.11. **Based on the conditions of approval which identify the location of the additional bicycle parking locations staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

12. Site access points for automobiles, pedestrians, bicycles and transit;

Finding: Complies as Proposed. The site plan submitted included site access points for automobiles, pedestrians, bicycles and transit.

13. On-site pedestrian and bicycle circulation;

Finding: Complies as Proposed. The site plan submitted included on-site pedestrian and bicycle circulation.

14. Outdoor common areas proposed as open space;

Finding: Complies as Proposed. The site plan submitted included outdoor common areas proposed as open space.

15. Total impervious surface created (including buildings and hard ground surfaces);

Finding: Complies as Proposed. The site plan submitted included total impervious surfaces created.

16. The proposed location, dimensions and materials of fences and walls.

Finding: Complies with Conditions. The site plan did not identify the location, dimensions, and materials of fences. The applicant shall submit a revised site plan with the information listed in OCMC

17.62.040.A.16. **Based on the clear and objective conditions of approval for compliance with fence standards and the plans submitted with the application staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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.

Finding: Complies with Conditions. A landscaping plan was submitted, though it did not include an accurate representation of the existing site conditions, nor proposed irrigation systems. The applicant shall submit a revised site plan with the information listed in OCMC 17.62.040.B. **Based on the plans submitted which include some landscaping and some existing trees, staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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.

Finding: Complies as Proposed. The applicant submitted architectural plans with a site plan corresponding the building elevations to the associated locations.

D. An electronic materials board clearly depicting all building materials with specifications as to type, color and texture of exterior materials of proposed structures.

Finding: Complies as Proposed. The applicant submitted an electronic materials board.

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.

Finding: Complies as proposed. In response to notification about the development proposal, the applicant received a copy of separate letters from the Oregon State Historic Preservation Office (SHPO) Archeologist notifying the applicant of applicable state laws ORS 358.905 and ORS 97.74, and from the Archeologist for Confederated Tribes of the Warm Springs Reservation of Oregon. Confederated Tribes of the Warm Springs Reservation of Oregon recommends a cultural resources survey consistent with Oregon SHPO standards. SHPO recommends that archeological investigations be performed prior to any ground disturbing activities and that an Inadvertent Discovery Plan (IDP) be in place. Each letter provides a recommended course of action. These letters are attached to this application and staff report. The applicant's narrative identified that the development proposal will maintain continuous compliance with applicable federal, state, and City standards.

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.*

Finding: Complies as Proposed. The application included the removal of all plants listed on the Oregon City Nuisance Plant List 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.*

Finding: Complies with conditions. Per OCMC 17.32, the site requires 15% landscaping. The total developable area equals 123,084 square feet requiring a minimum of 18,462 square feet of landscaping.

The Applicant's proposal did not identify the specific square footage of landscaping. The applicant shall submit a revised landscaping plan demonstrating that a minimum of 15% of the site is landscaped. All proposed landscaped areas will be improved with growing plant materials. There are no natural resource overlay districts located on the subject property.

A tentative landscape plan has been submitted that shows that landscape areas will be improved with a mix of vertical (trees and shrubs) and horizontal elements (grass, groundcover, etc.) that within three (3) years will cover 100 percent of the proposed landscape areas. Prior to issuance of a building permit the applicant shall submit a detailed landscape plan prepared in accordance with OCMC 17.50.050.A. by a registered landscape architect. The City values the presence of existing trees which add to the character of the neighborhood nearby parks, provide shade, buffer properties, and have positive environmental

effects and encourages their retention. Trees larger in size and groupings of trees are of particular importance. The revised plan shall identify that within three years of planting, landscaping will cover one hundred percent of the landscaped area. No mulch, bark chips, or similar materials shall be allowed at the time of landscape installation except under the canopy of shrubs and within two feet of the base of trees. In order to assure proper sight distance, the applicant shall assure compliance with OCMC 10.32 prior to issuance of any certificate of occupancy for the site. **The applicant can meet this standard by complying with the conditions of approval.**

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.

Finding: Not Applicable. The subject site is not located within the Natural Resource Overlay District.

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.

Finding: Complies with Condition. The landscaping plan submitted does not articulate the location and species of the landscaping proposed to be planted and retained onsite nor does it include a stamp that it was prepared by a registered landscape architect. The applicant indicated that "A tentative landscape plan has been submitted that shows that landscape areas will be improved with a mix of vertical (trees and shrubs) and horizontal elements (grass, groundcover, etc.) that within three (3) years will cover 100 percent of the proposed landscape areas". However, though the plan submitted demonstrates the location of the landscape area, it does not include information on the plants themselves. Prior to issuance of a permit for construction the applicant shall submit a revised landscaping plan prepared by a registered landscape architect in compliance with OCMC 17.52 and 17.62 and the condition within this report. **The applicant can meet this standard by complying with the conditions of approval.**

5. Landscaping shall be visible from public thoroughfares to the extent practicable.

Finding: Complies as Proposed. Existing and proposed landscaping will be visible from both 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.

Finding: Complies with conditions. The applicant's transportation engineer indicated that the landscaping proposed would comply with the vision requirements in OCMC 10.32 if maintenance is provided. The applicant shall assure compliance with OCMC 10.32 prior to issuance of any certificate of occupancy for the site and over time. **The applicant can meet this standard by complying with the conditions of approval.**

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.

Finding: Complies as Proposed. All parking areas are proposed to be inside each unit and at the rear or side of the units when viewed from public streets.

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.

Finding: Complies with conditions. The subject site abuts two city parks on either side. No vehicle access easements are proposed; however, the site proposes to pedestrian paths to connect to the park property on either side. One pedestrian connection is proposed between units 5 and 6, and the other pedestrian connection is proposed between units 32 and 33. Prior to issuance of building permits, the applicant shall provide pedestrian access easements in a form approved by the City where these paths connect to the city park property on either side to assure unimpeded public pedestrian access to and from the park properties. **The applicant can meet this standard by complying with the conditions of approval.**

3. Parcels larger than three acres shall provide streets as required in OCMC 16.12.

Finding: Complies as Proposed. Please refer to the analysis in 16.12. The subject site is 4.33 acres in size, so the above criterion applies to the Applicant's proposal.

4. Parking garage entries shall not be more than half of the streetscape.

Finding: Complies as Proposed. No parking garages are oriented towards the street.

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.

Finding: Complies as Proposed. The proposal connects the dwellings through driveways from the dwelling to a sidewalk and drive aisle network.

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.

Finding: Complies as proposed. A well-marked, continuous and protected on-site pedestrian circulation system is proposed. The proposed pedestrian circulation system will connect all main entrances of the proposed condominium units, parking areas (i.e., driveways), common outdoor areas, and any pedestrian amenities on the site. All proposed units will have a hard surface walkway connecting the units' entry way with the sidewalk or the pedestrian accessway system within the drive aisles. The drive aisle system has five-foot wide pathways on one or both sides. The proposed on-site pedestrian walkways will be hard surfaced (i.e., concrete), well drained and at least five (5) feet wide. Surface material will contrast visually to adjoining surfaces, as all streets will be asphalt and the sidewalks will be concrete. All of the pedestrian circulation systems that are parallel to and adjacent to an auto travel lane, the walkway will be raised or separated from the auto travel lane by a raised curb, bollards (pedestrian paths between units 5 & 6 and 32 & 33), landscaping or other physical barrier.

D. All development shall maintain continuous compliance with applicable federal, state, and City standards.

Finding: Complies as proposed. The applicant's narrative identified that the development proposal will 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.

Finding: See findings under Chapter 16.12.

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.

Finding: Complies as proposed. Notice of this application was provided to Tri-Met, who did not comment on the proposal.

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.

Finding: Complies with conditions. The applicant did not respond to this question. It is anticipated that all units may include HVAC equipment typical of single-family dwellings. Prior to issuance of a building permit the applicant shall provide responses and revised site plans indicating screening of any rooftop mechanical equipment at the time of building permit review. **The applicant can meet this standard by complying with the conditions of approval.**

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.

Finding: Complies with conditions. The applicant did not respond to this question. It is anticipated that all units may include HVAC equipment typical of single-family dwellings. Prior to issuance of a building permit the applicant shall provide responses and revised site plans indicating screening of any wall-mounted mechanical equipment at the time of building permit review. **The applicant can meet this standard by complying with the conditions of approval.**

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.

Finding: Complies with conditions. The applicant did not respond to this question. It is anticipated that all units may include HVAC equipment typical of single-family dwellings. Prior to issuance of a building permit the applicant shall provide responses and revised site plans indicating screening of any ground-mounted mechanical equipment at the time of building permit review. **The applicant can meet this standard by complying with the conditions of approval.**

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.

Finding: Complies with conditions. The applicant did not indicate whether any solar energy panels, photovoltaic equipment, wind power generating equipment, dishes/antennas, pipes, vents, and chimneys are proposed. If proposed, such equipment shall be exempt from the mechanical screening requirements of this section. **The applicant can meet this standard by complying with the conditions of approval.**

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.*

Finding: Not Applicable. The application does not propose any prohibited materials.

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.*

Finding: Complies as proposed. The materials proposed include commonly used residential siding, panel and roofing materials. These include fiber cement paneling, lap siding and trim, and asphalt composition roofing tiles, vinyl windows and paint. None of the special materials listed are proposed.

J. 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

Finding: Applies. The applicable chapters are included within this report.

17.62.055 – Institutional, office, multi-family, retail, and commercial building standards.

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.

Finding: Applicable. The Applicant's proposal is for 60 attached single-family residential condominium units. Condominium units are an ownership type. The Oregon City code does not distinguish ownership types, nor does it regulate on this basis. Since all the units are proposed to be on one parcel, the development is considered multi-family. Due to the Applicant's proposed site layout – a combination of duplex, triplex, and quadplex style condominium buildings clustered throughout the site, the city has determined that Chapter 17.62.055 should be applied to the Applicant's proposal to the extent practicable. The standards principally affect the street facing facades of those units that abut public streets. The condominium unit proposal will be reviewed against the criteria in Chapter 17.62 of the OCMC, however, not all of the criteria in Chapter 17.62.055 will be applicable to the Applicant's proposal.

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.

Finding: Not applicable. No conflicts have been identified.

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.*

Finding: Complies as proposed. Multi-family structures may not be more than 20 feet from the site frontage. This applies to all units adjacent to the proposed new street, Mountainview Lane, and Holmes Lane. The layout of the proposal includes structures in compliance with this requirement along most frontages. However, this section allows a greater setback with the incorporation of at least one design element for every five feet in excess of the 20 foot maximum. The site complies with the mitigation as demonstrated:

- Between unit 14 and the proposed street is approximately 24', though approximately 870 square feet of landscaping is proposed in that location in compliance with (6).
- Between unit 48 and the proposed street is up to approximately 21', though approximately 845 of landscaping is proposed in that location in compliance with (6).
- Between units 53/54 and Holmes Lane is approximately 23', though approximately 500 of landscaping is proposed in that location in compliance with (6).
- Between units 55/56 and Holmes Lane is approximately 23', though approximately 500 of landscaping is proposed in that location in compliance with (6).
- Between units 57/58 and Holmes Lane is approximately 23', though approximately 500 of landscaping is proposed in that location in compliance with (6).
- Between units 59/60 and Holmes Lane is approximately 23', though approximately 500 of landscaping is proposed in that location in compliance with (6).
- Between units 1/2/3 and the proposed street is up to approximately 25', though approximately 650 of landscaping is proposed in that location in compliance with (6).
- Between unit 49 and the proposed street is up to approximately 40', though approximately 1,290 square feet of landscaping, three picnic tables, a large tree, lighting, is proposed in that location in compliance with (1, 3, 6, 8). Bicycle parking in this location may also be utilized if the lighting proposed is not pedestrian scale.

All units are proposed to be setback no more than 25 feet from the street. In all cases there is enhanced landscaping far greater than 20 square feet in the setback area.

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.

Finding: Complies as Conditioned. The proposed design includes a majority of the buildings oriented toward the street with the most architecturally significant elevation facing the street including a primary functional entranceway which is recessed. However, the street facing façade of units 14, 38, 48, and 49 have the main entranceway oriented toward the street with a porch, windows, dormer(s), and varying architectural materials, it does not appear to be the most architecturally significant façade given the balcony and larger size of windows on other facades. The applicant shall submit a revised street-facing

elevation for units 14, 38, 48, and 49 with the width of the front porch extended from 12'5' to 25'. Further the depth of the front porch shall be extended from the exterior wall of the home a minimum of 4'.

Lastly, the design of the building for units 38-41 and units 45-48 appear to be the same, however, due to the orientation on the site unit 38 (on the left side of the building) faces the street and unit 48 (on the right side of the building) faces the street. The submittal included elevations for the street facing façade for the right elevation. The applicant shall assure that the design elevation as conditioned for unit 48 is the same as the final street facing façade is the same as the street facing façade for unit 38. **The applicant can meet this standard by complying with the conditions of approval.**

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.

Finding: Complies as proposed. All primary entranceways include a recessed entry of at least five feet, creating a porch, with decorative columns, and decorative doors with windows.

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.

Finding: Not Applicable. This standard does not apply to multi-family development per (3).

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.

Finding: Not applicable. The above section does not apply to the Applicant's proposal because none of the proposed duplex, triplex condominium unit's street facing facades are greater than one hundred twenty feet in length.

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*

Finding: Complies as proposed. The Applicant's proposal satisfies the above criterion because all front and side facades include design elements or architectural features that add interest and detail so there are no blank walls of thirty feet in length or greater with windows, balconies, and pillars. For units 13, 14, 36, 38, 48, 49, and 60, the side elevations facing the proposed public street will have side facades that include a variety of window types and sizes to break up the horizontal wall with a side view of the balcony and associated pillar.

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*

Finding: Complies as proposed. The front façade of the structures includes shingles or board and batten on the front facades, through the precise square footage is unknown. However, the front façade of all the buildings is designed with a covered balcony on the second story which is a change in plane that extends throughout the building at a significant depth. Visual interest is further added with posts that repeat at an interval and a recessed entry. This change in plane from the balcony is also visible on the side facades. The right side of unit 14 has a recessed entry with decorative shingles and a decorative roof. The left side of unit 13 has the recess, a balcony with an exterior entry. Units (53, 54, 55, 56, 57, 58, 59, 60) are oriented toward the street with the balcony, pillars, and recess for the balcony and entry.

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.

Finding: Complies as proposed. The Applicant is proposing a combination of duplex, triplex and four-plex style units that will be alternated throughout the site to minimize having 2 similar duplexes next to each other. There will be instances where two duplex units will be next to each other, but they will have a different facade. In these situations, the Applicant is proposing alternative painting schemes, façade changes with window patterns, building material, and minor architectural variations on the buildings to

help create distinction and enhance the street scape within the development. See submitted elevation drawings for location of each unit and appearance.

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.

<i>Table 17.62.055.J Minimum Windows</i>				
<i>Use</i>	<i>Ground Floor: Front and Street Facing Facades</i>	<i>Upper floor(s): Front and Street Facing Facades</i>	<i>Ground Floor: Side(s) Facades</i>	<i>Upper Floor(s): Side(s) Facades</i>
<i>Multi-Family (or Portions of Buildings Thereof)</i>	15%	15%	10%	10%

Finding: Complies with Conditions. The applicant stated in their narrative that they comply with the minimum window requirements for multi-family buildings but did not provide any calculations supporting the statement. Measurements by staff indicate that not all floors for each building plan meet the minimum windows requirements. Building plans A, B, and C are front-loaded duplexes with two garage doors and two entry doors on the front elevation, but no windows, except those in the entry doors, which are too high from the ground to be counted towards the window requirements. Building plans D, E, and F are rear-loaded duplexes that appear to meet the standards. Building plan G is a front loaded triplex with three garage doors and three entry doors on the front elevation, but no windows, except those in the entry doors, which are too high from the ground to be counted towards the window requirements. Building plan H is a rear-loaded tri-plex that appears to meet the standards. Building plans J (duplex) and K (fourplex) are front loaded and do not appear to meet the standard for the same reasons that the other front-loaded unit types do not. The applicant shall provide revised elevations at the time of building permit submittal that fully comply with the minimum window requirements of OCMC Table 17.62.055.J - Minimum Windows. Windows provided in doors or garage doors may meet the standard if they are between 3.5 feet and six feet from the ground. **The applicant can meet this standard by complying with the conditions of approval.**

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.

Finding: Complies with conditions. The applicant shall assure that 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. **The applicant can meet this standard by complying with the conditions of approval.**

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.

Finding: Not applicable. The applicant did not propose false windows or door openings.

4. Multi-family windows shall incorporate window trim at least four inches in width when surrounded by horizontal or vertical lap siding.

Finding: Complies as proposed. The applicant has indicated four-inch trim for all windows.

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.

Finding: Complies as proposed. None of the proposed buildings have a continuous roofline on a street-facing façade of seventy-five feet or more. The maximum length of any proposed roof line is 50-feet for the triplex buildings. See submitted elevation drawings for more detail.

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.*

Finding: Not applicable. The proposed development does not include drive-through facilities.

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.*

Finding: Not applicable. The Applicant is not proposing new retail, office and/or institutional buildings which front on a transit street. The Applicant's proposal is for a residential condominium project.

17.62.057 - Multifamily Usable Open Space Requirements

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.

Finding: Complies as proposed. Twenty-eight of the proposed sixty units will have at grade rear patios a minimum of one hundred square feet in size (e.g. Units 1 – 13 and 38 – 52) for a total of 2,800 square feet. The remaining thirty-two units (e.g. Units 14 – 37 and 53 – 60), which cannot accommodate at grade patios due to topography issues, have a second story deck each totaling one hundred square feet in size for a total of 3,200 square feet. Additionally, the development proposal includes two open space areas of 3,384 s.f. and 2,287 square feet with benches, picnic tables, community gardens with garden boxes. The applicant has proposed a total of 6,000 square feet of private open space and 5,671 square feet of public open space.

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.

Finding: Not applicable. This is a residential development.

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.

Finding: Complies. The applicant has not proposed both public and private open space. Though none of the private open space is within a setback, some of the public open space is, though it is incorporated into the landscaping and open space areas.

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.

Finding: Complies. The applicant will provide calculations of the minimum landscaping as a condition of approval.

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.

Finding: Complies as proposed. Common open spaces are identified on the proposed plans in locations which are accessible to all without fencing or other barriers.

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.*

Finding: Complies with condition. The development includes 60 units and thus is required to provide 6,000 square feet of open space, half of which must be public open space. As the applicant has proposed 6,000 square feet of private open space, the proposal must have a minimum of 3,000 square feet of public open space.

The applicant has proposed two common open spaces areas including the SE corner of the new proposed public street (2,887 sq. ft.) and on the east side of Unit 49 (3,334 sq. ft) for a total of 6,221 square feet. The first common open space area is intended for a entry monument recognizing the development and ornamental landscaping, the second common open space area is envisioned as a casual gathering area for the tenants with three tables and a large tree. For the purposes of this criteria, only the active open space is being analyzed. The applicant indicated that the open space will feature landscaping, a large tree, pedestrian-scaled lighting, three picnic tables. Prior to issuance of permits the applicant shall submit a landscaping plan including the species of the landscaping and large tree in the open space adjacent to unit 49 with identification of a tree species expected to reach over eighteen inches dbh at maturity as well as a lighting plan. As identified within this report, the applicant is required to install two bicycle parking spaces within this open space as well. **The applicant can meet this standard by complying with the conditions of approval.**

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.

Finding: Complies with condition. The applicant indicated that all proposed common open space areas will be separated from ground level windows and streets, with landscaping and low-level fencing to enhance safety and privacy for both the common open space areas and dwelling units but did not identify the height of the fencing or specifics of location. Prior to issuance of permits the applicant shall submit details demonstrating that the open space adjacent to unit 49 complies with the standard in OCMC 17.62.057.C. **The applicant can meet this standard by complying with the conditions of approval.**

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.

Finding: Complies as proposed. All proposed common open space areas will be accessible from the dwelling units and public streets, drive aisles and sidewalks.

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.).

Finding: Complies as proposed. The applicant has not proposed that private open space count toward common open space requirements, however the Applicant's proposal satisfies all open space requirements for both the private and common open space areas.

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.

Finding: Not applicable. The applicant has not proposed cluster housing.

17.62.065 - Outdoor lighting.

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.

Finding: Applies. The proposed development is defined as a multi-family residential development and is subject to the outdoor lighting standards of this section.

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.

Finding: Complies with conditions. The proposed development is defined as a multi-family residential development and is subject to the outdoor lighting standards of this section. The applicant shall provide an exterior lighting plan that meets the applicable standards of OCMC 17.62.065 prior to issuance of a building permit. The outdoor lighting plan should indicate compliance with standards C.1-14. A site photometric plan indicating lighting levels at the property line shall be submitted. **The applicant can meet this standard by complying with the conditions of approval.**

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.

Finding: Not applicable. The applicant has not requested an exception.

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.*

Finding: Complies with conditions. The proposed development is defined as a multi-family residential development and is subject to the outdoor lighting standards of this section. The applicant shall provide an exterior lighting plan that meets the applicable standards of OCMC 17.62.065 prior to issuance of a building permit. The outdoor lighting plan should indicate compliance with standards C.1-14. A site photometric plan indicating lighting levels at the property line shall be submitted. **The applicant can meet this standard by complying with the conditions of approval.**

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).

Finding: Complies as proposed. Because the units will be constructed to look as single family attached duplexes, tri-plexes and fourplexes, all trash will be stored in each units and placed for pick up along the drive aisles on garbage day. A communal refuse and recycling facility is neither proposed nor required.

CONCLUSION AND DECISION:

Based on the analysis and findings as described above along with the two Supplemental Staff Reports, the City Commission concludes that the proposed 60-unit condominium project located at 535 Holmes Ln Oregon City, OR 97045, Clackamas County APN: 3-2E-06AA-05001, and 545 Holmes Ln, Oregon City, OR 97045, Clackamas County APN: 3-2E-06AA-05100, can meet the requirements as described in the Oregon City Municipal Code by complying with the Conditions of Approval provided in this report. Therefore, the City Commission denies the appeals, AP 21-00004 and AP 21-00005, and approves files Planning File GLUA-21-00002: SP-21-00001 / LL 21-00002 with conditions.

EXHIBITS:

1. Vicinity Map (On File)
2. Applicant's Narrative and Plans (On File)
3. Public Comments
4. Comments from John Replinger of Replinger and Associates



OREGON CITY

Community Development – Planning

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

TYPE II STAFF REPORT AND CITY COMMISSION RESOLUTION OF APPEALS AP 21-00004 AND AP-21-0005
NOTICE OF DECISION WITH CONDITIONS OF APPROVAL

Sept 22~~July 22~~, 2021

FILE NUMBER: AP 21-00004 and AP-21-0005 reviewing
GLUA-21-00002: SP-21-00001 / LL 21-00002

APPLICANT: Emerio Design, LLC Attn: Steve Miller
6445 SW Fallbrook Pl., Suite 100
Beaverton, OR 97008

Submitted: 01/11/2021
Complete: 4/28/2021
120-Day Deadline: 10/11/2021

OWNERS: Orvetta Herndon – 32E06AA05001 (Owner)
535 Holmes Lane
Oregon City, OR 97405

Christopher Streeter – 32E06AA05100 (Owner)
545 Holmes Lane
Oregon City, OR 97405

REQUEST: Approval of Site Plan and Design Review and Lot Line Adjustment for a 60-unit residential condominium project in the High-Density Residential District (R-2 zone). This includes extension of a full local public street connecting Holmes Lane to Mountain View Street.

ADDRESSES: 535 Holmes Ln Oregon City, OR 97045,
Clackamas County APN: 3-2E-06AA-05001
545 Holmes Ln, Oregon City, OR 97045,
Clackamas County APN: 3-2E-06AA-05100

REVIEWER: Pete Walter, AICP, Senior Planner
Josh Wheeler, P.E., Assistant City Engineer
Laura Terway, AICP, Community Development Director

DECISION: Approval with Conditions.

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

Conditions of Approval
Planning File GLUA-21-00002: SP-21-00001 / LL 21-00002

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

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

(B) = Verify that condition of approval has been met with the Building Division.

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

The following conditions of approval shall be met to the satisfaction of the City during the process of design and prior to issuance of public improvement or building permits for construction associated with the proposed multi-family development.

1. The development plans shall comply with all current Oregon City Public Works design standards, specifications, codes, and policies prior to receiving a permit and beginning construction. (DS)
2. The developer shall submit or address all items in section 16.12.014 of the Oregon City Municipal Code based on the timing requirements contained therein and as deemed applicable by the City. (DS)
3. The development shall provide the following along the development's frontage of Holmes Lane on the development side of the centerline: 11'-12'-wide drive lane, 0.5' curb, 5-foot-wide landscape strip, 6-foot-wide raised bike lane, 6-foot-wide sidewalk, and a 0.5-foot-wide buffer. The development shall dedicate right-of-way (ROW) to achieve 29' to 30' of ROW. (DS)
4. The alignment of the new north-south street (Rilance Lane) shall have at least fifty feet of tangent adjacent to the intersection (measured from the nearest curb line) unless topography requires a lesser distance.
5. ~~The development shall provide street lighting plans with photometric information for Holmes Lane, the new north-south street (Rilance Lane) and Mountainview Street which conforms with all City standards, specifications, codes, and policies and is approved by Portland General Electric (PGE) prior to receiving a permit and beginning construction.~~ The development shall provide street lighting plans with photometric information for Holmes Lane, the new north-south street (Rilance Lane) and Mountainview Street which conforms to Portland General Electric adopted standards for light pole location and illumination standards prior to receiving a permit and beginning construction. (DS)
6. The development shall provide new fire hydrant(s) in, and around, the property as required by Clackamas Fire District Number 1 and extend water main(s) (public and/or private) as necessary to supply required fire hydrants. (DS)
7. ~~For proposed dead-end drive aisles, an approved turnaround contained in an access easement with appropriate no parking signs or markings for large emergency vehicles and other long vehicles in the form of a hammerhead or other design in accordance with Clackamas Fire District No. 1 shall be provided.~~ The development shall include whatever improvements, coupled with requisite access easement, identified by Clackamas Fire District No 1 as are necessary to accommodate emergency vehicles. (P)
8. All intersections, existing and proposed, adjacent the development property, shall have pedestrian crossings for each direction of travel which complies with Americans with Disabilities Act (ADA). Approved curb ramp design(s) will need to be included on engineering plans following proper engineering technical standards prior to receiving a permit and beginning construction. (DS)
9. ~~The development shall minimize taps to the existing sanitary sewer main within Holmes Lane to the maximum extent practicable while providing the development with connection to the City's sanitary sewer system. The sanitary sewer design shall be in accordance with the City's sanitary sewer design standards. The development shall be allowed no more than two connections (a maximum of 8" in size) to the existing public sanitary sewer main within Holmes Lane to provide the development sanitary sewer service. The sanitary sewer design shall comply with the City's sanitary sewer design standards.~~ (DS)
10. The development shall extend an 8-inch water main from Holmes Lane to, and through, the development and shall connect to the existing water main within Mountainview Street to create a loop. (DS)
11. The engineering plans shall provide a local benchmark, onsite, using the NAVD88 datum prior to receiving a permit and beginning construction. (DS)

12. The applicant shall provide finalized engineered drainage plan(s), drainage report(s), and design flow calculation report(s) stamped and signed by a licensed engineer addressing all items from the Section 9.3 & 9.4 of the Public Works Stormwater and Grading Design Standards. (DS)
13. The developer shall provide an engineered grading plan prepared by a professional engineer in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards. (DS)
14. A city issued erosion and sediment control permit shall be obtained prior to commencement of any earth disturbing activities. (DS)
15. Erosion and sediment control plans shall be submitted for review and approval by the City prior to issuance of an erosion and sediment control permit. (DS)
16. The developer shall obtain a 1200-C (NPDES) permit from Oregon Department of Environmental Quality (DEQ) for construction activities one acre or greater prior to receiving a permit and beginning construction. (DS)
17. Performance Guarantee which is equal to 120% of the estimated cost for construction of public improvements as shown in city approved construction plans shall be provided prior to receiving a permit and beginning construction. The estimated costs shall be supported by a verified engineering estimate and approved by the city engineer. The guarantee shall be in a form identified in Code 17.50.140.A of the Oregon City Municipal Code. The guarantee shall remain in effect until the construction of all required improvements are completed and accepted by the city. (DS)
18. The developer shall submit a request to the Community Development Department to receive approval for new street names; only approved street names shall be included on the final construction plans. (DS)
19. The development shall submit a plan/plat and/or proposed deed for dedication of new public rights-of-way to the City for review and approval prior to recording and pay associated recording fees. (DS)
20. Prior to issuance of construction plans of the right-of-way improvements, the applicant shall submit a street tree plan which includes the placement of street trees along all street frontages evenly distributed throughout the total development in accordance with OCMC 12.08. The street tree plan will be submitted to and reviewed by the City and PGE during the construction plan review process. The city may accept fee-in-lieu of planting pursuant to OCMC 12.08 if site or other constraints prevent meeting the required total number of tree plantings. The engineer of record shall confirm that the final street tree plan conforms to OCMC Chapter 12.08. (P)
21. Prior to issuance of a permit associated with the proposed development, the applicant shall submit a revised tree retention, removal and replanting or mitigation plan prepared in accordance with OCMC 17.41 and Table 17.41.060-1, which includes a calculation for the number of mitigation trees required in accordance with 17.41. The number of replacement trees required on the development site shall be calculated separately from, and in addition to required tree plantings. The city may accept fee-in-lieu of planting or off-site planting of trees for any mitigation trees that cannot be replanted on-site due to lack of available area. (P)
22. The revised tree retention, removal and replanting or mitigation plan shall include provisions to protect trees that are proposed to be retained throughout the construction process pursuant to OCMC 17.41.130. Prior to issuance of development permits the applicant shall submit documentation demonstrating compliance with the tree protection standards in OCMC 17.41.130. No permits for site grading or any construction shall be issued prior to submittal of documentation that tree protection fences and applicable signage have been installed properly. (P)
23. The applicant shall provide a revised site plan including the items listed within OCMC 17.62.040.A.3, 4, 5, 6, 7, 9, 10, 11, 16 and OCMC 17.62.040.B and indicating that all accessways serving garages for the units shall maintain a minimum width of twenty feet. (P)
24. The applicant shall indicate the required bicycle parking distributed as appropriate to serve all buildings on the prior to issuance of a building permit in accordance with OCMC 17.52.040. A minimum number of 11 bicycle parking spaces required, of which six are required to be covered. The garages are an acceptable location for bicycle parking and will not require additional notification, provided a minimum of two bicycle parking spaces are provided in one of the common areas. The applicant shall provide a minimum of two bicycle parking spaces located in one of the common areas in accordance with OCMC 17.52.040. Garages are an acceptable location for all other bicycle parking. (P)

25. The applicant shall submit a revised landscape plan prepared by a registered landscape architect in compliance with OCMC 17.62 and 17.52 including: (P)
- The calculation and demonstration that a minimum of 15% of the site is landscaped.
 - Compliance with OCMC 10.32 upon planting and over time.
 - The “large tree” near unit 49 shall be a species which will reach over eighteen inches dbh at maturity.
 - An additional “large tree” which reaches over eighteen inches dbh at maturity shall be planted in the open space near 545 Holmes Lane and a second tree shall also be planted in the northwest corner of the property behind the retaining wall by unit 22. (P)
 - A minimum of 10 foot wide landscaped area between the subject site and 567 Holmes Lane. Any changes to the existing design shall comply with the standards in the Oregon City Municipal Code. The applicant may reduce the number of on or off-street parking provided or modify the building design or locations as needed in order to accommodate for the revisions. The 10’ wide landscape buffer shall be planted in accordance with the perimeter parking lot landscaping standards in OCMC 17.52.060.C. Existing trees may be utilized for this standard.
 - An evergreen hedge screen of thirty to forty-two inches high or shrubs spaced no more than four feet apart on average and ground cover shall be planted along the sides of the “driveways” for units 1-13 including within the space between the “driveways” for unit 2/3, 7/8 and 11/12. Units 14-60 shall be designed to have a 5’ wide landscaped area with an evergreen hedge screen of thirty to forty-two inches high or shrubs spaced no more than four feet apart on average and ground cover along the sides of the driveways. Exceptions are allowed for the following spaces less than 5’ in width:
 - A narrower space is allowed near the drive aisle between units 22 and 23;
 - The landscaped area may be 4.5’ adjacent to the pedestrian path offsite; and
 - The narrow space between garage doors where no landscaping is proposed is not required to be landscaped unless otherwise identified.

The hedge/shrubs shall be parallel to and not nearer than two feet from the public right-of-way line or drive aisle. The spaces near the street for units 14-60 shall be planted with street trees to the extent feasible.
 - A 3.5’ wide landscape strip extending the length of the driveway with at least one shrub and groundcover in the space between the driveways on units D, E, and F.
 - The 3.5’ landscape strip between the subject site and Stafford Park (tax lot 5200) shall be widened to 5 feet and planted in accordance with the perimeter parking lot landscaping standards in OCMC 17.52.060.C. Existing trees may be utilized for this standard.
 - The space behind the retaining wall in the northwest corner of the site shall be landscaped with ground cover and a minimum of 5 shrubs.
 - Within three years of planting, landscaping will cover one hundred percent of the landscaped area. No mulch, bark chips, or similar materials shall be allowed at the time of landscape installation except under the canopy of shrubs and within two feet of the base of trees.
 - All landscaping in accordance with these requirements shall comply with the planting standards in OCMC 17.52.060.B.4-7.
26. The width of each “driveway” connecting the drive aisle (identified as private roads in the application) to each dwelling for units 14-60 shall be limited to 11 feet in width each (with space to allow to transition to the curb cut).
27. ~~The applicant shall submit details demonstrating that the open space adjacent to unit 49 complies with the standard in OCMC 17.62.057.C. The~~ along the shared line between unit 49 and the common open space, the applicant shall install a 3 ½’ fence or hedge with the spacing standards set forth in OCMC 17.52.060(C)1.b. (P)
28. The applicant shall be responsible for maintenance of the site per OCMC 17.52.080. (P)
29. The applicant shall submit documentation identifying if any fences or hedges are proposed. All fences and hedges shall comply with OCMC 17.54.100. (P)
30. The applicant shall provide public pedestrian access easements in a form approved by the City where these paths connect to the city park property. (P)

31. The applicant shall submit documentation demonstrating compliance with the mechanical standards in OCMC 17.62.050.G (P)
32. The applicant shall provide a revised elevation drawing and floor plan for building type plan F for unit 60 indicating compliance with OCMC 17.62.055 for the street facing façade. (P)
33. The applicant shall submit a revised street-facing elevation for units 14, 38, 48, and 49 with the width of the front porch extended from 12'5' to 25'. Further the depth of the front porch for units 14, 38, 48, and 49 shall be extended from the exterior wall of the home a minimum of 4'. (P)
34. The applicant shall assure that the design elevation as conditioned for unit 48 is the same as the final street facing façade is the same as the street facing façade for unit 38. (P)
35. The applicant shall demonstrate that projections from buildings comply with OCMC 17.12.045. (P)
36. The applicant shall provide revised elevations comply with the minimum window requirements of OCMC Table 17.62.055.J - Minimum Windows. Windows provided in doors or garage doors may meet the standard if they are between 3.5 feet and six feet from the ground. Further, the applicant shall assure that reflective, glazed, mirrored or tinted glass is limited to ten percent of the lineal footage of windows on the street facing facade. 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. (P)
37. The applicant shall provide an exterior lighting plan that meets the applicable standards of OCMC 17.62.065 prior to issuance of a building permit. The site photometric plan indicating lighting levels at the property line shall be submitted indicating compliance with standards C.1-14. A. (P)
38. The applicant shall demolish all structures at 535 Holmes Lane and all accessory structures 545 Holmes Lane unless documentation is submitted for a building proposed to be retained which complies with the dimensional standards of the R-2 district and accessory structure standards in 17.54. (P)
39. The applicant shall submit \$710 for the alternative parking plan and the alternative landscaping plan review. (P)
40. The applicant shall complete the Lot Line Adjustment by submitting an electronic copy of the proposed Lot Line Adjustment survey for preliminary approval to the Planning Division. Once the proposed survey is approved, a mylar copy shall be submitted to the Planning Division for signature. Once signed, the applicant shall take the signed mylar and revised deeds to Clackamas County to be recorded. The current deed holders or their assigns shall sign the revised deeds for the approved legal descriptions and the documents recorded at the Clackamas County Clerk's Office. The signed mylar shall be recorded at the Clackamas County Surveyor's Office. Provide an electronic copy of the recorded documents to the Planning Division. (P)
41. The development shall maintain compliance with OCMC 10.32 prior to issuance of any certificate of occupancy for the site and over time. Prior to approval of construction plans for the public street improvements, the applicant shall include on the plans the location of fencing, vegetation, signage and related structures and assure that these features are located, maintained or removed to avoid unnecessarily restricting sight distance.

The following conditions of approval shall be met to the satisfaction of the City during construction of the proposed multi-family development.

42. Pavement cuts or other improvement made in a City street or alley shall be done in accordance with the City of Oregon City Public Works Pavement Cut Standards and restored in accordance with the City of Oregon City Public Works Pavement Cut Standards. (DS)
43. The workmanship and materials for any work performed under permits issued by Oregon City Public Works shall be in accordance with the 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. (DS)
44. Underground utilities, waterlines, sanitary sewers and storm drains proposed to be 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 franchise utility easement within private property. (DS)
45. Permitted hours of construction shall be set forth by the City Engineer in the pre-construction meeting. (DS)

46. All new franchise utilities shall be placed underground and all existing overhead utilities adjacent to the property frontage shall be relocated underground unless deemed infeasible by the City and franchise utilities. (DS)

The applicant shall include the following information prior to issuance of an occupancy permit associated with the proposed multi-family development. The information shall be approved prior to issuance.

47. The development shall provide a 10-foot-wide public utility easement (PUE) along all property lines fronting existing or proposed right-of-way. The location and width of the PUE may be adjusted if approved by the City Engineer. In such cases, the applicant shall obtain written acceptance from all utilities for the location and width proposed for said public utility easement. (DS)
48. Public improvements shall be constructed according to approved final engineering plans prior to occupancy.(DS)
49. Improvements shall be constructed under the inspection and approval of the City. Expenses incurred thereby shall be borne by the applicant and paid prior to final approval. The applicant's project engineer also shall inspect construction. (DS)
50. The property owner(s) shall sign a Restrictive Covenant Non-Remonstrance Agreement for the purpose of making storm sewer, sanitary sewer, water or street improvements in the future that benefit the property and all fees associated with processing and recording the Non-Remonstrance Agreement shall be paid prior to occupancy. (DS)
51. The property owner(s) shall execute an agreement providing maintenance of, and giving Oregon City access to, privately-owned stormwater management facilities and pay associated recording fees. The agreement shall include a site plan identifying all privately-owned stormwater management facilities and an operation and maintenance plan for each type of stormwater facility in accordance with the Public Works Stormwater and Grading Design Standards. The agreement shall run with the land and be applicable to subsequent property owners. The agreement shall be reviewed and accepted by the City prior to occupancy. (DS)
52. Maintenance Guarantee equal to fifteen percent of the estimated cost for construction of public improvements as shown in city approved construction plans shall be provided prior to occupancy. The estimated costs shall be supported by a verified engineering estimate approved by the City Engineer. The guarantee shall be in a form identified in Code 17.50.140.A of the Oregon City Municipal Code. The maintenance guarantee shall warrant to the City of Oregon City that construction of public improvements will remain, for a period of twenty-four (24) months from the date of acceptance, free from defects in materials and workmanship. (DS)
53. As-built construction plans and digital copies of as-built drawings shall be filed with the City Engineer within 90 days of completing improvements. (DS)

I. APPEAL ISSUES:

On July 22, 2021, the Community Development Director approved a Type II application for redevelopment on two adjoining properties which includes relocating the adjoining property line to allow for the construction of a 60-unit multi-family development. This decision was appealed by the Applicant Emerio Design (hereinafter "Applicant") as well as by the Barclay Hills Neighborhood Association (hereinafter "BHNA"). After hearing testimony from all parties with standing, the City Commission voted to deny both appeals, although some conditions of approval were modified in response to both appeals as discussed in greater detail below. These findings and conclusions memorialize the Commission's approval. The attached findings incorporate the August 25, 2021 Supplemental Staff Report and the Second Supplemental Staff Report in support of this decision, to the extent not inconsistent with the findings below.

1. Procedural Issues

a. City Commission Ex Parte Contacts and Impartiality

In addition to presenting the quasi-judicial procedures as required by state law, at the beginning of each meeting, each City Commissioner was given the opportunity to disclose any ex parte contacts (including site visits) and to declare any conflict of interest or bias. All emails received by Commissioners outside of the public hearing were distributed to all parties and included within the record, to the extent that the email author had standing and the letter was limited to issues raised in the notice of appeal and did not include new evidence.

As part of these disclosures during the Sept 1 hearing, Commissioner McGriff stated that she was a board member as well as actively involved with the McLoughlin Memorial Association ("MMA"), which submitted a letter on June 1, 2021 in opposition to the application. When questioned about her involvement with these comments, Commissioner McGriff explained that she was asked by the MMA president whether it should respond and she advised that if they had concerns, they should comment and provided information as to the process including direction to the application notice for identification of the approval criteria. She had no further involvement in the drafting of these comments and did not review them until after they were submitted.

During the proceeding, the Applicant challenged Commissioner McGriff for bias, urging her to recuse herself from further participation. In response, on Sept 15, Commissioner explained that she did not advise MMA to testify in opposition to the application and that she did not believe that her long-standing involvement with MMA would interfere with her ability to review the appeals impartially and based on the criteria. She also said that she had not prejudged the outcome of the appeal. She stated that she was fully capable of and intended to make a decision, not considering her own experience or understanding of this area, but rather based on the evidence submitted into the record in advance of the Director's decision and the arguments raised in the appeal.

2. Preliminary Jurisdictional Issues

The applicant filed a motion to dismiss the BHNA appeal on jurisdictional grounds including whether BHNA properly obtained a fee waiver and whether BHNA submitted comments sufficient to establish standing to qualify as an appellant in this appeal. After hearing testimony from both parties, the City Commission voted to deny the motion to dismiss. It concluded that the meeting minutes supplied along with the BHNA notice of appeal was sufficient to indicate that the decision to appeal was approved by the neighborhood as required by OCMC 17.50.290.C. As such, a fee waiver was appropriate. The Council also concluded that the submittal of written comments by Mr. James Donnelly, in his capacity as BHNA Land Use Committee Chair, and resubmittal by Ms Karla Laws, in her capacity as BHNA Chair, was sufficient to establish that BHNA submitted written comments before the expiration of the comment period and had standing to proceed with an appeal pursuant to OCMC 17.50.190.D.1.

3. Scope of the Record

The regulations governing appeals within the City provides that review shall be limited to the issues raised in the notice of appeal and that no new evidence may be considered. OCMC 17.50.190.F. In addition, only those individuals or neighborhood associations who submitted comments in writing during the comment period, have standing and are allowed to submit oral or written testimony during an appeal. OCMC 17.50.190.D.1. [Those that participated in the initial review and have standing in this appeal include:](#)

- [Applicant \(Emerio Design, LLC Steve Miller and team\)](#)
- [Aaron Wolf](#)
- [Barbara Streeter](#)
- [Barclay Hills Neighborhood Association](#)
- [Christopher Streeter](#)
- [DeAnn Beals](#)

- [Gene Sloomans](#)
- [Mark Beals](#)
- [McLoughlin Memorial Association](#)
- [Nancy Lingmann](#)
- [Nancy J. Nelson](#)
- [Orveta Herndon](#)
- [Terry Lingmann](#)
- [Timothy Keene](#)
- [Wes Rogers, Oregon City School District](#)

The City received written testimony from a number of individuals who did not participate in the proceedings below. As a result, the City rejects written comment or requests to speak at the appeal hearings from the following community members that did not participate in the initial review as identified above. Written materials received from the following individuals are expressly rejected from the record and were not considered by the Commission in making this decision: Christine Kosinski, Jerry Herrmann, Jim and Ardith Hall, Leon Liegel, Catherine Pieslewicz, and emails between Christian Nauer of the Confederated Tribes of the Grand Ronde, Dilia Vassileva and Shane James.

Further, OCMC 17.50.190.F states “The decision shall be on the record and the issues under consideration shall be limited to those listed in the notice of appeal.” The following issues included in the notice of appeal and identified in the initial proceeding:

- [Traffic related](#)
 - [Request for new traffic report.](#)
 - [Concern about speeding and unreported traffic accidents.](#)
 - [Request for a speed monitor.](#)
 - [The speed limit was wrong in the traffic study.](#)
 - [Safety concern, including of the new proposed street.](#)
 - [Date of traffic data is old.](#)
 - [Lack of sight distance.](#)
 - [The traffic impact of the use is too low.](#)
 - [Condition of Mountainview and concern related to traffic analysis.](#)
- [Parking](#)
 - [Not enough parking.](#)
 - [Parking will occur in fire lanes, park property, and neighborhood streets.](#)
- [Landscaping](#)
 - [Concern about what trees are being removed and they are not accurately represented on the plans.](#)
 - [Concern for tree removal and encourage tree retention, including large trees.](#)
 - [Lack of 10’ landscaped buffer between site and from 567 Holmes Lane.](#)
 - [Requested landscape buffer to Park.](#)
- [Stormwater and Singer Creek](#)
 - [Concern about stormwater and drainage to Singer Creek from street runoff and pond.](#)
 - [Concern about mud associated with construction will go to Singer Creek.](#)
- [Other](#)
 - [Concern about the effects of development on nearby historic sites.](#)
 - [The property should be rezoned.](#)
 - [Concern for lack of sewer in area.](#)
 - [Question for applicant providing funding to Stafford Park.](#)
 - [Staffing qualifications.](#)
 - [Process of review.](#)
 - [Visibility of land use sign.](#)

During the appeal process additional issues were identified which were not included in the notice of appeal and are rejected by the Commission. The additional issues were identified by the staff and applicant in the proceeding such as:

- Rezoning of 535 and 545 Holmes Lane to R-6.
- Adequacy of available infrastructure to support current zoning in the area.
- Staff visits to the site and relative distance of proposed development site to the Planning Department office.
- Whether other property owners on Holmes Lane will be required to improve the street.
- Engineering responsibility / hypothetical change in engineer.
- Condominium ownership arrangement.
- Information about the Department of Environmental Quality (DEQ), or algae blooms, environmental disaster, runoff to the Willamette River, amount of impervious surfaces, location of stormwater conveyance system, elevation design of detention pond, engineered drainage plan or drainage report, water quality and flow control requirements, roadside stormwater facilities, failed collection ponds or stormwater on Mountainview.
- Permitting of demolition onsite.
- Retaining walls and associated landscaping behind units 21-24.
- Grading of units 19-27.
- Engineering responsibility.
- Traffic count data not previously included in record.
- Hours of construction.
- Applicant's request to modify the standards or OCMC Chapter 16 relating to Holmes Lane.
- Making Mountainview Street a through street and no longer a dead-end street.
- Management of garbage onsite.
- Infrastructure to support surrounding zoning and timing of improvements.
- Concern about archeological notification to Christian Nauer.

In addition, the appeal proceedings including new evidence, facts, and issues which the City Commission was unable to consider in the appeal proceeding. Per OCMC 17.50.030.B "Review by the city commission shall be on the record pursuant to OCMC 17.50.190 under ORS 197.195(5)". OCMC 17.50.190.D reiterates that "Review by the city commission shall be on the record, limited to the issues raised in the comments and no new evidence shall be considered." The Commission limits the evidence and facts to those included in the record prior to the close of the public comment period. The City Commission rejects all new facts which were not in the record prior to commencement of the appeal. Some examples of evidence include:

- Pictures and evidence of existing conditions around the site and experiences related to traffic and traffic patterns which were not in the traffic study, the City's review, or initial testimony.
- Traffic counts and speeding experiences that were not included in the record.
- Evidence and experiences about the review process, notice, neighborhood association meetings which were not included in the original submittal or in comments submitted during the initial review.
- Evidence and experiences related to stormwater pond capacity, stormwater impacts to the Willamette River.
- Evidence related to grading and topography.
- Comments and personal observations made during the September 1 hearing relating to speeding cars on Holmes Road.
- Commissioner McGriff's comments and personal observations made during the September 1 hearing relating to her knowledge that because of the uneven surfaces of Holmes Lane there is an "issue" with sight distance at the Rilance intersection, that additional sight distance should be required because that people use that area as a cut-through.
- Comments in a September 6 email string regarding there being no "barrier of a fence between the park and the development" and the project's "huge impact on this small park"; and its request to make certain trees "heritage trees."
- Comments during the September 1 hearing relating to there being a sewer/sanitary moratorium in the area in the past.
- Comments made during the September 1 hearing relating to Singer Creek Park and the City Parks Department's approval of only a small area of access near Linn for public use as relates to stormwater.

- [September 14 comments regarding the “ethics of the appeal,” certain community members’ the impact of the development on “not only Barclay Hills but Rivercrest, McLoughlin, and traffic intersecting to Molalla Ave.,” and whether the Commission may by its own motion review the action of a hearings officer under ORS 227.180.](#)
- [Ms. Catherine Pieslewicz’s September 14 email comments regarding access to Singer and Stafford Parks, the proposed development’s private streets/drive alleys, and concerns relating to the Applicant and its representatives.](#)

II. BACKGROUND:

1. Existing Conditions

The subject site consists of two (2) tax lots totaling approximately 430 feet in depth north to south and approximately 495 feet wide east to west, totaling 4.33 acres in size. Together the site area is generally square in shape with street frontage along both Holmes Lane and Mountain View Street. The site is currently developed with two single-family dwellings, one on each tax lot, as well as accessory structures on both tax lots. The site area is vegetated with a mix of trees, shrubs, and grass fields, and has a generally flat topography. In addition, the site area is bound by two city parks, Singer Creek Park to the west and Stafford City Park to the east.

The site is zoned R-2 High Density Residential. This zone district is designed for high density residential development.

The site abuts Holmes Lane on the south which is designated as a collector road in the Oregon City Transportation System Plan (TSP), and Mountain View Avenue to the north which is designated as a local road in the TSP.

Adjacent Zoning and Land Uses

Direction	Zoning	Land Use
North	R-2	Mountain View St / Single Family Residence
East	R-6	Single Family Residence
	I	City Park (Stafford)
South	R-6	Holmes Lane ROW / Single Family Residences / Museum
West	I	City Park (Singer Creek)

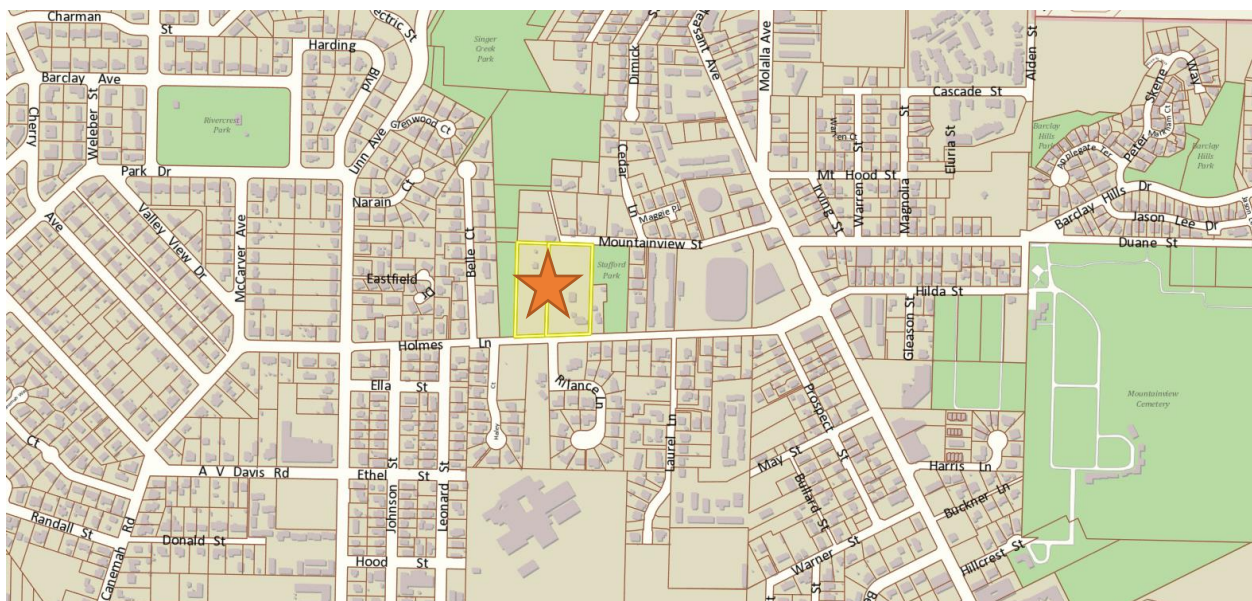


Figure 1. Vicinity Map



Figure 2: Existing Conditions – Aerial Image

2. Project Description

The applicant is proposing a lot line adjustment to reduce the size of 545 Holmes Lane and construct a 60-unit residential condominium on the remaining portion of the property. The home at 545 is proposed to be retained on the reduced lot. The subject site has an underlying zoning district of High-Density Residential District (R-2) and will be developed utilizing the requirements of the City's Site Plan and Design Review section. Although this proposal is referred to as a "condominium development" and outwardly has the appearance of groupings of duplexes and rowhouses, all of the units are proposed to be on one tax lot, so it is considered a multi-family housing development pursuant to the definition in OCMC 17.04.780 - Multi-family residential.

"Multi-family 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. Multi-family developments, known as apartments and condominiums, may include structures that are similar in form to townhouses, cluster housing, duplexes, or single-family dwellings.

Therefore the application is reviewed as a Type II Site Plan and Design Review application and is required to comply with OCMC 17.62 and the applicable multi-family design standards therein.

Though the applicant indicated there are private streets in the proposal, they are not right-of-way and are not accepted as private streets, but are rather reviewed as drive aisles for the multi-family development in accordance with OCMC 17.52.

Since the subject property is surrounded by the Stafford City Park and Singer Creek Park on both sides of the proposed development, the Applicant would like to take advantage of this unique arrangement by making it easily accessible for the future condominium owners. Although all open space requirements appear to be met on-site, the Applicant would like to work with the City to enhance Stafford City Park so it can provide additional recreational opportunities for the future residents. To that end, the Applicant expressed an interest to make a proportionate financial contribution to the City so the City can purchase a play structure or similar type of amenity to enhance the park. This review is limited to the site plan and design review of the proposed

development pursuant to the applicable code criteria. The applicant is advised to work independently with the City Parks and Recreation Department regarding contributions to parks improvements.

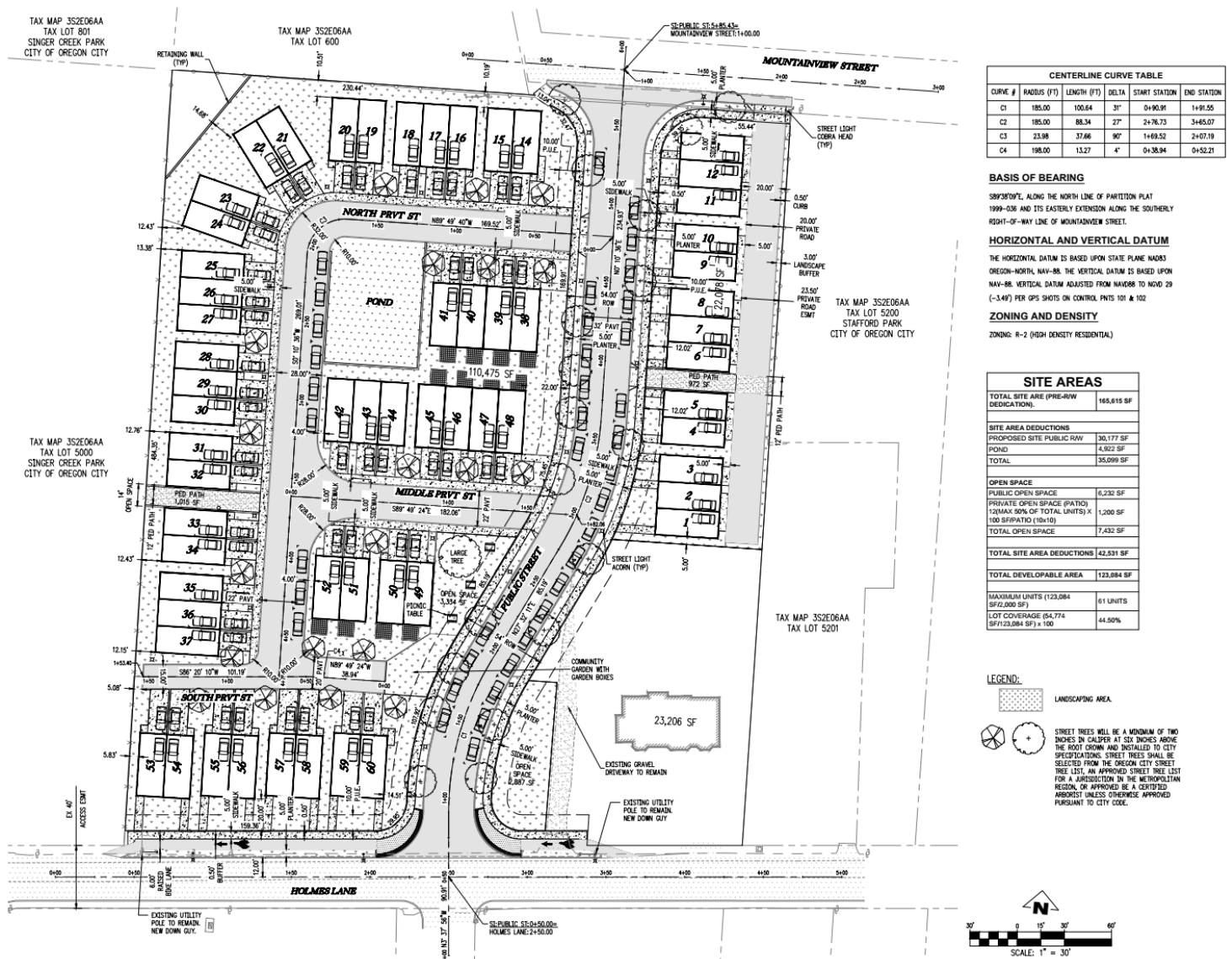


Figure 3: Proposed Site Plan

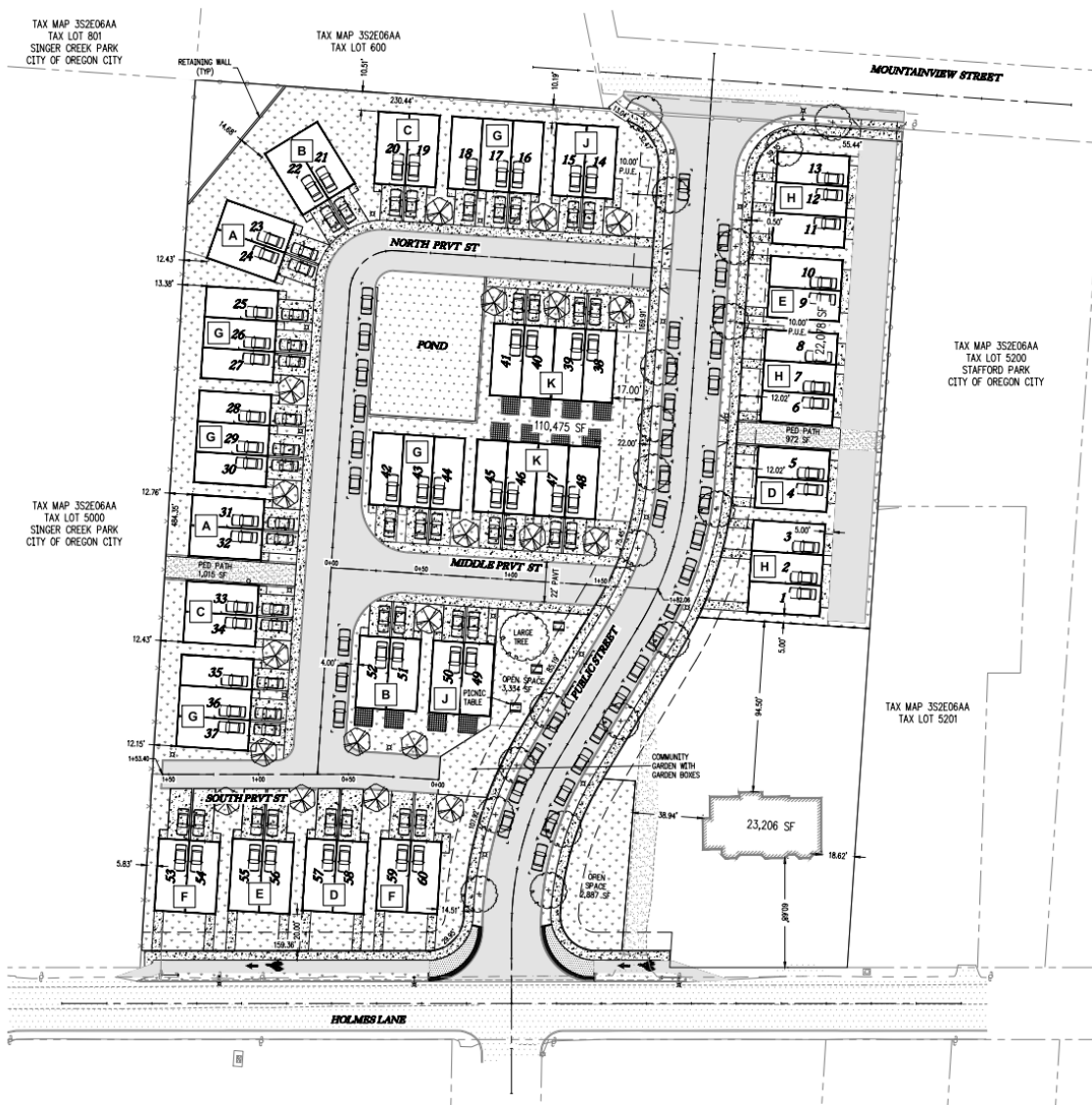


Figure 4: Building Type Location Site Plan



Figure 5: Proposed Building Elevations – Plan A



Figure 6: Proposed Building Elevations – Plan B



Figure 7: Proposed Building Elevations – Plan C



Figure 8: Proposed Building Elevations – Plan D



Figure 9: Proposed Building Elevations – Plan E



Figure 10: Proposed Building Elevations – Plan F



Figure 11: Proposed Building Elevations – Plan G



Figure 12: Proposed Building Elevations – Plan H



Figure 13: Proposed Building Elevations – Plan I



Figure 14: Proposed Building Elevations – Plan J – Right Elevation is Street Facing



Figure 13: Proposed Building Elevations – Plan K - Right Elevation is Street Facing

3. Permits and Approvals: The applicant is responsible for obtaining approval and permits from each applicable governmental agency and department at Oregon City including but not limited to the Engineering and Building Divisions. The applicant may submit a phased occupancy request at a future date.

4. Public Comment

Public comments were submitted by the following parties. The following table is intended as a summary. Full comments are attached to the staff report.

James Donnelly

[James Donnelly submitted comments on behalf of the Barclay Hills Neighborhood Association.](#) Concern that the traffic report is full of mistakes with the incorrect number of lanes cited on Mountainview, an incorrect speed limit cited on Holmes Lane and Molalla Avenue, and old data from 2018. Concern for the data of am and pm peak hour trips cited is too low. Concern for the safety of connecting Mountainview with Holmes Lane. Concern for traffic sight obstructions (12.04.195) for the new road at Holmes Lane which will be difficult to see cars coming from the east due to the road topography. Concern for speeding on Holmes Lane and a request for a speed monitoring device. Concern that not all trees onsite are accounted for in the proposed plans (such as those near Stafford Park and Mountainview) and concern that mature trees are being removed. Concern that there is not a landscaped buffer adjacent to the abutting R-6 zoned property. Concern that the parking will be insufficient and that parking should not occur in fire lanes and in

Stafford Park, on Holmes Lane, or on Mountainview Street, and in the surrounding neighborhoods. Concern roadway width not sufficient to allow for cars in travel lanes to pass alongside parked cars. Concern that the water from the pond and the street runoff will drain into Singer Creek with oil, chemicals, pesticides, and herbicides. Concern for construction causing mud in Singer Creek. Asked if there will be mosquito prevention with the new pond. Concern that the development is close to historic structures and locations and would have a negative effect. Suggestion to rezone property to the zoning pre-2004 designation.
Gene Sloomans, 581 Holmes Lane, Apt 31, Oregon City
Concern for more traffic crashes, cats killed, speeding, drug use, crime, and trash.
Timothy Keene, 450 Mountainview Street, Oregon City
Request for a traffic light at the intersection of Mountainview and Molalla and concern of increased vehicle and foot traffic on Mountainview Street which does not have adequate sidewalks and intersection management or sidewalks to handle the increased demand and could result in a safety hazard. Turning left from Mountainview to Molalla Avenue is challenging already and will be increased after the development is constructed. Curious about the impact of the trees at the edge of Stafford Park as well as plans for park maintenance, monitoring, and development.
Mark and DeAnn Beals, 573 Holmes Lane, Oregon City
Concern about a discrepancy in the traffic study and the building plans, the traffic survey was from September, 2017 and additional development has since occurred. The speed limit identified in the traffic study is incorrect and there are not bike lanes on Holmes Lane or crosswalks on Rilance or Holmes Lane. Concern that the increased traffic impact would be unsafe, particularly since many speed along Holmes Lane. Concern that the traffic study does not consider traffic from Mountainview traveling on the proposed Reliance Lane to Holmes, or school bus stops. Concern for safety and parking. Concern for people parking on Mountainview or Holmes, concern not sufficient parking onsite. Concern for the City's historical value and nearby historic structures. Concern for crime and garbage. Concern for the park being at capacity, park condition, drugs, homeless, safety, and trash. Concern for adequacy of the sewage system and the effects of the development for others on the sewer system.
McLoughlin Memorial Association, 536 Holmes Lane, Oregon City
Concerns about impact on Goal 5 historic or natural resources. Concern that the application submittal did not include identification of Goal 5 resources within 100 feet as required. Concern that the application does not contain a drawing to show how the property relates to Goal 5 resources, particularly those on the National Register and thus the impacts are unable to be identified. Concern that a 20' landscape buffer is required but not shown. Concern that the traffic analysis is insufficient because traffic speeds along Holmes Lane with no traffic devices to slow the speed of traffic, and the street has a substandard surface with no bike lanes, and a narrow sidewalk on the east side. Concern about sight distance from Rilance Lane to Holmes Lane and Mountainview at Molalla Avenue which will be exacerbated with the additional traffic volumes. The traffic data used was from 2014 and 2017 and does not adequately address the traffic volumes. Concern that not all of the development criteria are addressed in the application.
Nancy J. Nelson, 142 Narain Ct, Oregon City
Identification that there is a very high likelihood of finding subsurface archaeological resources as well as precontact Native American archaeological resources. Concern for pollutants from the development in the Singer Creek watershed. A request for a study of Linn Avenue and Molalla Avenue and note that cars speed along Linn Avenue which creates an uncomfortable space to walk, particularly given the lack of sidewalks.
Terry and Nancy Lingmann, 602 Holmes Lane, Oregon City
Concern of safety with sparsely spaced street lights on Holmes Lane, obscured visibility (and a blind spot) to westbound traffic from Molalla Avenue, obscured visibility (and a blind spot) to eastbound traffic from 5 th Avenue. Increased traffic from the City facility since the changes to ingress/egress, improvements at Grocery Outlet has

increased vehicle and pedestrian traffic (and block traffic with deliveries). Speeding on Holmes Lane is problematic with increased pedestrian traffic and inconsistent bike lanes. Concern for reducing park and green spaces and the increase in people and traffic on Holmes Lane.
Aaron Wolff, 703 Barclay Hills Drive, Oregon City
Support for better use of the land and improvements offered at nearby parks. Wish for a more cohousing emphasis with a community focused design and that the units will not be affordable. Concern of the traffic study utilizing the incorrect speed limit. Request to retain large shade trees and plant new trees which have a wider canopy. Concern new road is wider than needed which may encourage speeding.
Karla Laws
Submitted comments on behalf of James Donnelly the Barclay Hills Neighborhood Association and an email concerned about office hours.
Building Division
Identified that the proposal does not conflict with their interests.
Oregon City School District, Wes Rogers
Identified that the proposal does not conflict with their interest. Indicated sufficient capacity at middle and high schools and expect a few elementary students with this development.
Clackamas River Water
CRW provided comments that the application falls outside the CRW water district, no written comments will be provided.

The primary themes from the comments are summarized below.

- Transportation. The applicant submitted a Transportation Impact Study (TIS). The TIS was prepared under the direction of Dana Beckwith, PE of Global Transportation Engineering. The TIS is dated December 2020. The TIS was reviewed by John Replinger, PE, of Replinger and Associates, the City's transportation planning consultant. A detailed summary of the study and the City's analysis is provided in 16.12.033.
- Landscaping, trees, street lights, archaeological resources, sight-distance, stormwater, and density were identified and are analyzed within this report.
- Crime, mosquitos, affordability, park maintenance, homelessness, trash, presence of sidewalks and bike lanes nearby, and other issues were identified but are not an applicable criteria for development.
- Relationship to historic structures or sites. Neither of the properties within the subject site are within a historic district or contain individual historic landmarks designated outside of a district and thus are not subject to historic review.

[Additional comments were provided in the appeal hearings which are not captured above. The comments may be reviewed in the video of each meeting.](#) None of the comments provided indicate that an approval criterion has not been met or cannot be met through the Conditions of Approval attached to this Staff Report.

IV. ANALYSIS AND FINDINGS:

Municipal Code Standards and Requirements: The following sections of the Oregon City Municipal Code are applicable to this land use approval:

CHAPTER

CHAPTER 12.04 – STREETS SIDEWALKS AND PUBLIC SPACES	2724
CHAPTER 12.08 – PUBLIC AND STREET TREES	3128
CHAPTER 13.12 – STORMWATER MANAGEMENT	3229
CHAPTER 15.48 – GRADING, FILLING AND EXCAVATING.....	3834
CHAPTER 16.12 – MINIMUM PUBLIC IMPROVEMENTS AND DESIGN STANDARDS FOR DEVELOPMENT.....	3935
CHAPTER 16.20 - PROPERTY LINE ADJUSTMENTS AND ABANDONMENT PROCESS AND STANDARDS	7063
CHAPTER 17.47 – EROSION AND SEDIMENT CONTROL	7265
CHAPTER 17.12 HIGH DENSITY RESIDENTIAL DISTRICT	7467
CHAPTER 17.41 – TREE PROTECTION, PRESERVATION, REMOVAL AND REPLANTING STANDARDS	7972
CHAPTER 17.50 – ADMINISTRATION AND PROCEDURES.....	8678
CHAPTER 17.52 OFF-STREET PARKING AND LOADING	9182
CHAPTER 17.54 – SUPPLEMENTAL ZONING REGULATIONS AND EXCEPTIONS	10495
CHAPTER 17.58 - NONCONFORMING USES, STRUCTURES, AND LOTS.....	93
CHAPTER 17.62 – SITE PLAN AND DESIGN REVIEW	10596

CHAPTER 12.04 – STREETS SIDEWALKS AND PUBLIC SPACES

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.*
- 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.*

Finding: Applicable. The above standards are not actual development approval criteria for the Applicant's 60-unit condominium proposal, but rather the City's jurisdictional and regulatory management requirements for all public rights-of-way within the City. The Applicant is aware of these requirements and understands all rights-of-ways within the proposal will be managed pursuant to the above standards. The Applicant is aware of these requirements and understands all rights-of-ways within the proposal will be managed pursuant to the above standards. The City of Oregon City has jurisdiction over Holmes Lane.

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.

Finding: Applicable. Driveways will be reviewed in accordance with OCMC 16.12.035, and the driveway requirements may be modified through the procedures in OCMC 16.12.013. See 16.12.035 for more information.

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.

Finding: Not applicable. There are no existing sidewalks on the street abutting the development property.

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 approved by the City Engineer.*
 - 2. *Sidewalks constructed on unimproved streets shall be constructed of concrete according to lines and grades approved 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.*

Finding: Not applicable. There are no existing sidewalks on the street abutting the development property.

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.

Finding: Not Applicable. No retaining walls exist or are proposed on this project adjacent to the public sidewalk.

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.

Finding: Complies with Condition. Pavement cuts are proposed within Holmes Lane due to proposed utility service installations and required frontage improvements. Pavement cuts or other improvement made in a City street or alley shall be done in accordance with the City of Oregon City Public Works Pavement Cut Standards and restored in accordance with the City of Oregon City Public Works Pavement Cut Standards. (Also written in 16.12.029) **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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. A "temporary obstruction" includes, but is not limited to, moving containers, 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 route complying with Americans with Disability Act (ADA) standards.*
- e. Alternative routes if necessary;*
- f. Minimizing obstruction area; and*
- g. 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.*
- 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.*

Finding: Not Applicable. No obstructions are proposed within the right of way.

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.

Finding: Not Applicable. No vacations are proposed as part of this application.

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.

Finding: Complies with condition. See findings from chapter 16.12 of this report.

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.

Finding: Complies with Condition. The workmanship and materials for any work performed under permits issued by Oregon City Public Works shall be in accordance with the 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. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

CHAPTER 12.08 – PUBLIC AND STREET TREES

12.08.015 - Street tree selection, planting and maintenance requirements.

All development shall provide street trees adjacent to all street frontages. Species and locations of trees shall be selected based upon vision clearance requirements, but shall in all cases be selected from the Oregon City Street Tree List, an approved street tree list for a jurisdiction in the metropolitan region, or be approved by a certified arborist unless otherwise approved pursuant to this section. If a setback sidewalk has already been constructed or the Public Works Department determines that the forthcoming street design shall include a setback sidewalk, then all street trees shall be installed with a planting strip or within tree wells. If existing street design includes a curb-tight sidewalk, then all street trees shall be placed according to OCMC 12.08.035.C.

- A. One street tree shall be planted for every thirty-five feet of property frontage. The tree spacing shall be evenly distributed throughout the total development frontage to meet the clearance distances required in subsection (B) below. The Community Development Director may approve an alternative street tree plan, or accept fee-in-lieu of planting pursuant to OCMC 12.08.035, if site or other constraints prevent meeting the required total number of tree plantings.*
- B. The following clearance distances shall be maintained when planting trees:

 - 1. Fifteen feet from streetlights;*
 - 2. Five feet from fire hydrants;*
 - 3. Twenty feet from intersections;*
 - 4. Five feet from all public utilities (i.e. sewer, storm and water lines, utility meters, etc.);**
- C. All street trees planted in conjunction with development shall be a minimum of two inches in caliper at six inches above the root crown and installed to city specifications. Larger caliper size trees may be approved if recommended by a certified arborist or registered landscape architect.*
- D. All established trees shall be pruned tight to the trunk to a height that provides adequate clearance for street cleaning equipment and ensures ADA complaint clearance for pedestrians.*
- E. All trees planted within the right-of-way shall be planted with root barriers at least eighteen inches in depth adjacent to the sidewalk and curb to ensure proper root growth and reduce potential damage to sidewalks, curbs and gutters.*
- F. All trees planted beneath powerlines shall be selected based on what is appropriate for the location. In addition, the tree species shall be approved by the associated franchise powerline utility company.*

G. *Tree species, spacing and selection for stormwater facilities in the public right-of-way and in storm water facilities shall conform to requirements of OCMC 13.12 and the adopted Stormwater and Grading Design Standards and be approved by the City Engineer.*

H. *Any public or street trees planted within the Natural Resource Overlay District shall conform to the applicable requirements of OCMC 17.49 - Natural Resources Overlay District (NROD).*

Finding: Complies with Condition. The proposal includes installation of public street trees along all street frontages which include Mountainview Ave, the public street extension between Mountainview Ave and Holmes Lane, Holmes Lane. Though the proposal identified the potential location of trees, they are likely to change slightly with the redesigned site plan required to accommodate the larger landscaped buffer between the site and a neighboring property as well as with the placement of streetlights, utility meters, etc. as required by this code section. Prior to issuance of construction plans of the right-of-way improvements, the applicant shall submit a street tree plan which includes the correct number of street trees evenly distributed throughout the total development in accordance with OCMC 12.08. The street tree plan will be submitted to and reviewed by PGE during the construction plan review process. The city may accept fee-in-lieu of planting pursuant to OCMC 12.08 if site or other constraints prevent meeting the required total number of tree plantings. The engineer of record shall confirm that the final street tree plan conforms to this chapter. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

12.08.035 - *Tree removal and replacement.*

Existing street trees, trees in the right-of-way, and trees on public property shall be retained and protected during development unless removal is specified as part of a land use approval or in conjunction with a public capital improvement project, in accordance with OCMC 17.41.

Finding: Not applicable. The applicant did not propose to remove any existing street trees.

CHAPTER 13.12 – STORMWATER MANAGEMENT

13.12.050 - *Applicability and exemptions.*

This chapter establishes performance standards for stormwater conveyance, quantity and quality.

Additional performance standards for erosion prevention and sediment control are established in OCMC 17.47.

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

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

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

Finding: Applicable. As part of the submitted application materials, the Applicant has provided a preliminary stormwater management report. Additionally, the submitted plans show that the proposed stormwater facility will be located entirely on one privately owned parcel, the conveyance facilities will be privately maintained, and private conveyance facilities will receive not stormwater runoff from outside the parcel's property limits. Connection to a public stormwater conveyance system is required to serve this development.

B. *Water Quality and Flow Control. The water quality and flow control requirements of this chapter shall apply to the following proposed uses or developments, unless exempted under subsection C:*

1. Activities located wholly or partially within water quality resource areas pursuant to OCMC 17.49 that will result in the creation of more than five hundred square feet of impervious surface within the NROD or will disturb more than one thousand square feet of existing impervious surface within the NROD as part of a commercial or industrial redevelopment project. These square footage measurements will be considered cumulative for any given five-year period; or
2. Activities that create or replace more than five thousand square feet of impervious surface, cumulated over any given five-year period.

Finding: Applicable. The proposed development will create or replace more than 5000 square feet of impervious surface; therefore, the requirements of this section apply

C. Exemptions. The following exemptions to subsection B of this section apply:

1. An exemption to the flow control requirements of this chapter will be granted when the development site discharges to the Willamette River, Clackamas River or Abernethy Creek; and either lies within the one hundred-year floodplain or is up to ten feet above the design flood elevation as defined in OCMC 17.42, provided that the following conditions are met:
 - a. The project site is drained by a conveyance system that is comprised entirely of manmade elements (e.g. pipes, ditches, culverts outfalls, outfall protection, etc.) and extends to the ordinary high water line of the exempt receiving water; and
 - b. The conveyance system between the project site and the exempt receiving water has sufficient hydraulic capacity and erosion stabilization measures to convey discharges from the proposed conditions of the project site and the existing conditions from non-project areas from which runoff is collected.
2. Projects in the following categories are generally exempt from the water quality and flow control requirements:
 - a. Stream enhancement or restoration projects approved by the City.
 - b. Farming practices as defined by ORS 30.960 and farm use as defined in ORS 214.000; except that buildings associated with farm practices and farm use are subject to the requirements of this chapter.
 - c. Actions by a public utility or any other governmental agency to remove or alleviate an emergency condition.
 - d. Road and parking area preservation/maintenance projects such as pothole and square cut patching, surface sealing, replacing or overlaying of existing asphalt or concrete pavement, provided the preservation/maintenance activity does not expand the existing area of impervious coverage above the thresholds in subsection B of this section.
 - e. Pedestrian and bicycle improvements (sidewalks, trails, pathways, and bicycle paths/lands) where no other impervious surfaces are created or replaced, built to direct stormwater runoff to adjacent vegetated areas.
 - f. Underground utility projects that replace the ground surface with in-kind material or materials with similar runoff characteristics.
 - g. Maintenance or repair of existing utilities.

Finding: Not Applicable. This code section does not apply to the Applicant's proposal as none of the exemptions are relevant to the subject site. No exemptions apply to the proposed development.

D. Uses Requiring Additional Management Practices. In addition to any other applicable requirements of this chapter, the following uses are subject to additional management practices, as defined in the Public Works Stormwater and Grading Design Standards:

1. Bulk petroleum storage facilities;
2. Above ground storage of liquid materials;
3. Solid waste storage areas, containers, and trash compactors for commercial, industrial, or multi-family uses;

4. Exterior storage of bulk construction materials;
5. Material transfer areas and loading docks;
6. Equipment and/or vehicle washing facilities;
7. Development on land with suspected or known contamination;
8. Covered vehicle parking for commercial or industrial uses;
9. Industrial or commercial uses locating in high traffic areas, defined as average daily count trip of two thousand five hundred or more trips per day; and
10. Land uses subject to DEQ 1200-Z Industrial Stormwater Permit Requirements.

Finding: Not Applicable. This code section does not apply to the Applicant's proposal because none of the uses listed in this code section are being proposed by the Applicant. The development has not proposed use of the land that requires additional management practices as defined in the Public Works Stormwater and Grading Design Standards.

13.12.080 - Submittal requirements.

A. Applications subject to stormwater conveyance, water quality, and/or flow control requirements of this chapter shall prepare 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.

B. Each project site, which may be composed of one or more contiguous parcels of land, shall have a separate valid city approved plan and report before proceeding with construction.

Finding: Complies with Condition. This is a submittal requirement rather than a substantive approval criterion. It exists to advise applicants about what is required in order to conduct a meaningful review of the OCMC 13.12.090 criteria. The applicant's preliminary drainage plan and report provided submittals required for land use approval as necessary to satisfy this submittal requirements required by as well as the Public Works Stormwater and Grading Design Standards. However, the report is preliminary and a finalized version of the report reflective of a separate valid city approved plan is required. Requirements of this code section can be met by further review to confirm compliance with the meeting approval criteria outlined in Section 13.12.090 of this report before construction occurs and a condition of approval is imposed to assure this result. ~~See findings from section 13.12.090 of this report.~~

13.12.090 - Approval criteria for engineered drainage plans and drainage report.

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

- A. The plan and report demonstrate how the proposed development and stormwater facilities will accomplish the purpose statements of this chapter.
- B. The plan and report meet the requirements of the Public Works Stormwater and Grading Design Standards adopted by resolution under OCMC 13.12.020.
- C. The storm drainage design within the proposed development includes provisions to adequately control runoff from all public and private streets and roof, footing, and area drains and ensures future extension of the current drainage system.
- D. Streambank erosion protection is provided where stormwater, directly or indirectly, discharges to open channels or streams.
- E. Specific operation and maintenance measures are proposed that ensure that the proposed stormwater quantity control facilities will be properly operated and maintained.

Finding: Complies with Condition. OCMC 13.12.090 requires that drainage plans or reports will satisfy the City's adopted Stormwater and Grading Design Standards. The applicant shall meet these standards by providing a final engineered drainage plan, drainage report and design flow calculations. This is

accomplished by following the general stormwater principles within Chapter 1.3 of the Standards. The requirements will follow Chapter 1.4 of the Standards implementing specific designs that control stormwater and prevent future flooding. This is also accomplished by meeting Chapter 1.4.4 and all of Chapter 4 to treat stormwater to the maximum extent practicable as provided for in the Standards. Section 9.3 and 9.4 of the Standards lists the items required to be submitted which will address all items throughout Chapters 1 through 8 and the Appendices of the Standards. By following these Standards, all stormwater will be controlled and treated in such a way that there is no negative downstream impact to properties, features, or right-of-way.

The Applicant has provided a preliminary stormwater management report. The submitted preliminary stormwater report has been prepared in accordance with the above criteria and demonstrates that the proposed development includes provisions to adequately control runoff from all drive aisles, private and public streets, and roof, footing, and area drains and ensures future extension of the current drainage system necessary to accommodate those flows. However, the detailed calculations of stormwater flows and treatment solution designs have yet to be plans and report have not been fully reviewed and will need to be finalized and reviewed for compliance with once reviewed for compliance with requirements of the Public Works Stormwater and Grading Design Standards is completed. In other words, the conceptual analysis indicates that compliance with all of the detailed flow limitations and construction specifications can and will be satisfied when final engineering occurs. The applicant shall provide finalized engineered drainage plan(s), drainage report(s), and design flow calculation report(s) stamped and signed by a licensed engineer addressing all items from the Section 9.3 & 9.4 of the Public Works Stormwater and Grading Design Standards. Therefore, based on this review of the preliminary drainage analysis, s~~Staff~~ **has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

13.12.100 - Alternative materials, alternative design and methods of construction.

The provisions of this chapter are not intended to prevent the use of any material, alternate design or method of construction not specifically prescribed by this chapter or the Public Works Stormwater and Grading Design Standards, provided any alternate has been approved and its use authorized by the City Engineer. The City Engineer may approve any such alternate, provided that the City Engineer finds that the proposed design is satisfactory and complies with the intent of this chapter and that the material, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed by this chapter in effectiveness, suitability, strength, durability and safety. The City Engineer shall require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding its use. The details of any action granting approval of an alternate shall be recorded and entered in the City files.

Finding: Not Applicable. The applicant has not proposed alternative design methods requiring special approval by the City Engineer. However, should the applicant propose such methods with the public facilities construction plan submittal, the proposal will be reviewed and approved by the City Engineer as required.

13.12.110 - Transfer of engineering responsibility.

Project drainage plans shall always have a project engineer. If the project engineer is changed during the course of the work, the City shall be notified in writing and the work shall be stopped until the replacement engineer has agreed to accept the responsibilities of the project engineer. The new project engineer shall provide written notice of accepting project responsibility to the City within seventy-two hours of accepting the position as project engineer.

Finding: Not applicable. The developer is already required to execute a "Developer/Engineer Agreement for Public Works Improvements" per section 16.12.014.

13.12.120 - Standard construction specifications.

The workmanship and materials shall be in accordance with the current edition of the "Standard Specifications for Public Works Construction," as prepared by the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the City, in effect at the time of application. The exception to this requirement is where this chapter and the Public Works Stormwater and Grading Design Standards provide other design details, in which case the requirements of this chapter and the Public Works Stormwater and Grading Design Standards shall be complied with.

Finding: Complies with Condition. The workmanship and materials for any work performed under permits issued by Oregon City Public Works shall be in accordance with the 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. (Also written in the findings of section 12.04.270). There is nothing about this application or other evidence submitted into the record that leads the City to conclude that compliance with these "Standard Specification" will not occur. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

13.12.140 - Maintenance of public stormwater facilities.

A. A stormwater facility that receives stormwater runoff from a public right-of-way shall be a public facility. Upon expiration of the warranty period and acceptance by the City as described below, the City shall be responsible for maintenance of those public stormwater facilities. Access for maintenance of the stormwater facilities shall be provided to the City through the granting of a stormwater easement or other means acceptable to the City.

Finding: Not applicable. The development has not proposed any ~~roadside public~~ stormwater facilities which may receive stormwater runoff from a public right-of-way so this provision does not apply. If ~~roadside public~~ stormwater facilities receiving stormwater from the public right-of-way are constructed, they will be maintained as ~~publicroadway~~ improvements subject to a two-year warranty provided by the developer per provision within section 17.50.141. Upon expiration of the warranty period provided by section 17.50.141, the City will maintain roadside facilities along city ROW. **See findings from section 17.50.141 regarding warranty of public improvements that would apply if necessary.**

B. Responsibility for maintenance of stormwater facilities including all landscaping, irrigation systems, structures and appurtenances shall remain with the property owner/developer for two years (known as the warranty period). The owner/developer shall provide the City a separate two-year landscaping maintenance surety bond for one hundred ten percent of the landscaping cost. Transfer of maintenance of stormwater conveyance systems shall occur when the City accepts the stormwater conveyance system.

Finding: Not applicable. The development has not proposed any public stormwater facilities which may receive stormwater runoff from a public right-of-way that would require maintenance as specified in this criterion. If ~~public roadside~~ stormwater facilities are constructed, they will be maintained as roadway improvements through a two-year warranty provided by the developer per provision within section 17.50.141. Upon expiration of the warranty period provided by section 17.50.141, the City will maintain ~~public stormwaterroadside~~ facilities along city ROW. **See findings from section 17.50.141 regarding warranty of public improvements.**

13.12.145 - Maintenance of private stormwater facilities.

A. An applicant shall submit an operation and maintenance plan for each proposed stormwater facilities, unless exempted in the Public Works Stormwater and Grading Design Standards. The information in the operation and maintenance plan shall satisfy the requirements of the Public Works Stormwater and Grading Design Standards.

B. Private owners are required to inspect and maintain stormwater facilities on their property in accordance with an approved operation and maintenance plan. A maintenance log is required to document facility inspections and specific maintenance activities. The log shall be available to City inspection staff upon request.

C. Failure to operate or maintain a stormwater facility according to the operation and maintenance plan may result in an enforcement action under Section 13.12.150.

Finding: Complies with Condition. ~~Because multi-family development is proposed, all stormwater conveyance from development must be privately managed. Therefore, t~~The development proposes a private stormwater facility to manage~~ment~~ and treat all stormwater run-off on-site including runoff from the new impervious area long public roadways. Due to topography not all run-off could be managed. The property owner(s) shall execute an agreement providing maintenance of, and giving Oregon City access to, privately-owned stormwater management facilities and pay associated recording fees. The agreement shall include a site plan identifying all privately-owned stormwater management facilities and an operation and maintenance plan for each type of stormwater facility in accordance with the Public Works Stormwater and Grading Design Standards. The agreement shall run with the land and be applicable to subsequent property owners. The agreement shall be reviewed and accepted by the City prior to occupancy of any units. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

13.12.170 - Permits from other jurisdictions.

A. The Oregon State Department of Environmental Quality (DEQ) currently issues NPDES 1200-C permits for projects that cover areas of one acre or greater. No permit shall be issued for projects of this size (or any other size as modified by DEQ) without a copy of said DEQ permit being on file with Oregon City.

DEQ is responsible for policing its own permits; however, if City personnel observe conditions that are believed to be in violation of any such permit, and cannot get corrections made, the City will bring such conditions to the attention of the appropriate DEQ representatives.

Finding: Complies with Condition. The development exceeds 1.0 acre in disturbed area. The developer shall obtain a 1200-C (NPDES) permit from Oregon Department of Environmental Quality (DEQ) for construction activities one acre or greater prior to receiving a permit and beginning construction. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

B. Projects may require Oregon State Division of State Lands (DSL) and/or United States Army Corps of Engineers (USACE) permits. If such permits are required, no permission to construct will be granted until such a time as a copy of such permit is on file with the City or notice is received from those agencies that a permit is not required. DSL/USACE is responsible for enforcing its own permits; however, if City personnel observe conditions that are believed to be in violation of any such permit, and cannot get corrections made, the City will bring such conditions to the attention of the appropriate DSL/USACE representatives.

Finding: Not Applicable. A permit from DSL or USACOE is not required of this project.

C. Projects may require Oregon State Department of Fish and Wildlife (ODFW) permits. When ODFW permits are required, no work will be authorized until the receipt of a copy of the ODFW permit. ODFW is responsible for policing its own permits; however, if City personnel observe conditions that are believed

to be in violation of any such permit, and cannot get corrections made, the City will bring such conditions to the attention of the appropriate ODFW representatives.

Finding: Not Applicable. A permit from ODFW is not required of this project.

CHAPTER 15.48 – GRADING, FILLING AND EXCAVATING

15.48.030 Applicability—Grading permit required.

A. A city-issued grading permit shall be required before the commencement of any of the following filling or grading activities:

- 1. Grading activities in excess of ten cubic yards of earth;*
- 2. Grading activities which may result in the diversion of existing drainage courses, both natural and man-made, from their natural point of entry or exit from the grading site;*
- 3. Grading and paving activities resulting in the creation of impervious surfaces greater than two thousand square feet or more in area;*
- 4. Any excavation beyond the limits of a basement or footing excavation, having an unsupported soil height greater than five feet after the completion of such a structure; or*
- 5. Grading activities involving the clearing or disturbance of one-half acres (twenty-one thousand seven hundred eighty square feet) or more of land.*

B. Those fill and grading activities proposed to be undertaken in conjunction with a land use application, including but not limited to subdivisions, planned unit developments, partitions and site plan reviews, are subject to the standards of this chapter. However, a separate grading permit is not required. Approval of the construction plans submitted through the land use application process shall constitute the grading permit required under this chapter.

Finding: Applicable. The preliminary plan presents grading and paving activities that will result in the disturbance of more than one-half acre. Fill and grading activities are proposed to be undertaken in conjunction with a land use application. A separate grading permit is not required. Approval of the construction plans submitted through the land use application process shall constitute the grading permit required under this chapter.

15.48.040 - Grading permit exemptions.

The following filling and grading activities shall not require the issuance of a grading permit:

A. Excavation for utilities, or for wells or tunnels allowed under separate permit by other governmental agencies;

B. An excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit. The placement of any fill material removed from such an excavation requires a grading permit if:

- 1. It exceeds fifty cubic yards,*
- 2. More than ten cubic yards are removed from the site, or*
- 3. The fill is placed on the site to a depth greater than one foot;*

C. Farming practices as defined in ORS 30.930 and farm uses as defined in ORS 215.203, except that buildings associated with farm practices and farm uses are subject to the requirements of this chapter;

D. Excavation for cemetery graves;

E. Sandbagging, diking, ditching, filling or similar work when done to protect life or property during an emergency;

F. Repaving of existing paved surfaces that does not alter existing drainage patterns;

G. Maintenance work on public roads performed under the direction of the city, Clackamas County or Oregon State Department of Transportation personnel.

Finding: Not Applicable. The application does not qualify for an exemption.

15.48.090 Submittal requirements.

An engineered grading plan or an abbreviated grading plan shall be prepared in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards whenever a city approved grading permit is required. In addition, a geotechnical engineering report and/or residential lot grading plan may be required pursuant to the criteria listed below.

A. Abbreviated Grading Plan. The city shall allow the applicant to submit an abbreviated grading plan in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards if the following criteria are met:

1. No portion of the proposed site is within the flood management area overlay district pursuant to [Chapter 17.42](#), the unstable soils and hillside constraints overlay district pursuant to [Chapter 17.44](#), or a water quality resource area pursuant to [Chapter 17.49](#); and
2. The proposed filling or grading activity does not involve more than fifty cubic yards of earth.

B. Engineered Grading Plan. The city shall require an engineered grading plan in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards to be prepared by a professional engineer if the proposed activities do not qualify for abbreviated grading plan.

C. Geotechnical Engineering Report. The city shall require a geotechnical engineering report in compliance with the minimum report requirements of the Public Works Stormwater and Grading Design Standards to be prepared by a professional engineer who specializes in geotechnical work when any of the following site conditions may exist in the development area:

1. When any publicly maintained facility (structure, street, pond, utility, park, etc.) will be supported by any engineered fill;
2. When an embankment for a stormwater pond is created by the placement of fill;
3. When, by excavation, the soils remaining in place are greater than three feet high and less than twenty feet wide.

D. Residential Lot Grading Plan. The city shall require a residential lot grading plan in compliance with the minimum report requirements of the Public Works Stormwater and Grading Design Standards to be prepared by a professional engineer for all land divisions creating new residential building lots or where a public improvement project is required to provide access to an existing residential lot.

Finding: Complies with Conditions. A preliminary grading plan was submitted from which staff has determined that compliance with the Public Works Stormwater and Grading Design Standards is feasible. As such, the conditions require tThe developer to~~shall~~ provide an engineered grading plan prepared by a professional engineer in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards. Based on the size of the site, the grading proposed and general topography, sStaff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

CHAPTER 16.12 – MINIMUM PUBLIC IMPROVEMENTS AND DESIGN STANDARDS FOR DEVELOPMENT

16.12.010 - Purpose and general provisions.

All development shall be in conformance with the policies and design standards established by this chapter and with applicable standards in the City's public facility master 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.

Finding: Complies with Condition. The above code section is not an actual approval criterion for Site and Design Review, but rather a general-purpose statement relating to the City's Engineering Department's review of the required civil plans after the Applicant has received Land-Use approval for the proposed project. The Applicant is aware of this code section and will work closely with the City's Engineering Staff upon gaining Site and Design Review approval from the City's Planning Department for the proposed development. Compliance with the "purpose and general provisions" of chapter 16.12 can be met by adhering to the following: The development plans shall comply with all current Oregon City Public Works design standards, specifications, codes, and policies prior to receiving a permit and beginning construction. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

16.12.011 - 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. 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.

Finding: Applicable. The applicant is applying for Site and Design Review approval; therefore, the development shall follow the standards set forth in OCMC 16.12.

16.12.012 - 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.

Finding: Applicable. The city has exercised its regulatory management authority by providing findings within this staff report with conditions to be met by the applicant prior to working within all public rights-of-way. Holmes Lane and Mountainview Street are under the jurisdiction of the City of Oregon City.

16.12.013 - 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. Compliance with the following criteria is required:

- A. The modification meets the intent of the standard;*
- B. The modification provides safe and efficient movement of pedestrians, motor vehicles, bicyclists and freight; science experiments ahead*
- C. The modification is consistent with an adopted transportation or utility plan; and*
- D. The modification is complementary with a surrounding street design; or, in the alternative;*
- E. 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.*

Finding: Complies as proposed. A modification is proposed for the design of Holmes Lane. The applicant submitted a site plan showing a proposed design for Holmes Lane which differs from the standard identified in the code below.

Table 16.12.016 Street Design (excerpt)

<i>Road Classification</i>	<i>Comprehensive Plan Designation</i>	<i>Right-of-Way Width</i>	<i>Pavement Width</i>	<i>Public Access</i>	<i>Sidewalk</i>	<i>Landscape Strip</i>	<i>Bike Lane</i>	<i>Street Parking</i>	<i>Travel Lanes</i>	<i>Median</i>
	<i>Residential</i>	<i>85 ft.</i>	<i>59 ft.</i>	<i>0.5 ft.</i>	<i>5 ft.</i>	<i>7.5 ft.</i>	<i>6 ft.</i>	<i>7 ft.</i>	<i>(3) 11 ft. Lanes</i>	<i>N/A</i>

- A. The modification meets the intent of the standard;*
The proposed modification meets the intent of the code by providing adequate space for all modes of travel. The applicant proposes to install sidewalk and a bike lane along the Holmes Lane frontage; this satisfies TSP projects W67 and B53.

- B. The modification provides safe and efficient movement of pedestrians, motor vehicles, bicyclists and freight; science experiments ahead*

The applicant provided Transportation Impact Study found the following:

- A capacity analysis showed that both study intersections operate at acceptable levels of service under existing conditions and that they will continue to operate at acceptable levels with the addition of background growth and site trips. No capacity issues were found and no mitigations are recommended.
- A crash data analysis was conducted for the two study intersections. Ten crashes were reported at the intersection of Holmes Lane at Molalla Avenue and none were reported at the intersection of Holmes Lane at Rilance Lane. Crash patterns were analyzed and no mitigations are recommended.

- C. The modification is consistent with an adopted transportation or utility plan; and*
This is not applicable since the city has not adopted a transportation plan specific to Holmes Lane.

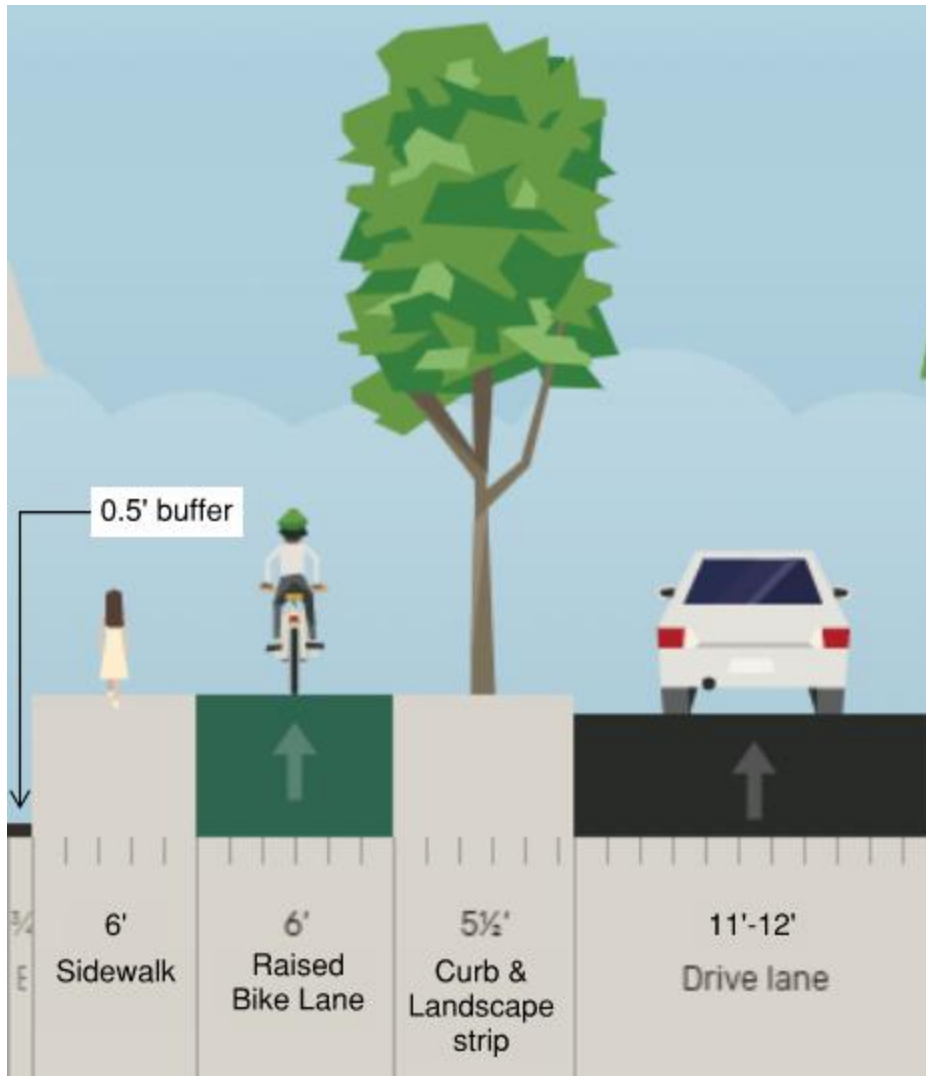
Also, the applicant proposes to install sidewalk and a bike lane along the Holmes Lane frontage; this satisfies TSP projects W67 and B53. The applicant has provided a 12-foot-wide automobile lane which meets the TSP "Optimum Street Design" guidance which states, "Determine if the street is located along a regional truck route, local truck route, or a transit route. If so, the through lane width should be a minimum of 12 feet along a truck route or 11 feet along a transit route. If not, the lane width can be reduced to a minimum of 12 feet along major arterials, 11 feet on minor arterials, and 10 feet along collectors and local streets, as determined by the City." Holmes Lane is a collector street which is neither a transit route or a truck route so 12-foot-wide travel lanes consistent with the TSP.

- D. The modification is complementary with a surrounding street design; or, in the alternative;* The proposed street improvement matches the existing improvements made on the south side Holmes Lane and the east end of Holmes Lane (near the intersection of Molalla Avenue) where there is an established, bike lane, curb, furnishing zone and raised sidewalk but no on-street parking. The applicant provided Transportation Impact Study which stated that, "volumes for Holmes Lane at Rilance Lane did not meet the minimum thresholds for analysis as outlined in Section 4C.04.03 of the Manual for Uniform Traffic Control Devices (MUTCD). Left and right turn lane warrants were similarly not examined due to low turning movement volumes for movements not served by a dedicated turn lane under 2023 buildout conditions at both study intersections." Therefore, a center turn lane is not needed. Due to conflicts with existing high voltage electrical transmission poles which cannot be relocated underground (per OCMC 13.34.090.A) a parking lane is not required or feasible along Holmes Lane.
- E. 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.* This is not applicable since the modification is not requested for constitutional reasons.

To ensure the development provides the necessary improvements along Holmes Lane the following has been conditioned:

The development shall provide the following along the development's frontage of Holmes Lane on the development side of the centerline: 11'-12'-wide drive lane, 0.5' curb, 5-foot-wide landscape strip, 6-foot-wide raised bike lane, 6-foot-wide sidewalk, and a 0.5-foot-wide buffer. The development shall dedicate right-of-way (ROW) to achieve 29' to 30' of ROW.

A conceptual image of the required improvements along Holmes Lane is shown below (view is looking west).



Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

16.12.014 - 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;*
- 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 city funded public projects contracted by the City (not less than one million dollars single incident and two million dollars aggregate);*
- H. *Preconstruction Meeting;*
- 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, maybe be submitted in conjunction with documentation for other infrastructure improvements that are done with the development (such as street, sanitary sewer, and water).

Finding: Complies with Condition. The developer shall submit or address all items in section 16.12.014 of the Oregon City Municipal Code based on the timing requirements contained therein and as deemed applicable by the City. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

16.12.015 - 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.

Finding: Complies as proposed. As part of the proposed development, the Applicant will be constructing a new north/south public street through the project that will connect Holmes Lane with Mountainview Street. In addition, the Applicant will be providing two (2) pedestrian connections, one on the east side and one on the west side of the project, to provide access to Stafford Park and Singer Creek Park, respectively. The applicant proposes to install sidewalk and a bike lane along the Holmes Lane frontage; this satisfies TSP projects W67 and B53.

The location and grades of the proposed street system provides for the continuation or appropriate projection of existing principal streets in the surrounding area and gives access for future development of adjoining land. The development has provided a convenient street system for the safety of all modes of travel, including pedestrian and bicycle to, from, and through the subject site. The widths of the proposed right-of-way and street improvements must satisfy requirements of table 16.12.016. **See findings from 16.12.016 regarding required improvements.**

16.12.016 - 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.

	<i>Industrial</i>	<i>120 ft.</i>	<i>88 ft.</i>	<i>0.5 ft.</i>	<i>5 ft.</i>	<i>10.5 ft.</i>	<i>6 ft.</i>	<i>N/A</i>	<i>(5) 14 ft. Lanes</i>	<i>6 ft.</i>
	<i>Residential</i>	<i>126 ft.</i>	<i>94 ft.</i>	<i>0.5 ft.</i>	<i>5 ft.</i>	<i>10.5 ft.</i>	<i>6 ft.</i>	<i>8 ft.</i>	<i>(5) 12 ft. Lanes</i>	<i>6 ft.</i>

<i>Road Classification</i>	<i>Comprehensive Plan Designation</i>	<i>Right-of-Way Width</i>	<i>Pavement Width</i>	<i>Public Access</i>	<i>Sidewalk</i>	<i>Landscape Strip</i>	<i>Bike Lane</i>	<i>Street Parking</i>	<i>Travel Lanes</i>	<i>Median</i>
<i>Minor Arterial</i>	<i>Mixed Use, Commercial or Public/Quasi Public</i>	<i>116 ft.</i>	<i>94 ft.</i>	<i>0.5 ft.</i>	<i>10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells</i>		<i>6 ft.</i>	<i>8 ft.</i>	<i>(5) 12 ft. Lanes</i>	<i>6 ft.</i>
	<i>Industrial</i>	<i>118 ft.</i>	<i>86 ft.</i>	<i>0.5 ft.</i>	<i>5 ft.</i>	<i>10.5 ft.</i>	<i>6 ft.</i>	<i>7 ft.</i>	<i>(5) 12 ft. Lanes</i>	<i>N/A</i>
	<i>Residential</i>	<i>100 ft.</i>	<i>68 ft.</i>	<i>0.5 ft.</i>	<i>5 ft.</i>	<i>10.5 ft.</i>	<i>6 ft.</i>	<i>7 ft.</i>	<i>(3) 12 ft. Lanes</i>	<i>6 ft.</i>

<i>Road Classification</i>	<i>Comprehensive Plan Designation</i>	<i>Right-of-Way Width</i>	<i>Pavement Width</i>	<i>Public Access</i>	<i>Sidewalk</i>	<i>Landscape Strip</i>	<i>Bike Lane</i>	<i>Street Parking</i>	<i>Travel Lanes</i>	<i>Median</i>
<i>Collector</i>	<i>Mixed Use, Commercial or Public/Quasi Public</i>	<i>86 ft.</i>	<i>64 ft.</i>	<i>0.5 ft.</i>	<i>10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells</i>		<i>6 ft.</i>	<i>8 ft.</i>	<i>(3) 12 ft. Lanes</i>	<i>N/A</i>
	<i>Industrial</i>	<i>88 ft.</i>	<i>62 ft.</i>	<i>0.5 ft.</i>	<i>5 ft.</i>	<i>7.5 ft.</i>	<i>6 ft.</i>	<i>7 ft.</i>	<i>(3) 12 ft. Lanes</i>	<i>N/A</i>
	<i>Residential</i>	<i>85 ft.</i>	<i>59 ft.</i>	<i>0.5 ft.</i>	<i>5 ft.</i>	<i>7.5 ft.</i>	<i>6 ft.</i>	<i>7 ft.</i>	<i>(3) 11 ft. Lanes</i>	<i>N/A</i>

<i>Road Classification</i>	<i>Comprehensive Plan Designation</i>	<i>Right-of-Way Width</i>	<i>Pavement Width</i>	<i>Public Access</i>	<i>Sidewalk</i>	<i>Landscape Strip</i>	<i>Bike Lane</i>	<i>Street Parking</i>	<i>Travel Lanes</i>	<i>Median</i>
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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.

Finding: Complies as proposed. The development is zoned as R-2 and has proposed a local street through the development property. The submitted plan proposed an extension of a local street (Rilance Lane) through the development property with right-of-way and street dimensions which meet requirements of Table 16.12.016.

The development proposes to provide right-of-way dedication and improve the frontage of Mountainview Street to meet which meet requirements of Table 16.12.016.

The development has proposed a street design for Holmes Lane which does not meet current city code for a "Collector" road. A modified design for improvements to Holmes Lane is needed ~~to~~ due to conflicts with existing high voltage electrical transmission poles which cannot be relocated underground (per OCMC 13.34.090.A) to accommodate requirements of Table 16.12.016. **Please see findings from 16.12.013 for required improvements along Holmes Lane.** The applicant proposes to install sidewalk and a bike lane along the Holmes Lane frontage; this satisfies TSP projects W67 and B53.

On appeal, the applicant challenged the Director's decision with respect to Condition #3, which requires the installation of half-street improvements, including bike lanes and sidewalks, on Holmes Lane "along the development's frontage." For the reasons set forth in the Supplemental Staff Report, the City finds that the proposed "development" or "development site" includes both 535 and 545 Holmes Lane. The applicant proposed development on these two lots. "Development" occurring on 545 Holmes Lane includes removal of an accessory structure, the construction of 26 new homes on land included as part of 545 Holmes Lane, and an adjusted lot line.

The Applicant's site trip distribution assumptions indicate that the largest percentage of vehicles exiting and entering this development will be between Holmes Lane and Molalla, travelling in front of 545 Holmes Lane. As Molalla Avenue provides the closest retail, shopping amenities, it is reasonable to assume that pedestrian and cyclist residents from both lots will be directly and disproportionately

benefited by sidewalks and bicycle lanes along 545 Holmes Lane frontage as they will provide all future residents safe and efficient travel to these amenities.

All of the homes are similarly sized and have the same amount of off-street parking making it reasonable to conclude that they will each generate the same amount of vehicular, cycle or pedestrian traffic. Comparing the number of homes generating traffic impacts into the City system against the extent of the improvements is a reasonable way to establish rough proportionality. The length of the Holmes Lane frontage along the development site is 383 feet. Of this, the applicant is willing to construct improvements along the 535 Holmes Lane frontage or 284 feet. Thus, the City presumes that frontage improvements of 284 feet along 535 Holmes Lane to serve traffic generated from the proposed 34 homes on that lot is constitutionally appropriate. Applying that same formula to 545 Holmes Lane, with the construction of 26 homes or nearly double the number of homes and yet, the City is seeking improvements of 99 feet of frontage or only 1/3 of the total frontage. This is substantially less frontage required per home than proposed along 535 Homes Lane. Moreover, these improvements will serve a majority of the vehicular and non-vehicular traffic from both lots as these improvements will provide the most direct and convenient access to Molalla Ave. For these reasons along as those set forth in the staff reports, the City Commission finds a nexus for requiring improvements along Holmes Lane for the full frontage of the development and that these improvements are roughly proportional to the impacts resulting from this development.

Though the applicant indicated there are private streets in the proposal, they are not right-of-way and are reviewed as drive aisles for the multi-family development in accordance with OCMC 17.52.

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.

Finding: Complies as proposed. The applicant's proposal satisfies the above criterion because sidewalks are proposed along both sides of the proposed new public street (Rilance Lane), along the sides of Holmes Lane, and Mountainview Street.

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.

Finding: Not applicable. The above criterion does not apply to the applicant's proposal because there are no existing or planned pedestrian and/or bicycle routes in the area. All bicycles and pedestrians will use the existing and proposed public street system to access the surrounding area.

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.

Finding: Complies with Condition. The applicant proposes all required street names and traffic control devices be installed as directed by the City Engineer and be in conformance with all applicable city regulations and standards. The developer shall submit a request to the Community Development Department to receive approval for new street names; only approved street names shall be included on the final construction plans. (also written in 16.12.031) **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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.

Finding: Complies with Condition. The development provided a site plan with proposed street lights along the frontage of the development but no photometric plans were provided. The development shall provide street lighting plans with photometric information for Holmes Lane, the new north-south street (Rilance Lane) and Mountainview Street which conforms with all City standards, specifications, codes, and policies and is approved by Portland General Electric (PGE) prior to receiving a permit and beginning construction. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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.

Finding: Not Applicable. A street with pavement less than 32' has not been proposed. Though the applicant indicated there are private streets in the proposal, they are not right-of-way and are reviewed as drive aisles for the multi-family development in accordance with OCMC 17.52.

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.

Finding: Complies as proposed. The applicant has proposed vegetated planter strips that are five feet in width and located between the sidewalk and curb are proposed on both sides of the new local public street (Rilance Lane), along Holmes Lane frontage and Mountainview Street frontage.

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.

Finding: Not Applicable. The decision maker has not approved access easements in lieu of streets nor has dedication of a street been deemed impracticable.

H. Vehicular and pedestrian easements shall allow for public access and shall comply with all applicable pedestrian access requirements.

Finding: Not Applicable. No vehicular or pedestrian easements are proposed.

16.12.017 - 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.

Finding: Not Applicable. No new streets with an access control are required.

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

Finding: Not Applicable. No new streets with an access control are required.

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)."

Finding: Not Applicable. No new streets with an access control are required.

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

Finding: Not Applicable. No new streets with an access control are required.

16.12.018 - 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.

Finding: Complies as Proposed. The Applicant's proposal satisfies the above criteria because the new proposed public street aligns with the center line of Rilance Lane, which is located across Holmes Lane from the subject site. No offset centerlines are being proposed and there are no twenty-four-foot-wide driveways proposed as part of the development proposal.

16.12.019 - Traffic sight obstructions.

All new streets shall comply with the Traffic Sight Obstructions in Chapter 10.32.

Finding: Complies as Proposed with Condition. The submitted application includes a Transportation Impact Analysis (TIA) prepared by Global Transportation Engineering [and reviewed by John Replinger of Replinger and Associates, a City consultant](#) that addresses the traffic impacts of the proposal. [The study found that a crest vertical curve limits sight distance from the proposed southern access to Holmes Lane to 425 feet to the east](#) and suggests no off-site improvements are necessary to mitigate the traffic impacts associated with the proposed condominium project. In addition, the TIA further concludes that there will be no traffic sight obstruction created by the proposed 60-unit condominium project (the findings and designs included in the TIA are incorporated by reference herein).

[As a condition of approval the development shall maintain compliance with OCMC 10.32 prior to issuance of any certificate of occupancy for the site and over time. Prior to approval of construction plans for the public street improvements, the applicant shall include on the plans the location of fencing.](#)

vegetation, signage and related strictures and assure that these features are located, maintained or removed to avoid unnecessarily restricting sight distance. In addition, the applicant shall demonstrate that compliance with the sight distance standards in OCMC 10.32 is required upon planting and over time. The Applicant's proposal satisfies this criterion. Based on the applicant's traffic study staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

16.12.020 - Street design—Intersection angles.

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

Finding: Complies as conditioned. All proposed streets have been laid out to intersect at angles as near as possible to right angles. The proposed new public street will intersect with Holmes Lane and Mountainview Street at right angles. All street intersections are proposed with a minimum curb return radius of twenty-five feet. The alignment of the new north-south street (Rilance Lane) is proposed with less than fifty feet of tangent adjacent to the intersection. The alignment of the new north-south street (Rilance Lane) shall have at least fifty feet of tangent adjacent to the intersection (measured from the nearest curb line) unless topography requires a lesser distance. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

16.12.021 - Street design—Grades and curves.

Grades and center line radii shall conform to standards approved by the City Engineer.

Finding: Complies as Proposed. Applicant acknowledges streets will be designed per this standard. The proposed street grades and center line radii have been designed to conform to the standards approved by the City Engineer. This will be further reviewed during the civil plan review should the Applicant's request receive land use approval.

16.12.022 - Street design—Development abutting arterial or collector street.

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

Finding: Complies as proposed. The subject property abuts Holmes Lane along the site's front property boundary. Holmes Lane is functionally classified as a "Collector" street per the City's Transportation System Plan (TSP). The city has not required access control, screen planting, and/or any walls within an

easement to protect residential properties since those properties will have pedestrian access along the frontage of Holmes Lane. The development has provided vehicular access for the residential units by providing streets.

16.12.023 - 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.

Finding: Not applicable. The City Engineer has not required that crosswalks for this development include a large vegetated or sidewalk area which extends into the street pavement.

16.12.024 - 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.

Finding: Not Applicable. This application does not propose any half streets.

16.12.025 - 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.

Finding: Not Applicable. No cul-de-sacs or dead-end streets are proposed or required for this development.

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.

Finding: Not Applicable. No cul-de-sacs or dead-end streets are proposed or required for this development.

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.

Finding: Not Applicable. No cul-de-sacs or dead-end streets are proposed or required for this development.

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.

Finding: Not Applicable. The development has not proposed a permanent dead-end streets. The areas marked as a private street are being analyzed as drive aisles which provide access through the multi-family development.

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).

Finding: Not Applicable. No cul-de-sacs or dead-end streets are proposed or required for this development.

16.12.026 - 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.

Finding: Not Applicable. No alley proposed.

16.12.027 - 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.

Finding: Not Applicable. Off-site street improvements are not proposed or required for this development.

16.12.028 - 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.

Finding: Complies as Proposed. All proposed and existing streets within and adjacent to the site have been designed and laid out to promote pedestrian and bicycle circulation. Holmes Lane is not designated as a transit street. With that being said, there is an existing transit stop located approximately 0.21 miles west of the site at the intersection of Linn Avenue and Holmes Lane, as well as a transit stop located approximately 0.25 miles east of the site at the intersection of Holmes Lane and Molalla Ave. Both existing transit stops are located within an easy walking distance of the proposed development. As such, no additional transit stops are required for the proposed development.

16.12.029 - 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.

Finding: Complies with Condition. Pavement cuts are proposed within Holmes Lane due to proposed utility service installations and required frontage improvements. Pavement cuts are proposed within Holmes Lane due to proposed utility service installation and required frontage improvement. Pavement cuts or other improvement made in a City street or alley shall be done in accordance with the City of Oregon City Public Works Pavement Cut Standards and restored in accordance with the City of Oregon City Public Works Pavement Cut Standards. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

16.12.030 - Blocks—Width.

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

Finding: Complies as Proposed. As part of the proposed development, the applicant will be dedicating a new local public street running north/south through the development. The proposed public street will intersect with Mountainview Street at the north end of the site and align with Rilance Lane where it intersects with Holmes Lane at the south end of the site. The applicant has provided a road which meets city block length requirements.

16.12.031 - Street design—Street names.

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

Finding: Complies with Condition. At this time the Applicant has not chosen a street name for the new local public street. It's possible that it could be considered an extension of an existing street since it will align with Rilance Lane located across Holmes Lane from the site. If the City determines this to be the case, then the new local public street will be Rilance Lane. However, if the Applicant is able to offer an alternative street name, then the Applicant requests the opportunity to provide a new street name for the new public street with the dedication of the street.

The developer shall submit a request to the Community Development Department to receive approval for new street names; only approved street names shall be included on the final construction plans.

Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

16.12.032 – 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.

Finding: Complies as Proposed. No public off-street accessways are proposed or required for the proposed development. All bicycles will share the public street system with other vehicles and the proposed new local public street will provide direct and safe access between residential areas. Similar to the bicycles, pedestrians will also utilize the existing and proposed public street system for access to surrounding residential areas, retail and office areas, parks, and transit streets. However, the Applicant is proposing two (2) open space/pedestrian access areas to connect the subject site to the adjacent public parks on either side of the subject site. The open space/pedestrian access areas will be located between units 5 and 6, and 33 and 34 to provide convenient access to both Stafford Park and Singer Creek Park, respectively.

A. Entry points shall align with pedestrian crossing points along adjacent streets and with adjacent street intersections.

Finding: Not applicable. No public off-street accessways are proposed or required for the proposed development.

B. 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.*

Finding: Not applicable. No public off-street accessways are proposed or required for the proposed development.

C. 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.

Finding: Not applicable. No public off-street accessways are proposed or required for the proposed development.

D. 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.

Finding: Not applicable. No public off-street accessways are proposed or required for the proposed development.

E. Accessways shall comply with Americans with Disabilities Act (ADA).

Finding: Not applicable. No public off-street accessways are proposed or required for the proposed development.

F. 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.*

Finding: Not applicable. No public off-street accessways are proposed or required for the proposed development.

G. Accessways shall be designed to prohibit unauthorized motorized traffic. Curbs and removable, lockable bollards are suggested mechanisms to achieve this.

Finding: Not applicable. No public off-street accessways are proposed or required for the proposed development.

H. 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.

Finding: Not applicable. No public off-street accessways are proposed or required for the proposed development.

I. 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.

Finding: Not Applicable. The site is not a park, greenway nor has other natural resource areas.

J. 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.

Finding: Not Applicable. No alternative design has been proposed for pedestrian and bicycle accessways.

K. 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.*

Finding: Not applicable. No public off-street accessways are proposed or required for the proposed development.

16.12.033 - 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 Throughway 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:

I-205/OR 99E Interchange

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.

Finding: Complies with conditions. The applicant submitted a Transportation Impact Study (TIS). The TIS was prepared under the direction of Dana Beckwith, PE of Global Transportation Engineering. The TIS is dated December 2020. The TIS was reviewed by John Replinger, PE, of Replinger and Associates, the City's transportation planning consultant. Mr. Replinger found that the TIS addresses the city's requirements, which include preparation of a TIS in accordance with the adopted *Guidelines for Preparation of Transportation Impact Analysis (TIA)*, consistency with the *Oregon City Transportation System Plan (TSP)*, and other relevant standards. The applicant's report addresses the proposed site, building footprint, access driveways, and parking facilities. It includes an evaluation of existing conditions, background conditions, full traffic buildout conditions, conclusions and recommendations.

Due to the COVID pandemic, current traffic counts were likely to be lower than normal and would underestimate reasonable volumes. Rather than relying on such counts, traffic volumes at the two key intersections were developed from road tube counts from 2017 and adjusted upward to reflect traffic growth. Intersection turning volumes were derived from these estimated road volumes.

According to the submitted report:

- A capacity analysis showed that both study intersections operate at acceptable levels of service under existing conditions and that they continue to operate at acceptable levels with the addition of background growth and site trips. No capacity issues were found and no mitigations are recommended. [The traffic study analyzed the buildout condition of Rilance at Holmes Lane and](#)

Molalla Avenue at Holmes Lane and found that the mobility targets are met. It is important to note that the city does not have a standard for the “capacity” of local street.

Table 8: 2023 Buildout Conditions Intersection Performance Summary

Intersection	Mobility Targets	Peak Hour	2023 Buildout Conditions		
			Control Delay (Sec) ¹	Level of Service	V/C
Signalized					
Molalla Avenue at Holmes Lane	V/C < 0.99	AM	10.5	B	0.57
	LOS D or better	PM	11.0	B	0.61
Unsignalized					
Holmes Lane at Rilance Lane	LOS E or better	AM	10.2	B	0.03
		PM	11.0	B	0.02
Notes: ¹ Delay is reported as the average total delay of the intersection, Red = does not meet mobility target					

- Concerns were identified that Linn Avenue was not evaluated for mobility performance. The Guidelines for Transportation Impact Analyses specifies analysis of intersections of classified as collectors and above when the development results in 20 or more peak hour trips.
- Concerns were identified that Mountainview was not evaluated for mobility performance. According to the traffic study, the overall impact of the development includes:
 - AM Peak Hour: 6 trips into the development and 20 out
 - PM Peak Hour: 20 trips into the development and 11 out

The traffic study directed the trips to Holmes Lane because Holes Lane allows drivers to travel both east and west and it provides access to Holmes Lane and Molalla Avenue which is a signalized intersection. Further, Mountainview is narrow and does not allow travel to the west. Testimony included in the record states that access is difficult turning left (north) onto Molalla Avenue from Mountainview. In order to analyze the most intense reasonable case scenario, the study assumed all trips would utilize Holmes Lane, though the Commission believes it is likely that some trips may be entering the site from Mountainview or may take Mountainview if they are traveling south on Molalla Avenue. This allows for a more intense analysis on Holmes Lane, which could exceed the 20 trip threshold. The low volume of trips from the proposal concludes that it is not likely that at least 20 trips would utilize Mountainview in the peak hour, requiring additional analysis.

Table 7: Buildout Year Trip Generation Summary

ITE Code	Size	Unit	Peak Hour Rate			AM Peak Hour			PM Peak Hour			Weekday Daily Total
			AM	PM	Daily	Total	In	Out	Total	In	Out	
Proposed												
220	59	units	0.36	0.44	5.44	27	6	21	33	21	12	432
Existing												
210	2	unit	0.74	0.99	9.44	1	0	1	2	1	1	19
Net New Site Trips												
Proposed minus Existing Site Trips						26	6	20	31	20	11	413

- Some commenters expressed concern about the operation of the intersection of Molalla Avenue and Mountainview Street. The delay in making left turns from Mountainview Street to Molalla Avenue was mentioned. The city’s performance standards for operations at intersections varies based on the intersection’s location (i.e., with the Regional Center or outside the Regional Center); whether or not the intersection is signalized; and the classification of the streets (e.g., arterial, collector). These performance standards are established in the city code. Molalla Avenue is classified as a minor arterial street in the city’s Transportation System Plan (TSP) and is part of the Regional

Transportation Plan's arterial network. Mountainview Street is a local unsignalized intersection and delays for traffic from minor street intersecting arterial streets are anticipated and allowed in the code. The Mobility Standard section of the city code (16.12.003) specifies the applicable performance standards for the intersection. For an unsignalized intersection where a minor street intersects an arterial street that is part of the regional network, the code specifically states: "There is no performance standard for the minor street approaches." So, even if the intersection had been analyzed and delays were calculated to be very long, the code does not recognize this as a deficiency that is subject to review or mitigation.

- A crash data analysis was conducted for the two study intersections. Ten crashes were reported at the intersection of Holmes Lane at Molalla Avenue and none were reported at the intersection of Holmes Lane at Rilance Lane. Crash patterns were analyzed and no mitigations are recommended.
- A sight distance study was performed [at the Mountainview and Holmes Lane accesses following the guidance provided in the American Association of State Highway and Transportation Officials' \(AASHTO\) Geometric Design of Highways and Streets, 2011.](#)

Table 5: Sight Distance Evaluation

Sight Distance Evaluated	Estimated Available Sightline (ft)	Sight Distance Standards (ft)	Meets Standard?
Proposed Mountainview Street site access			
Case B1: Left-turn	N/A	N/A	N/A
	N/A	N/A	N/A
Case B2: Right-turn	> 400	240	Yes
SSD – WB on Mountainview Street	> 400	155	Yes
SSD – EB on Mountainview Street	N/A	N/A	N/A
Proposed Holmes Lane site access			
Case B1: Left-turn	To the east ≈ 425	390	Yes
	To the west > 500	390	Yes
Case B2: Right-turn	≈ 425	335	Yes
SSD – EB on Holmes Lane	>500	250	Yes
SSD – WB on Holmes Lane	≈ 425	250	Yes

~~and~~ it was found that a crest vertical curve limits sight distance from the proposed southern access to Holmes Lane to 425 feet to the east. [OCMC 10.32 includes clear and object standards for sight distance which requires ten times the speed limit in distance. As the speed limit is 25 miles per hour on all roads, the transportation study demonstrates that the sight distance standards can be met. The traffic study used a speed limit which was 10 mph higher than the posted standard, demonstrating that the sight distance can be met at the posted standard and for those speeding on Holmes Lane. This still meets all sight distance standards.](#) No other sight distance issues were found and both site accesses are expected to meet all standards. [Two conditions of approval have been placed on the approval requiring the development to maintain compliance with OCMC 10.32 prior to issuance of any certificate of occupancy for the site and over time. Prior to approval of construction plans for the public street improvements, the applicant shall include on the plans the location of fencing, vegetation, signage and related strictures and assure that these features are located, maintained or removed to avoid unnecessarily restricting sight distance. In addition, the applicant shall demonstrate that compliance with the sight distance standards in OCMC 10.32 is required upon planting and over time. Based on the applicant's traffic study staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.](#)

- Traffic signal and turn lane warrants analyses were not conducted due to low volumes that did not meet the minimum threshold for analysis.
- Site circulation and parking were examined. No circulation or parking issues are expected.
- Intersection and site driveway queueing was analyzed. No queueing issues are expected.

Upon review of the submitted TIS, Replinger and Associates found that the TIS addresses the city's requirements and provides an adequate basis to evaluate impacts of the proposed site development. The engineer used trip rates from the Institute of Transportation Engineers' Trip Generation Manual using land use category 220 – lowrise multi-family residential. After subtracting for the current use, the engineer predicted 27 new AM peak hour trips; 32 new PM peak hour trips; and 420 new daily trips.

To account for background traffic growth and existing conditions, the traffic counts were adjusted by one percent per year through 2023, the year associated with completion of the development. Although the proposed development meets the definition of multi-family residential dwellings, some of the attributes of the proposed development, such as individual driveways and garages, suggest trip generation may be somewhat higher and could approach trip rates associated with detached, single-family homes. It is worth noting that even if the development were to generate as many trips as 60 detached, single-family homes, the overall conclusion about the adequacy of the transportation system to accommodate the development remains unchanged. The traffic growth assumptions and methodology appear reasonable.

Traffic volumes were calculated for the intersections described above. At each location, the level of service (LOS) and delay calculations and the volume-to-capacity (v/c) ratios were provided to assess traffic operations relative to the city's operational standards. The analysis was undertaken for the AM and PM peak hours and included 2021 existing conditions, 2023 background conditions, and year 2023 total traffic conditions with the development.

According to the analysis, the study area intersections are predicted to meet city performance standards under existing conditions and in year 2023 with and without the development. The poorest performance is calculated to be LOS B, which easily meets city performance standards.

The engineer measured sight distance at the new access point on Mountainview Street and the new access at the intersection of Holmes Lane and Rilance Lane. The engineer indicated sight distance exceeds 400 feet at the access points. This exceeds the recommended sight distance associated with the posted speed for both Holmes Lane and Mountainview Street. The engineer incorrectly identified the posted speed for Holmes Lane as 35 mph rather than the correct 25. This error actually reduces the required sight distance so the misstatement of the speed is of no consequence. [As explained in the comment letter reviewing the TIA and in the meetings for the appeal, the applicant's engineer followed prescribed methods for evaluating sight distance and found sight distance exceeded the intersection sight distance applicable to the streets at the posted travel speeds. The available sight distance is adequate to provide for speeds that are somewhat in excess of the posted speed.](#) The engineer concludes sight distance is adequate and recommends no mitigation.

The TIS describes pedestrian and bicycle facilities in the area. Sidewalks are currently intermittent along some of the streets in the study area. Sidewalks will be provided on the site frontage on both Holmes Lane and on Mountainview Street and on the public street running through the site. The additional sidewalks constructed in connection with the development will help improve pedestrian connections and safety.

The engineer concluded that traffic operations would be adequate at the analyzed intersections. The engineer concludes no off-site mitigation is needed for traffic operations and no safety mitigation is necessary.

The recommendations of Replinger and Associates are hereby made conditions of approval. Prior to approval of construction plans for the public street improvements, the applicant shall include on the plans the location of fencing, vegetation, signage and related strictures and assure that these features are located, maintained or removed to avoid unnecessarily restricting sight distance in accordance with city standards.

The proposed development will not have a disproportionate effect on traffic speeds on Holmes Lane. The concern of the speeding on Holmes Lane as well as request for speed monitoring has been forwarded to the Police department.

Please refer to the applicant's TIS and the comments of Replinger and Associates for the full analysis. Staff Based on the transportation study submitted and the City's review by a transportation engineer, staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

16.12.035 - Driveways.

A. All new development and redevelopment shall meet the minimum driveway spacing standards identified in Table 16.12.035.A.

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 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 for all uses other than detached single and two-family dwellings	175 ft.
Collector Streets	Minimum distance from a street corner to a driveway for all uses other than detached single and two-family dwellings	100 ft.
Local Streets	Minimum distance from a street corner to a driveway 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.

Finding: Complies as Proposed. All driveways proposed are off Local streets and are more than 25 feet from the nearest street corner. All driveways proposed by the applicant meet requirements of table 16.12.035. Note that though the applicant submitted an application identifying private streets, the city does not accept private streets for this proposal and is instead considering them drive aisles for connectivity to the dwelling units.

B. Nonresidential or multi-family residential driveways that generate high traffic volumes shall be treated as intersections and shall adhere to requirements of OCMC 16.12.020.

Finding: Not applicable. The driveways proposed with the development have not been determined to have high traffic volumes to be treated as intersections and comply with the requirements of OCMC 16.12.020.

C. One driveway may be allowed per frontage, unless otherwise restricted. In no case shall more than two driveways 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.

Finding: Refer to H below.

D. When a property fronts multiple roads, access shall be provided from the road with the lowest classification in the Transportation System Plan whenever possible to minimize points of access to arterials and collectors. 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.*

Finding: Complies as Proposed. All proposed driveways will be taking access from either the drive aisles, which are the lowest classification streets supporting the proposed development. The Applicant's proposal satisfies the above criteria.

E. 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

<i>Property Use</i>	<i>Minimum Driveway Approach Width</i>		<i>Maximum Driveway Approach Width</i>
<i>Single-Family Attached</i>	<i>10 feet</i>		<i>12 feet</i>
<i>Single-Family Detached in R-5 & R-3.5</i>	<i>10 feet</i>		<i>12 feet</i>
<i>Single-Family Detached in R-10, R-8, & R-6</i>	<i>12 feet</i>		<i>24 feet</i>
<i>Duplexes</i>	<i>12 feet</i>		<i>24 feet</i>
<i>3-4 Plexes</i>	<i>12 feet</i>		<i>24 feet</i>
<i>Multi-Family</i>	<i>18 feet</i>		<i>30 feet</i>
<i>Commercial, Industrial, Office, Institutional, Mixed Use, and/or Nonresidential</i>	<i>One-Way 12 feet</i>	<i>Two-Way 20 feet</i>	<i>40 feet</i>

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.

Finding: Complies as proposed. The alternative parking plan conditioned that the "driveway" width connecting the dwelling to the drive aisle for units 14-60 shall be limited to 11 feet in width each (with space to allow to transition to the curb cut). The driveway approaches are assessed as single-family

attached which are allowed to be 10-12 feet in width. The width of the drive aisles which connect to the road comply with this standard.

F. 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.

Finding: Not Applicable. No restrictions are proposed by the City Engineer.

G. 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.*

Finding: Complies as proposed. All proposed driveways will be reviewed for compliance with the above criteria during the civil plan and building permit review processes. All driveways are proposed to be paved at least ten feet back into the property. The applicant has not proposed driveways to have a slope greater than 15%.

H. 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 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.

Finding: Complies as Proposed. The design proposed includes a drive aisle that is marked as a private road on the proposed plans. The City does not accept the private road designation when it functions as a drive aisle within the multi-family development. Thus the proposal would have two driveway access points on the proposed Rilance Lane roadway. OCMC 16.12.035.C limits driveways to one per frontage but then goes on to acknowledge that there are cases where additional driveways are allowed. "In no case shall more than two driveways 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". The proposed development is a large multifamily development which has proposed two driveways along the new proposed roadway. Due to the configuration of the development, the driveways are spaced a significant distance apart. The transportation analysis and spacing did not identify any conflict and thus the second driveway is allowed.

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.

Finding: Applicable. Please refer to the findings within sections 13.12,15.48, 16.12 & 17.47 of this report.

16.12.085 - Easements.

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

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

Finding: Complies with Condition. The development shall provide a 10-foot-wide public utility easement (PUE) along all property lines fronting existing or proposed right-of-way. The location and width of the PUE may be adjusted if approved by the City Engineer. In such cases, the applicant shall obtain written acceptance from all utilities for the location and width proposed for said public utility easement. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

Finding: Not applicable. Easements for unusual facilities have not been identified or required for this development.

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.

Finding: Not Applicable. The application does not affect any watercourses.

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.

Finding: Not Applicable. The application has not proposed any joint access use. All units within the development property have vehicular access via private roads. Access easements are not required.

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

Finding: Not Applicable. The application does not impact any natural resources; therefore, no easements are required.

16.12.090 - Minimum improvements—Procedures.

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

A. Improvement work shall not commence until construction plans have been reviewed and approved by the City Engineer and to the extent that improvements are 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.

Finding: Complies with Condition. Commencement of improvement work is further restricted by requirements of section 16.12.014; see section 16.12.014 of this report for associated findings. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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.

Finding: Complies with Condition. Improvements shall be constructed under the inspection and approval of the City. Expenses incurred thereby shall be borne by the applicant and paid prior to final approval. The applicant's project engineer also shall inspect construction. Inspection fees are set by City resolution, see section 16.12.014 of this report. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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.

Finding: Complies with Condition. See findings from section 17.47, 17.49 of this report.

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 franchise utility easement within private property.

Finding: Complies with Condition. Underground utilities, waterlines, sanitary sewers and storm drains proposed to be 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 franchise utility easement within private property. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

E. As-built construction plans and digital copies of as-built drawings shall be filed with the City Engineer upon completion of the improvements.

Finding: Complies with Condition: As-built construction plans and digital copies of as-built drawings shall be filed with the City Engineer within 90 days of completing improvements. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

F. The City Engineer may regulate the hours of construction and access routes for construction equipment to minimize impacts on adjoining residences or neighborhoods.

Finding: Complies with Condition. Permitted hours of construction shall be set forth by the City Engineer in the pre-construction meeting. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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.

Finding: Complies as proposed. The applicant has proposed a public street within the development and public street improvements along adjacent rights-of-way which provides 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. As explained in 16.12.095.B and 13.12.090, all stormwater conveyance from development including runoff from the new impervious area along public roadways will be privately managed. See 16.12.095.B regarding requirements for storm drainage facilities. All intersections, existing and proposed, adjacent the development property, shall have pedestrian crossings for each direction of travel which complies with Americans with Disabilities Act (ADA). Approved curb ramp design(s) will need to be included on engineering plans following proper engineering technical standards prior to receiving a permit and beginning construction. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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.

Finding: Complies as proposed. Because multi-family development is proposed, all stormwater conveyance from development must be privately managed. Therefore, the development proposes a private stormwater facility to manage and treat all stormwater run-off on-site including runoff from the new impervious area along public roadways. Due to the topography of the development, the development proposes to utilize existing off-site downstream storm infrastructure to convey stormwater drainage from the site. site, there is no extension of an existing storm drainage system to serve the development site. The private stormwater pond is sized to accommodate development has proposed drainage facilities to drain runoff from the new north-south street (Rilance Lane), the new Holmes Lane and Mountainview Street improvements to the private facility and from there into the nearest downstream off-site natural drainageway.

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.

Finding: Complies with Condition. The development shall minimize taps to the existing sanitary sewer main within Holmes Lane to the maximum extent practicable while providing the development with connection to the City's sanitary sewer system. The sanitary sewer design shall be in accordance with the City's sanitary sewer design standards. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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.

Finding: Complies with Condition. The development shall extend an 8-inch water main from Holmes Lane to, and through, the development and shall connect to the existing water main within Mountainview Street to create a loop. The development shall provide new fire hydrant(s) in, and around, the property as required by Clackamas Fire District Number 1 and extend water main(s) (public and/or private) as necessary to supply required fire hydrants. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

E. Street Trees. Refer to OCMC 12.08, Street Trees.

Finding: See findings from section 12.08.

F. Bench Marks. At least one bench mark shall be located within the subdivision boundaries using datum plane specified by the City Engineer.

Finding: Complies with Condition. The engineering plans shall provide a local benchmark, onsite, using the NAVD88 datum prior to receiving a permit and beginning construction. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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. Existing and new electrical lines and other wires, including but not limited to communication, street lighting and cable television, shall be placed underground.

Finding: Complies with Condition. All new franchise utilities shall be placed underground and all existing overhead utilities adjacent to the property frontage shall be relocated underground unless deemed infeasible by the City and franchise utilities. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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.

Finding: Not Applicable. No facilities are required to be oversized as part of this application.

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.

Finding: See findings from section 17.47 of this report

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.*

Finding: Applicable. Please refer to the findings in chapter 16.12.016 within this report for applicable street design standards required for the public street created by the proposed subdivisions or partitions.

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.

Finding: Complies as proposed. As part of the development proposal, the Applicant is proposing a new local public street running north-south through the site. The creation of the new public street and the resultant separate land parcels will be established by deed. The development shall submit a plan/plat and/or proposed deed for dedication of new public rights-of-way to the City for review and approval

prior to recording and pay associated recording fees. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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.

Finding: See findings from OCMC 17.50.140 regarding timing of construction of improvements and guarantee for construction of improvements.

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.

Finding: Complies as conditioned. Public improvements are required to be completed and accepted by the City Engineer. Public improvements shall be constructed according to approved final engineering plans prior to occupancy. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of 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.

Finding: Please see findings from Section 17.50.140 of this report.

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.

Finding: Please see findings from Section 17.50.141 of this report.

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.

Finding: Complies with Condition. The property owner(s) shall sign a Restrictive Covenant Non-Remonstrance Agreement for the purpose of making storm sewer, sanitary sewer, water or street improvements in the future that benefit the property and all fees associated with processing and recording the Non-Remonstrance Agreement shall be paid prior to occupancy. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

CHAPTER 16.20 - PROPERTY LINE ADJUSTMENTS AND ABANDONMENT PROCESS AND STANDARDS

16.20.010 - Purpose and general provisions.

The community development director under the applicable provisions in Chapter 17.50 shall process applications for property line adjustments and abandonments as a Type I decision. Approval shall be

granted only upon determination by the community development director that all applicable requirements of this title and ORS Chapter 92 have been met.

Finding: Complies. The applicant filed a property line adjustment application to adjust a common property boundary between 535 Holmes Ln Oregon City, OR 97045, Clackamas County APN 3-2E-06AA-05001 and 545 Holmes Ln, Oregon City, OR 97045, Clackamas County APN 3-2E-06AA-05100. The proposed property line adjustment is a Type I decision, though is being processed concurrently with the Type II Site Plan and Design Review request.

16.20.020 - Adjustment/abandonment submission requirements.

An application for a property line adjustment or abandonment shall include two copies of the following documents submitted to the Community Development Director:

- A. Application requirements as identified in OCMC 17.50.080;*
- B. A boundary survey prepared by an Oregon professional land surveyor in accordance with ORS 92.060(7) except where the application proposes the relocation of a currently monumented common boundary of a lot in a subdivision or a parcel in a partition when the adjusted property line is a distance of even width along the common boundary. The survey shall include in its title the following: "Proposed Property Line Adjustment Survey," shall identify the city planning file number and approval date immediately below the title block with space for signature and date by the community development director;*
- C. Legal descriptions of the parent parcels to be adjusted and the resulting parcels to be created;*
- D. A current preliminary title report or trio for the subject property(ies);*
- E. A receipt from the county assessor's office indicating that all taxes for the lot or parcels involved are paid in full for the preceding tax year; and*
- F. Documentation indicating there are not any liens favoring the city on the subject site.*

Finding: Complies as Proposed. The application was deemed complete.

16.20.040 - Adjustment/abandonment approval standards.

All parcels resulting from a lot line adjustment or abandonment shall conform to the applicable requirements of Title OCMC 16 and 17 including the standards within the zoning designation such as, but not limited to, lot width, depth, lot coverage, subdivision density requirements, setbacks, as well as access and frontage requirements, ORS 92.010 to ORS 92.160, and any other city regulation deemed applicable by the community development director or state law. In no case shall a lot line adjustment result in a parcel that is unbuildable due to the presence of an overlay district or other physical constraint unless the parcel is recorded as a "tract" as defined by OCMC 17.04.1303.

The community development director shall determine if the applicant's submission complies with these standards, and issue to the applicant a notice of decision consistent with OCMC 17.50.120. The community development Director decision is final and not appealable to any other decision-maker within the city.

Finding: Complies with conditions. The applicant filed a property line adjustment application to adjust a common property boundary between 535 Holmes Ln Oregon City, OR 97045, Clackamas County APN 3-2E-06AA-05001 and 545 Holmes Ln, Oregon City, OR 97045, Clackamas County APN 3-2E-06AA-05100. The proposed changes to the lot are reviewed throughout this report – particularly within the dimensional standards of the zoning designation.

The applicant shall complete the Lot Line Adjustment with the following conditions:

- a. Demolish all structure at 535 Holmes Lane and all accessory structures at 545 Holmes Lane, unless documentation for the retention of an accessory structure at 545 is submitted

demonstrating compliance with the dimensional standards in the R2 District and accessory structure standards in 17.54 are met.

- b. The applicant shall complete the Lot Line Adjustment by submitting an electronic copy of the proposed Lot Line Adjustment survey for preliminary approval to the Planning Division. Once the proposed survey is approved, a mylar copy shall be submitted to the Planning Division for signature. Once signed, the applicant shall take the signed mylar and revised deeds to Clackamas County to be recorded. The current deed holders or their assigns shall sign the revised deeds for the approved legal descriptions and the documents recorded at the Clackamas County Clerk's Office. The signed mylar shall be recorded at the Clackamas County Surveyor's Office. Provide an electronic copy of the recorded documents to the Planning Division.

The applicant can meet this standard through compliance with the Conditions of Approval.

CHAPTER 17.47 – EROSION AND SEDIMENT CONTROL

17.47.030 - Applicability.

A. This chapter, which may also be referred to as "erosion control" in this Code, applies to development that may cause visible or measurable erosion on any property within the city limits of Oregon City.

B. This chapter does not apply to work necessary to protect, repair, maintain or replace existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements in response to emergencies, provided that after the emergency has passed, adverse impacts are mitigated in accordance with applicable standards.

Finding: Applicable. The application disturbs more than 1,000 square feet of earth; therefore, erosion and sediment control standards shall be followed.

17.47.060 - Permit required.

The applicant must obtain an erosion and sediment control permit prior to, or contemporaneous with, the approval of an application for any building, land use or other city-issued permit that may cause visible or measurable erosion.

Finding: Complies as conditioned. A city issued erosion and sediment control permit shall be obtained prior to commencement of any earth disturbing activities. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.47.070 - Erosion and sediment control plans.

A. An application for an erosion and sediment control permit shall include an erosion and sediment control plan, which contains methods and interim measures to be used during and following construction to prevent or control erosion prepared in compliance with City of Oregon City public works standards for erosion and sediment control. These standards are incorporated herein and made a part of this title and are on file in the office of the city recorder.

B. Approval Standards. An erosion and sediment control plan shall be approved only upon making the following findings:

- 1. The erosion and sediment control plan meets the requirements of the City of Oregon City public works standards for erosion and sediment control incorporated by reference as part of this chapter;*
- 2. The erosion and sediment control plan indicates that erosion and sediment control measures will be managed and maintained during and following development. The erosion and sediment control plan indicates that erosion and sediment control measures will remain in place until disturbed soil areas are permanently stabilized by landscaping, grass, approved mulch or other permanent soil stabilizing measures.*

C. The erosion and sediment control plan shall be reviewed in conjunction with the requested development approval. If the development does not require additional review, the manager may approve or deny the permit with notice of the decision to the applicant.

D. The city may inspect the development site to determine compliance with the erosion and sediment control plan and permit.

E. Erosion that occurs on a development site that does not have an erosion and sediment control permit, or that results from a failure to comply with the terms of such a permit, constitutes a violation of this chapter.

F. If the manager finds that the facilities and techniques approved in an erosion and sediment control plan and permit are not sufficient to prevent erosion, the manager shall notify the owner or his/her designated representative. Upon receiving notice, the owner or his/her designated representative shall immediately install interim erosion and sediment control measures as specified in the City of Oregon City public works standards for erosion and sediment control. Within three days from the date of notice, the owner or his/her designated representative shall submit a revised erosion and sediment control plan to the city. Upon approval of the revised plan and issuance of an amended permit, the owner or his/her designated representative shall immediately implement the revised plan.

G. Approval of an erosion and sediment control plan does not constitute an approval of permanent road or drainage design (e.g., size and location of roads, pipes, restrictors, channels, retention facilities, utilities, etc.).

Finding: Complies as conditioned. Erosion and sediment control plans shall be submitted for review and approval by the City prior to issuance of an erosion and sediment control permit. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.47.080 - Plan implementation.

An approved erosion control and sediment control plan shall be implemented and maintained as follows:

A. Plan approval, where required, shall be obtained prior to clearing or grading. No grading, clearing or excavation of land requiring a plan shall be undertaken prior to approval of the plan.

B. The erosion and sediment control facilities shall be constructed prior to any clearing and grading activities, and maintained in such a manner as to ensure that sediment laden water does not enter the drainage system or violate applicable water standards.

C. The implementation of an erosion and sediment control plan and the construction, maintenance, replacement, and upgrading of erosion and sediment control facilities is the responsibility of the owner or his/her designated representative until all construction is completed and approved, and vegetation, landscaping or approved finished surfaces is established.

D. The erosion and sediment control facilities herein are the minimum requirements for anticipated site conditions. During the construction period, these erosion and sediment control facilities shall be upgraded as needed for unexpected storm events and to ensure that sediment-laden water does not leave the site.

E. Any observation of visible or measurable erosion, or an observation of more than a ten-percent increase in downstream channel turbidities, will result in an enforcement action by the city.

F. The owner or his/her designated representative shall implement the measures and construct facilities as provided for and according to the implementation schedule in the approved plan. The manager shall be allowed reasonable access to the development site for inspection purposes.

Finding: Applicable. Plan approval is required and is required to be obtained per chapter 16.12. The Oregon City Erosion Control Officer ensures that the development will comply with the city's Erosion

and Sediment Control Standards. The Oregon City Erosion Control Officer will access the development site and perform inspections to ensure compliance prior to any clearing and grading activities are permitted. The Oregon City Erosion Control Officer ensures implementation of an erosion and sediment control plan and the construction, maintenance, replacement, and upgrading of erosion and sediment control facilities. The Oregon City Erosion Control Officer may issue a Stop Work Order if the owner or his/her designated representative fails to implement and maintain the approved erosion control and sediment control plan until all construction is completed and approved, and vegetation, landscaping or approved finished surfaces is established.

17.47.090 - Plan performance guarantee and security.

After the plan is approved by the manager and prior to construction or grading, the owner shall provide a financial guarantee. Erosion and sediment control shall be included in the cost estimate for the primary project, such as land division or site plan, and included in that project's performance guarantee.

Finding: Complies as conditioned. See findings in Section 17.50.140.

CHAPTER 17.12 HIGH DENSITY RESIDENTIAL DISTRICT

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;

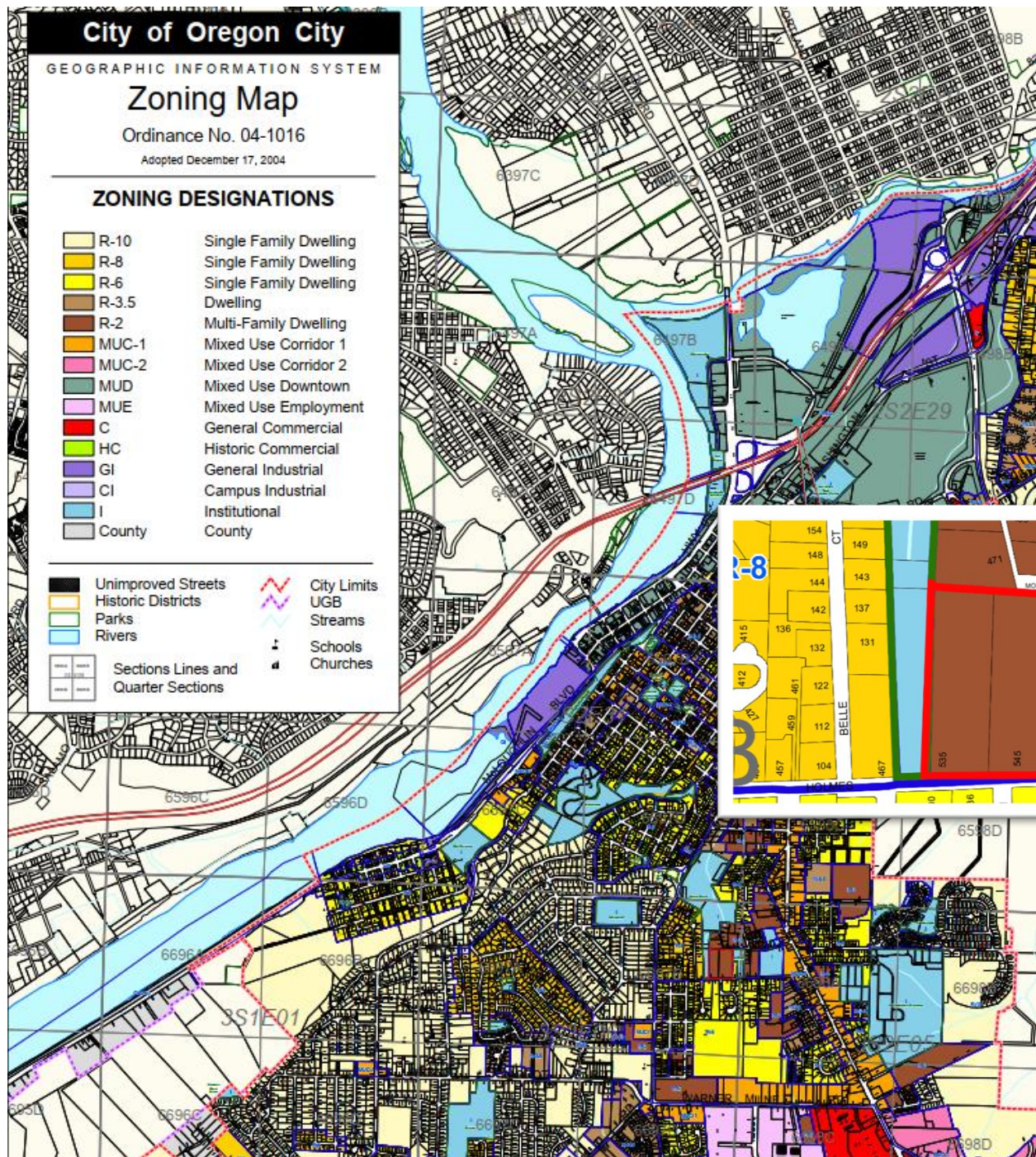
M. Family day care providers;

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.

Finding: Complies as proposed. The site consists of two single-family dwellings, each on their own lot. The Applicant is proposing to perform a Lot Line Adjustment to reduce the size of 545 Holmes Lane in which the existing single-family home will be retained. Though the circa 1930 single-family dwelling is not a permitted use, it was existing on the lot prior to 2004 when the zoning designation was changed to multi-family. The proposal will amend the size of the associated lot, but to not the use of the single-family home.



The ~~other lot will be development included with~~ a 60-unit condominium project development consisting of twenty-five duplex, triplex, and quad plex style buildings. As after the lot line adjustment occurs, all the units will be on one tax lot (with a public street through the middle) the development meets the definition of a multi-family development, a permitted use.

17.12.040 - Dimensional standards.

Dimensional standards in the R-2 district are as follows:

Table 17.12.040

Standard**R-2***Minimum lot size¹*

- Duplex
- Single-family attached
- 3-4 plex and multifamily

4,000 sq. ft.
2,000 sq. ft.
6,000 sq. ft.

Finding: Complies as Proposed. The units are not proposed to be on separate lots. The applicant submitted a lot line adjustment that will modify the subject site by enlarging parcel 3-2E-06AA-05001 (the development site) and reducing the size of parcel 3-2E-06AA-05100. Following the property line adjustment, parcel 3-2E-06AA-05001 (multi-family) will be approximately 165,615 square feet and parcel 3-2E-06AA-05100 (single-family) will be 23,206 square feet. The tax lots will be further reduced by the dedication of right-of-way, though the resulting size will far exceed the minimum identified in this section.

*Maximum height**All, except**Multifamily*

35 ft., except
45 ft.

Finding: Complies as Proposed. Tallest structure proposed: 33' 10".

Maximum building lot coverage

85%

Finding: Complies with Condition.

Lot size: 165,615 square feet.

Building Footprints: approx. 54,653 square feet.

Lot coverage proposed: 33.09%

The existing site is developed with two single-family homes, each on its own lot. The applicant has proposed to demolish one home and all accessory buildings throughout the subject site. The demolition will result in a vacant lot and a lot with a single-family home. The above calculations demonstrate that the single-family home complies with the minimum lot coverage. The applicant shall demolish the single-family home at 535 Holmes Lane and all accessory structures on both lots prior to construction. The applicant may submit documentation demonstrating that an accessory structure on 545 Holmes Lane may be retained if the dimensional standards of the R-2 District and accessory structure standards in 17.54 are met. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*Minimum lot width**All, except**Single-family attached*

50 ft., except
20 ft.

Finding: Complies as Proposed. Smallest width proposed: approximately 268 feet and more than 100 feet.

*Minimum lot depth**All, except**Multifamily*

70 ft., except
75 ft.

Finding: Complies as Proposed. Smallest depth proposed: approximately 475 feet and 188 feet.

Minimum front yard setback

5 ft., except
0 ft. - Porch

Finding: Complies as Proposed. Smallest front setback proposed: approximately 12 feet.

Maximum front yard setback

20 ft.

Largest front setback proposed: OCMC 17.62.055.D., authorizes a larger front setback in conjunction with mitigation. The largest setback proposed is approximately 25 feet with design mitigation as authorized in 17.62.055. The front yard setback for the existing home will only be changed by any dedication.

Minimum interior side yard setback

All, except

Single-family attached

5 ft.¹
0 ft. (attached) / 5 ft.
(side)

Finding: Complies as Proposed. Smallest interior side yard setback proposed: 5.38' (unit 53).

Minimum corner side yard setback

5 ft.

Finding: Complies as Proposed. Smallest corner side setback proposed: 6' 7 ¾" (unit 13).

Minimum rear yard setback

10 ft.¹, except
5 ft. - Porch

Finding: Complies as Proposed. Smallest rear setback proposed: 10.19' (unit 15).

Garage setbacks

20 ft. from ROW,
except
5 ft. from alley

Finding: Complies as Proposed. Smallest garage setback proposed: twenty feet. The front yard setback for the existing home will only be changed by any dedication.

Minimum required landscaping (including landscaping within a parking lot)

15%

Finding: Complies with condition. The applicant did not provide a calculation for overall site landscaping, however, it appears that the amount of proposed landscaping will far exceed the minimum requirement of 15% based on initial calculations by staff as shown below. The applicant shall provide a revised landscaping plan indicating the percentage of landscaping is a minimum of 15% for both proposed lots prior to issuance of a building permit.

Lot size: 165,615 square feet

Square Feet of Landscaping: 50,318 square feet (approx. based on preliminary stormwater report pervious area)

Percentage: approx. 30%

The applicant can meet this standard by complying with the conditions of approval.

Notes:

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.

Finding: Complies with condition. The applicant proposed a three-foot wide landscaping strip abutting the R-6 zoned parcel to the east of the subject site (parcel 3-2E-06AA-05201), which does not meet the standard. ~~Public concerns were raised~~~~A public comment was also made~~ regarding this standard. The applicant shall revise the proposed design to create a minimum of 10 foot width landscaped area between 3-2-E-06AA-5001 and 3-2E-06AA-5201. This revision will also affect the location of the drive aisles and units 1-5, however the applicant believes that they can maintain compliance with applicable standards. Prior to issuance of building permits, the applicant shall provide a revised site plan with a minimum of 10 foot width landscaped area between 3-2-E-06AA-5001 and 3-2E-06AA-5201. The revisions shall comply with all requirements of the Oregon City Municipal Code. A revised landscaping plan shall also be submitted. Although the City Commission acknowledges that it cannot require the preservation of existing landscaping within this buffer, the Commission strongly urges the applicant to maintain the trees located near the property line. **The applicant can meet this standard by complying with the conditions of approval.**

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.

Finding: Complies with Conditions. It is anticipated that some of the proposed units may have building projections such as cornices, eaves, overhangs, canopies, sunshades, gutters, chimneys, flues, sills, or similar architectural features projecting into the required yards by up to twenty-four inches. The applicant shall demonstrate that projections from buildings comply with OCMC 17.12.045. **The applicant can meet this standard by complying with the conditions of approval.**

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.

Finding: Complies as Proposed. Per the definition in OCMC 17.04.1280, "Through lot" means a lot having frontage on two streets that are not alleys. The site with the proposed multi-family meets the definition by having frontage on Mountain View Avenue and Holmes Lane. The applicant exceeds the minimum front setback on both frontages with proposed twenty-foot setbacks along Holmes Lane and a ten-foot setback along Mountainview Street.

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.

Finding: Complies as Proposed. In calculating the density for the proposed 60-unit condominium project, Sections 17.04.808 and 17.04.810 of the Code define Net density and Net developable area to mean the number of dwelling units divided by the net developable area, as measured in acres. The net

developable area, as defined in Section 17.04.810, “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.

The net developable area is calculated below.

Deductions from Gross Square Footage:

Holmes Lane right-of-way	2,796 Sq. Ft.
New Public Street right-of-way	26,269 Sq. Ft.
Mountain View St. right-of-way	1,112 Sq. Ft.
Public Open Space	6,232 Sq. Ft.
Private Open Space	1,200 Sq. Ft.
<u>Water Quality</u>	<u>4,922 Sq. Ft.</u>
Total =	42,531 Sq. Ft. in Deductions

Gross Square Footage	165,615 Sq. Ft.
<u>-Deductions</u>	<u>42,531 Sq. Ft.</u>
Net Square Footage =	123,084 Sq. Ft. or 2.82 Net Acres

In this case, there are 123,084 Sq. Ft. or 2.82 net buildable acres because of right-of-way dedications, open space areas, and water quality areas are all excluded in the overall calculation of net buildable acreage. Calculating net density per the dimensional standards listed above provides for up to 61 units (123,084 Sq. Ft. divided by 2,000 Sq. Ft. (single-family attached) = 61.5 or 62 units). The Applicant’s proposal is for 60 units, which is slightly below the maximum allowed in the R-2 zone, thus satisfying the density requirements.

An affordable housing density bonus was not proposed.

CHAPTER 17.41 – TREE PROTECTION, PRESERVATION, REMOVAL AND REPLANTING STANDARDS

17.41.020 - Tree protection—Applicability.

1. Applications for development subject to OCMC 16.08 (Land Divisions) or OCMC 17.62 (Site Plan and Design Review) shall demonstrate compliance with these standards as part of the review proceedings for those developments. Compliance with this chapter is required from the date a land use application is filed until a land division is recorded or other development approval is final.

2. *For public capital improvement projects, the City Engineer shall demonstrate compliance with these standards pursuant to a Type I process.*
3. *Tree canopy removal greater than twenty-five percent on areas with greater than twenty-five percent slope, unless exempted under OCMC 17.41.040, shall be subject to these standards.*
4. *A heritage tree or grove which has been designated pursuant to the procedures of OCMC 12.32 shall be subject to the standards of this section.*
5. *A tree that has been planted pursuant to this section shall remain or shall be replaced with a new tree if removed.*

Finding: Applicable. The property located at 535 Holmes Lane after the Lot Line Adjustment is seeking an application for site plan and design review, therefore, this chapter applies to the reconfigured 535 Holmes Lane. The reconfigured 545 Holmes Lane is not seeking site plan and design review and thus this chapter does not apply to the reconfigured lot.

17.41.030 - Tree protection—Conflicting code provisions.

Except as otherwise specified in this section, where these standards conflict with adopted city development codes or policies, the provision which provides the greater protection for regulated trees or groves, as defined in OCMC 17.04, shall govern.

Finding: Not applicable. No conflicting code provisions are apparent.

17.41.040 - Exemptions.

These regulations are not intended to regulate normal cutting, pruning and maintenance of trees on private property except where trees are located on lots that are undergoing development review or are otherwise protected within the Natural Resource Overlay District (NROD) of OCMC 17.49. These standards are not intended to regulate farm and forest practices as those practices are defined under ORS 30.930, for farm or forestlands. These regulations do not apply to the removal of trees that are considered invasive species. An applicant for development may claim exemption from compliance with these standards if the development site containing the regulated grove or trees was a designated farm or forest use, tree farm, Christmas tree plantation, or other approved timber use within one year prior to development application. "Forest practices" and "forestlands" as used in this subsection shall have the meaning as set out in ORS 30.930. The Community Development Director has the authority to modify or waive compliance in this case.

Finding: Not applicable. The applicant did not seek exemption from the standards. The property is not within the Natural Resources Overlay District, nor is the applicant claiming exemption from the standards under ORS 30.390. There are no farm or forest practices existing or proposed.

17.41.050 - Compliance options.

Applicants for review shall comply with these requirements through one or a combination of the following procedures:

- A. *Option 1—Mitigation. Retention and removal of trees, with subsequent mitigation by replanting pursuant to OCMC 17.41.060.*
- B. *Option 2—Dedicated Tract. Protection of trees or groves by placement in a tract within a new subdivision or partition plat pursuant to OCMC 17.41.080; or*
- C. *Option 3—Restrictive Covenant. Protection of trees or groves by recordation of a permanent restrictive covenant pursuant to OCMC 17.41.110; or*
- D. *Option 4—Cash-in-lieu of planting pursuant to OCMC 17.41.120.*

Finding: Complies with conditions. The Applicant proposes meeting the tree protection, preservation, removal and replanting standards through options 1 and 4 above. Except for the existing vegetation and trees to remain at 535 Holmes Lane after the lot line adjustment, the remainder of the existing trees are

proposed to be removed to accommodate the proposed development. The Applicant is requesting to pay a cash-in-lieu of planting pursuant to OCMC 17.41.120. This option is only available if the applicant can demonstrate that the site cannot physically accommodate additional tree plantings. The applicant did not submit a tree retention, removal, and replanting plan for review and further the plans submitted appear to not accurately reflect the existing conditions and the number of trees proposed to be removed. For example, the existing conditions plan indicates that an existing hedge will be protected, but the hedge is not identified on the plans and public comment was received regarding trees which did not appear on the existing conditions plan. [The City values the presence of existing trees which add to the character of the neighborhood nearby parks, provide shade, buffer properties, and have positive environmental effects and encourages their retention. Trees larger in size and groupings of trees are of particular importance.](#) Prior to issuance of a permit associated with the proposed development, the applicant shall submit a revised mitigation plan, which includes a calculation for the number of mitigation trees required in accordance with Table 17.41.060-1. [As noted above, the City urges the applicant to preserve the trees located within the required buffer area.](#) The applicant will be allowed to pay a fee-in-lieu, or plant off-site any trees that cannot be accommodated onsite. **The applicant can meet this standard by complying with the conditions of approval.**

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

A. Applicants for development who select this option shall ensure that all healthy trees shall be preserved outside the construction area as defined in OCMC 17.04 to the extent practicable. Preserved trees are subject to Option 3 of this Chapter. Compliance with these standards shall be demonstrated in a tree mitigation plan report prepared by a certified arborist, horticulturalist or forester or other environmental professional with experience and academic credentials in forestry or arboriculture. Tree inventories for the purposes of mitigation calculations may be prepared by a licensed surveyor. At the applicant's expense, the City may require the report to be reviewed by a consulting arborist. The number of replacement trees required on a development site shall be calculated separately from, and in addition to, any public or street trees in the public right-of-way required under OCMC 12.08— Public and Street Trees, any required tree planting in parking lots, and any trees planted in pedestrian and bicycle accessways.

Finding: Complies with conditions. The applicant did not submit a tree retention, removal, and replanting plan for review prepared by a certified arborist, horticulturalist or forester or other environmental professional with experience and academic credentials in forestry or arboriculture. Prior to issuance of a permit associated with the proposed development, the applicant shall submit a tree retention, removal and replanting or mitigation plan prepared in accordance with OCMC 17.41, which includes a calculation for the number of mitigation trees required in accordance with this standard and Table 17.41.060-1. [The City values the presence of existing trees which add to the character of the neighborhood nearby parks, provide shade, buffer properties, and have positive environmental effects and encourages their retention. Trees larger in size and groupings of trees are of particular importance.](#) As stated in this code section, the number of replacement trees required on a development site shall be calculated separately from, and in addition to, any public or street trees in the public right-of-way required under OCMC 12.08— Public and Street Trees, any required tree planting in parking lots, and any trees planted in pedestrian and bicycle accessways. The city may accept fee-in-lieu of planting or off-site planting of trees for any mitigation trees that cannot be replanted on-site due to lack of available area. **The applicant can meet this standard by complying with the conditions of approval.**

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

1. Trees that are removed outside of the construction area shall be replanted with the number of trees specified in Column 1 of Table 17.41.060-1. Trees that are removed within the construction area shall be replanted with the number of replacement trees required in Column 2; or
2. Dying, diseased or hazardous trees, when the condition is verified by a certified arborist to be consistent with the definitions in OCMC 17.04, may be removed from the tree replacement calculation. Dead trees may also be removed from the calculation, with the condition of the tree verified either by the Community Development Director or by a certified arborist at the applicant's expense, when the Community Development Director cannot make a determination. To the extent that the Community Development Director determines that the dead, dying, hazardous or diseased condition of the tree is the result of intentional action, the removal of that tree shall require mitigation pursuant to Column 2 of Table 17.41.060-1.

Finding: Complies with conditions.

The applicant did not submit a tree retention, removal, and replanting plan for review prepared by a certified arborist, horticulturalist or forester or other environmental professional with experience and academic credentials in forestry or arboriculture. Prior to issuance of a permit associated with the proposed development, the applicant shall submit a tree retention, removal and replanting or mitigation plan prepared in accordance with OCMC 17.41, which includes a calculation for the number of mitigation trees required in accordance with this standard and Table 17.41.060-1. The City values the presence of existing trees which add to the character of the neighborhood nearby parks, provide shade, buffer properties, and have positive environmental effects and encourages their retention. Trees larger in size and groupings of trees are of particular importance. As stated in this code section, the number of replacement trees required on a development site shall be calculated separately from, and in addition to, any public or street trees in the public right-of-way required under OCMC 12.08— Public and Street Trees, any required tree planting in parking lots, and any trees planted in pedestrian and bicycle accessways. The city may accept fee-in-lieu of planting or off-site planting of trees for any mitigation trees that cannot be replanted on-site due to lack of available area. **The applicant can meet this standard by complying with the conditions of approval.**

See finding under 17.41.060.A. ~~The applicant can meet this standard by complying with the conditions of approval.~~

Table 17.41.060-1
Tree Replacement Requirements

Size of tree removed (DBH)	Column 1 Number of trees to be planted. (If removed Outside of construction area)	Column 2 Number of trees to be planted. (If removed Within the construction area)
6 to 12"	3	1
13 to 18"	6	2
19 to 24"	9	3
25 to 30"	12	4
31 and over"	15	5

Steps for calculating the number of replacement trees:

1. Count all trees measuring six inches DBH (minimum four and one-half feet from the ground) or larger on the entire development site.

2. Designate the size (DBH) of all trees pursuant to accepted industry standards.
3. Document in a certified arborist report any trees that are currently dead, dying, diseased or hazardous.
4. Subtract the number of dead, dying, diseased or hazardous trees in step 3 from the total number of trees on the development site in step 1. The remaining number is the number of healthy trees on the site. Use this number to determine the number of replacement trees in steps 5 through 8.
5. Identify the construction area (as defined in OCMC 17.04.230).
6. Determine the number and diameter of trees to be removed within the construction area. Based on the size of each tree, use Column 2 to determine the number of replacement trees required.
7. Determine the number and diameter of trees to be removed outside of the construction area. Based on the size of each tree, use Column 1 to determine the number of replacement trees required.
8. Determine the total number of replacement trees from steps 6 and 7.

Finding: Complies with conditions. The applicant did not submit a tree retention, removal, and replanting plan for review prepared by a certified arborist, horticulturalist or forester or other environmental professional with experience and academic credentials in forestry or arboriculture. Prior to issuance of a permit associated with the proposed development, the applicant shall submit a tree retention, removal and replanting or mitigation plan prepared in accordance with OCMC 17.41, which includes a calculation for the number of mitigation trees required in accordance with this standard and Table 17.41.060-1. The City values the presence of existing trees which add to the character of the neighborhood nearby parks, provide shade, buffer properties, and have positive environmental effects and encourages their retention. Trees larger in size and groupings of trees are of particular importance. As stated in this code section, the number of replacement trees required on a development site shall be calculated separately from, and in addition to, any public or street trees in the public right-of-way required under OCMC 12.08— Public and Street Trees, any required tree planting in parking lots, and any trees planted in pedestrian and bicycle accessways. The city may accept fee-in-lieu of planting or off-site planting of trees for any mitigation trees that cannot be replanted on-site due to lack of available area. The applicant can meet this standard by complying with the conditions of approval.

See finding under 17.41.060.A. ~~The applicant can meet this standard by complying with the conditions of approval.~~

C. Planting area priority for mitigation.

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

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

Finding: Complies with conditions. The applicant did not submit a tree retention, removal, and replanting plan for review prepared by a certified arborist, horticulturalist or forester or other environmental professional with experience and academic credentials in forestry or arboriculture. Prior to issuance of a permit associated with the proposed development, the applicant shall submit a tree retention, removal and replanting or mitigation plan prepared in accordance with OCMC 17.41, which includes a calculation for the number of mitigation trees required in accordance with this standard and Table 17.41.060-1. The City values the presence of existing trees which add to the character of the neighborhood nearby parks, provide shade, buffer properties, and have positive environmental effects and encourages their retention.

Trees larger in size and groupings of trees are of particular importance. As stated in this code section, the number of replacement trees required on a development site shall be calculated separately from, and in addition to, any public or street trees in the public right-of-way required under OCMC 12.08— Public and Street Trees, any required tree planting in parking lots, and any trees planted in pedestrian and bicycle accessways. The city may accept fee-in-lieu of planting or off-site planting of trees for any mitigation trees that cannot be replanted on-site due to lack of available area. **The applicant can meet this standard by complying with the conditions of approval.**

~~See finding under 17.41.060.A. The applicant can meet this standard by complying with the conditions of approval.~~

D. Replacement tree planting standards.

1. All replacement trees shall be either two-inch caliper deciduous or six-foot high conifer.
2. Replacement tree species shall be approved by a landscape architect or certified arborist or shall be found on the City's Native Plant or Street Tree lists.
3. Due to their diminishing range in the region, Oregon white oak (*Quercus garryana*) trees, if removed, shall be replaced by the same species.

E. All existing tree(s) in the tract shall be protected by a permanent restrictive covenant or easement approved in form by the City.

Finding: Complies with conditions. The applicant did not submit a tree retention, removal, and replanting plan for review prepared by a certified arborist, horticulturalist or forester or other environmental professional with experience and academic credentials in forestry or arboriculture. Prior to issuance of a permit associated with the proposed development, the applicant shall submit a tree retention, removal and replanting or mitigation plan prepared in accordance with OCMC 17.41, which includes a calculation for the number of mitigation trees required in accordance with this standard and Table 17.41.060-1. The City values the presence of existing trees which add to the character of the neighborhood nearby parks, provide shade, buffer properties, and have positive environmental effects and encourages their retention. Trees larger in size and groupings of trees are of particular importance. As stated in this code section, the number of replacement trees required on a development site shall be calculated separately from, and in addition to, any public or street trees in the public right-of-way required under OCMC 12.08— Public and Street Trees, any required tree planting in parking lots, and any trees planted in pedestrian and bicycle accessways. The city may accept fee-in-lieu of planting or off-site planting of trees for any mitigation trees that cannot be replanted on-site due to lack of available area. **The applicant can meet this standard by complying with the conditions of approval.**

~~See finding under 17.41.060.A. The applicant can meet this standard by complying with the conditions of approval.~~

F. Alternative mitigation plan.

The Community Development Director may, subject to a Type II procedure, approve an alternative mitigation plan that adequately protects habitat pursuant to the standards for the Natural Resource Overlay District alternative mitigation plan in OCMC 17.49.190.

Finding: Not applicable. The applicant did not propose an alternative mitigation plan. The site is not within the Natural Resource Overlay District.

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

Finding: Not applicable. The applicant has not proposed to use Option 2.

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

Finding: Not applicable. The applicant has not proposed to use Option 3.

A. Permitted adjustments.

1. *The Community Development Director, pursuant to a Type II procedure, may grant an adjustment to the side, front and rear yard setback standards by up to fifty percent if necessary to retain a Regulated Tree or Grove through a restrictive covenant pursuant to this section. In no case may the side yard setback be reduced to less than three feet. The adjustment shall be the minimum necessary to accomplish preservation of trees on the lot and shall not conflict with other conditions imposed on the property.*
2. *The City Engineer may grant an adjustment to street standards, pursuant to adopted public works standards, in order to preserve a tree. This may include flexibility to redesign sidewalk and planter strip sizes and locations and allow placement of sidewalks and planter strips in an easement within private lots.*
3. *The Community Development Director, pursuant to a Type II procedure, may allow other adjustments in order to preserve any healthy tree that cannot be moved due to its size, but will contribute to the landscape character of the area and will not present a foreseeable hazard if retained.*

Finding: Not applicable. The applicant has not proposed any reductions in side, front or rear setbacks, modification of street standards, or any other adjustments in order to preserve trees.

17.41.120 - Cash-in-lieu of planting (Option 4).

The applicant may choose this option in-lieu-of or in addition to Compliance Options 1 through 3. In this case, the Community Development Director may approve the payment of cash-in-lieu into a dedicated fund for the remainder of trees that cannot be replanted in the manner described above.

The cash-in-lieu payment per required mitigation tree shall be as listed on the adopted fee schedule and shall be adjusted annually based on the Consumer Price Index. The price shall include 150% of the cost of materials, transportation and planting.

Finding: Complies with conditions. [The applicant did not submit a tree retention, removal, and replanting plan for review prepared by a certified arborist, horticulturalist or forester or other environmental professional with experience and academic credentials in forestry or arboriculture. Prior to issuance of a permit associated with the proposed development, the applicant shall submit a tree retention, removal and replanting or mitigation plan prepared in accordance with OCMC 17.41, which includes a calculation for the number of mitigation trees required in accordance with this standard and Table 17.41.060-1. The City values the presence of existing trees which add to the character of the neighborhood nearby parks, provide shade, buffer properties, and have positive environmental effects and encourages their retention. Trees larger in size and groupings of trees are of particular importance. As stated in this code section, the number of replacement trees required on a development site shall be calculated separately from, and in addition to, any public or street trees in the public right-of-way required under OCMC 12.08— Public and Street Trees, any required tree planting in parking lots, and any trees planted in pedestrian and bicycle accessways. The city may accept fee-in-lieu of planting or off-site planting of trees for any mitigation trees that cannot be replanted on-site due to lack of available area. The applicant can meet this standard by complying with the conditions of approval.](#)

[See finding under 17.41.060.A.](#)

17.41.130 - Regulated tree protection procedures during construction.

A. No permit for any grading or construction of public or private improvements may be released prior to verification by the Community Development Director that regulated trees designated for protection or conservation have been protected according to the following standards. No trees designated for removal shall be removed without prior written approval from the Community Development Director.

B. Tree protection shall be as recommended by a qualified arborist or, as a minimum, to include the following protective measures:

1. *Except as otherwise determined by the Community Development Director, all required tree protection measures set forth in this section shall be instituted prior to any development activities, including, but not limited to clearing, grading, excavation or demolition work, and such measures shall be removed only after completion of all construction activity, including necessary landscaping and irrigation installation, and any required plat, tract, conservation easement or restrictive covenant has been recorded.*
 2. *Approved construction fencing, a minimum of four feet tall with steel posts placed no farther than ten feet apart, shall be installed at the edge of the tree protection zone or dripline, whichever is greater. An alternative may be used with the approval of the Community Development Director.*
 3. *Approved signs shall be attached to the fencing stating that inside the fencing is a tree protection zone, not to be disturbed unless prior approval has been obtained from the Community Development Director.*
 4. *No construction activity shall occur within the tree protection zone, including, but not limited to; dumping or storage of materials such as building supplies, soil, waste items; nor passage or parking of vehicles or equipment.*
 5. *The tree protection zone shall remain free of chemically injurious materials and liquids such as paints, thinners, cleaning solutions, petroleum products, and concrete or dry wall excess, construction debris, or run-off.*
 6. *No excavation, trenching, grading, root pruning or other activity shall occur within the tree protection zone unless directed by an arborist present on site and approved by the Community Development Director.*
 7. *No machinery repair or cleaning shall be performed within ten feet of the dripline of any trees identified for protection.*
 8. *Digging a trench for placement of public or private utilities or other structure within the critical root zone of a tree to be protected is prohibited. Boring under or through the tree protection zone may be permitted if approved by the Community Development Director and pursuant to the approved written recommendations and on-site guidance and supervision of a certified arborist.*
 9. *The Community Development Director may require that a certified arborist be present during any construction or grading activities that may affect the dripline of trees to be protected.*
 10. *The Community Development Director may impose conditions to avoid disturbance to tree roots from grading activities and to protect trees and other significant vegetation identified for retention from harm. Such conditions may include, if necessary, the advisory expertise of a qualified consulting arborist or horticulturist both during and after site preparation, and a special maintenance/management program to provide protection to the resource as recommended by the arborist or horticulturist.*
- C. Changes in soil hydrology due to soil compaction and site drainage within tree protection areas shall be avoided. Drainage and grading plans shall include provision to ensure that drainage of the site does not conflict with the standards of this section. Excessive site run-off shall be directed to appropriate storm drainage facilities and away from trees designated for conservation or protection.*

Finding: Complies with conditions. The applicant did not respond to this criterion. Prior to issuance of development permits the applicant shall submit documentation demonstrating compliance with the tree protection standards in OCMC 17.41.130. **The applicant can meet this standard by complying with the conditions of approval.**

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.

Finding: Complies. The applicant applied for and attended three pre-application conferences to discuss the proposed development with staff (PA-19-00045, PA-19-00065 and PA-20-00016). PA-20-00016 was held on May 5, 2020. The Community Development Director waived a fourth pre-application conference since neither the applicant's proposal nor the applicable development standards had changed significantly. The land use application was filed January 11, 2021.

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. The applicant attended a virtual meeting with members of the Barclay Hills Neighborhood Association on November 10, 2021. A copy of the email, sign-in sheet, and minutes was provided.

17.50.090 - Public notices.

All public notices issued by the city announcing applications or public hearings of quasi-judicial or legislative actions, shall comply with the requirements of this section.

A. Notice of Type II Applications. Once the community development director has deemed a Type II application complete, the city shall prepare and send notice of the application, by first class mail, to all record owners of property within three hundred feet of the subject property and to any city-recognized neighborhood association whose territory includes the subject property. The applicant shall provide or the city shall prepare for a fee an accurate and complete set of mailing labels for these property owners and for posting the subject property with the city-prepared notice in accordance with OCMC [17.50.100](#). The city's Type II notice shall include the following information:

- 1. Street address or other easily understood location of the subject property and city-assigned planning file number;*
- 2. A description of the applicant's proposal, along with citations of the approval criteria that the city will use to evaluate the proposal;*
- 3. A statement that any interested party may submit to the city written comments on the application during a fourteen-day comment period prior to the city's deciding the application, along with instructions on where to send the comments and the deadline of the fourteen-day comment period;*
- 4. A statement that any issue which is intended to provide a basis for an appeal shall be raised in writing during the fourteen-day comment period with sufficient specificity to enable the city to respond to the issue;*
- 5. A statement that the application and all supporting materials may be inspected, and copied at cost, at city hall during normal business hours;*
- 6. The name and telephone number of the planning staff person assigned to the application or is otherwise available to answer questions about the application;*
- 7. The notice shall state that a city-recognized neighborhood association requesting an appeal fee waiver pursuant to OCMC 17.50.290.C must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal.*

Finding: Complies. Notice of the proposed development was provided in accordance with this section on May 10, 2021 with a comment deadline of May 24, 2021. Due to the addition of new information by the applicant after the public notice was sent (consisting of slight revisions to the street facing facades of some of the units), a second public notice was provided on May 21, 2021 with a comment deadline of June 4, 2021. The Planning Division office was closed the last day of the public comment period. Though comments were able to be received via mail, email, and at other city facilities such as City Hall (in which one was submitted on that day and included within the record), the city has a practice of not ending a public comment period on a day the Planning Division office is closed. After hearing concern that the office was closed from the chair of the neighborhood association on June 4th, an email was sent to the chair and vice chair of the neighborhood association letting them know that the comment period would be extended to June 7th. No additional comments were received during this extended time period.

17.50.100 - Notice posting requirements.

Where this chapter requires notice of a pending or proposed permit application or hearing to be posted on the subject property, the requirements of this section shall apply.

A. *City Guidance and the Applicant's Responsibility.* The City shall supply all of the notices which the applicant is required to post on the subject property and shall specify the dates the notices are to be posted and the earliest date on which they may be removed. The City shall also provide a statement to be signed and returned by the applicant certifying that the notice(s) were posted at the correct time and that if there is any delay in the City's land use process caused by the applicant's failure to correctly post the subject property for the required period of time and in the correct location, the applicant agrees to extend the applicable decision-making time limit in a timely manner.

B. *Number and Location.* The applicant shall place the notices on each frontage of the subject property. If the property's frontage exceeds six hundred feet, the applicant shall post one copy of the notice for each six hundred feet or fraction thereof. Notices do not have to be posted adjacent to alleys or unconstructed right-of-way. Notices shall be posted within ten feet of the street and shall be visible to pedestrians and motorists. Notices shall not be posted within the public right-of-way or on trees. The applicant shall remove all signs within ten days following the event announced in the notice.

Finding: Complies. The property was posted with land use notices on May 10, 2021 and again on May 21, 2021. The notices were posted within ten feet of the street and were visible to pedestrians and motorists. The initial location was chosen at the direction of staff so that it would be visible from the intersection of Rilance Lane and Holmes Lane, however, the sign was slightly obscured by vegetation when viewed from the east. Though slightly obscured, the sign was visible to both pedestrians and motorists. Due to a complaint about the visibility of the Holmes Lane notice due to vegetation, staff relocated the notice on 5/26/2021, relocating it slightly further to the west.



17.50.140 – Financial guarantees.

When conditions of permit approval require a permittee to construct certain public improvements, the City shall require the permittee to provide financial guarantee for construction of the certain public improvements. Financial guarantees shall be governed by this section.

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

B. *Performance Guarantees.* A permittee shall be required to provide a performance guarantee as follows.

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

2. *Before Complete Design Approval and Established Engineered Cost Estimate: The City may request a permittee to submit a Performance Guarantee for construction of certain public improvements. A permittee may request the option of submitting a performance guarantee before public improvements are designed and completed. The guarantee shall be one hundred fifty percent of the estimated cost of constructing the public improvements as submitted by the permittee's engineer and approved by the City Engineer. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the City Engineer.*

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

D. *Fee-in-lieu. When conditions of approval or the City Engineer allows a permittee to provide a fee-in-lieu of actual construction of public improvements, the fee shall be one hundred fifty percent of the estimated cost of constructing the public improvements as submitted by the permittee's engineer and approved by the City Engineer. The percentage required is to ensure adequate funds for the future work involved in design, bid, contracting, and construction management and contract closeout. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the City Engineer. The fee-in-lieu shall be submitted as cash, certified check, or other negotiable instrument acceptable by the City Attorney.*

Finding: Complies as conditioned. Performance Guarantee which is equal to 120% of the estimated cost for construction of public improvements as shown in city approved construction plans shall be provided prior to receiving a permit and beginning construction. The estimated costs shall be supported by a verified engineering estimate and approved by the city engineer. The guarantee shall be in a form identified in Code 17.50.140.A of the Oregon City Municipal Code. The guarantee shall remain in effect until the construction of all required improvements are completed and accepted by the city. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.50.141 – Public improvements – Warranty

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. The warranty is to be used at the discretion of the City Engineer or

designee to correct deficiencies in materials or maintenance of constructed public infrastructure, or to address any failure of engineering design.

A. *Duration of Warranty.* Responsibility for maintenance of public improvements shall remain with the property owner or developer for a warranty period of two years.

B. *Financial Guarantee.* Approvable forms of guarantee include irrevocable standby letters of credit to the benefit of the City issued by a recognized lending institution, bond, certified checks, dedicated bank accounts or allocations of construction loans held in reserve by the lending institution for the benefit of the City. The form of guarantee shall be specified by the City Engineer and, prior to execution and acceptance by the City shall be reviewed and approved by the City Attorney. The guarantee shall be filed with the City Engineer.

C. *Amount of Warranty.* The amount of the warranty shall be equal to fifteen percent of the estimated cost of construction of all public improvements (including those improvements that will become owned and maintained by the City at the end of the two year maintenance period), and shall be supported by a verified engineering estimate and approved by the City Engineer. Upon expiration of the warranty period and acceptance by the City as described below, the City shall be responsible for maintenance of those improvements.

D. *Transfer of Maintenance.* The City will perform an inspection of all public improvements approximately forty-five days before the two-year warranty period expires. The public improvements shall be found to be in a clean, functional condition by the City Engineer before acceptance of maintenance responsibility by the City. Transfer of maintenance of public improvements shall occur when the City accepts the improvements at the end of the two year warranty period. **Finding:**

Complies as conditioned. Maintenance Guarantee equal to fifteen percent of the estimated cost for construction of public improvements as shown in city approved construction plans shall be provided prior to occupancy. The estimated costs shall be supported by a verified engineering estimate approved by the City Engineer. The guarantee shall be in a form identified in Code 17.50.140.A of the Oregon City Municipal Code. The maintenance guarantee shall warrant to the City of Oregon City that construction of public improvements will remain, for a period of twenty-four (24) months from the date of acceptance, free from defects in materials and workmanship. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

CHAPTER 17.52 OFF-STREET PARKING AND LOADING

The following applies to the proposed multi-family development.

17.52.010 - Applicability.

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

Finding: Applies. The proposal is for a multi-family development proposal.

17.52.020 - Number of automobile spaces required.

A. *The number of parking spaces shall comply with the minimum and maximum standards listed in Table 17.52.020. The parking requirements are based on spaces per one thousand square feet net leasable area unless otherwise stated.*

Table 17.52.020		
LAND USE	PARKING REQUIREMENTS	
	MINIMUM	MAXIMUM
Multifamily Residential	1.00 per unit	2.5 per unit

1. *Multiple Uses. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.*

Finding: Complies with Condition. The proposal meets the definition of multifamily residential because it includes 5 or more units on one lot. Though the development extends across both sides of public roadway, the development is on a single lot. Pursuant to the minimum and maximum standards listed in Table 17.52.020, the minimum parking requirement is 1.00 off-street parking space per unit, and the maximum parking requirement is 2.50 off-street parking spaces per unit. Based on these requirements, the minimum off-street parking requirement for the Applicant's proposal is 60, and the maximum off-street parking requirement is 150. The Applicant is proposing 116 off-street parking spaces consisting of a combination of single car garages for each unit, driveways of at least 20 feet in length for units 14-60, and 9 spaces in the drive aisle. In addition there are an additional 31 spaces within the public street (which do not have to be counted toward off-street parking). The Applicant's proposal exceeds the minimum off-street parking requirement for multi-family development per Table 17.52.020. The applicant may reduce the number of on or off-street parking provided as needed in order to accommodate for the revisions to allow for the enlarged landscaped buffer with the adjoining site. The "dead-end" design of the drive aisles (turnaround) shall be marked with no-parking signs or markings for large emergency vehicles and other long vehicles in the form of a hammerhead or other design in accordance with Clackamas Fire District No. 1. The development shall include whatever improvements, coupled with requisite access easement, identified by Clackamas Fire District No 1 as are necessary to accommodate emergency vehicles. **The applicant can meet this standard by complying with the conditions of approval.**

2. *Requirements for types of buildings and uses not specifically listed herein shall be determined by the Community Development Director, based upon the requirements of comparable uses listed.*

Finding: Not applicable. The use is listed in Table 17.52.020.

3. *Where calculation in accordance with the above list results in a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall require one space.*

Finding: Complies as Proposed. Fractions were rounded in accordance with this chapter.

4. *Fleet vehicle parking shall be accommodated within the maximum parking ratio, except that in GI, CI, and MUE zones, fleet vehicle parking may be included in a parking lot in addition to the maximum number of permitted parking spaces.*

Finding: Not applicable. The proposal does not include fleet vehicles.

5. *A change in use within an existing habitable building located in the MUD Design District or the Willamette Falls Downtown District is exempt from additional parking requirements. Additions to an existing building and new construction are required to meet the minimum parking requirements for the areas as specified in Table 17.52.020 for the increased square footage.*

Finding: Not applicable. The proposal is not within the MUD or WFD districts.

B. *Parking requirements can be met either onsite, or offsite by meeting one or multiple of the following conditions:*

1. *Parking may be located on the same site as the associated use which it is supporting.*

Finding: Complies as Proposed. The parking lot is located on the same site as the use it is supporting.

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

Finding: Not applicable. The proposal does not include a mix of uses.

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

Finding: Not applicable. The applicant has not proposed shared parking.

4. *On-Street Parking.* On-street parking may be counted toward the minimum standards when it is on the street face abutting the subject land use. An on-street parking space shall not obstruct a required clear vision area and it shall not violate any law or street standard. On-street parking for commercial uses shall conform to the following standards:

a. *Dimensions.* The following constitutes one on-street parking space:

1. *Parallel parking:* twenty-two feet of uninterrupted and available curb;

2. *Forty-five and/or sixty-degree diagonal parking:* Fifteen feet of curb;

3. *Ninety-degree (perpendicular) parking:* Twelve feet of curb.

4. *Public Use Required for Credit.* On-street parking spaces counted toward meeting the parking requirements of a specific use may not be used exclusively by that use, but shall be available for general public use at all times. Signs or other actions that limit general public use of on-street spaces are prohibited.

Finding: Complies as proposed. The applicant has not proposed to utilize on-street parking stalls to meet the minimum parking requirements. All parking requirements will be met using private driveways, parking along the drive aisle, and garages for the units.

C. *Reduction of the Number of the Minimum Automobile Spaces Required.* Any combination of the reductions below is permitted unless otherwise noted.

1. *Downtown Parking Overlay.* The minimum required number of parking stalls is reduced within the Downtown Parking Overlay by fifty percent.

2. *Transit Oriented Development.* For projects not located within the Downtown Parking Overlay District, the minimum required number of parking stalls is reduced up to twenty-five percent when:

a. *In a commercial center* (sixty thousand square feet or greater of retail or office use measured cumulatively within a five hundred foot radius) or

b. *When adjacent to multi-family development with over eighty units* or

c. *Within 1,320 feet of an existing or planned public transit street and within 1,320 feet of the opposite use* (commercial center or multi-family development with over eighty units).

3. *Tree Preservation.* The Community Development Director may grant an adjustment to any standard of this requirement provided that the adjustment preserves a designated heritage tree or grove so that the reduction in the amount of required pavement can help preserve existing healthy trees in an undisturbed, natural condition.

4. *Transportation Demand Management.* The Community Development Director shall reduce the required number of parking stalls up to twenty-five percent when a parking-traffic study prepared by a traffic

engineer demonstrates alternative modes of transportation, including transit, bicycles, and walking, and/or special characteristics of the customer, client, employee or resident population will reduce expected vehicle use and parking space demand for this development, as compared to standard Institute of Transportation Engineers vehicle trip generation rates and further that the transportation demand management program promotes or achieves parking utilization lower than minimum city parking requirements.

A transportation demand management (TDM) program shall be developed to include strategies for reducing vehicle use and parking demand generated by the development and will be measured annually. If, at the annual assessment, the City determines the plan is not successful, the plan may be revised. If the City determines that no good-faith effort has been made to implement the plan, the City may take enforcement actions.

5. The minimum required number of stalls may be reduced by up to ten percent when the subject property is adjacent to an existing or planned fixed public transit route or within one thousand feet of an existing or planned transit stop.

Finding: Not applicable. The applicant did not request a reduction in the minimum automobile space required.

17.52.030 - Standards for automobile parking.

A. Access. Ingress and egress locations on public thoroughfares shall be located in the interests of public traffic safety and meet requirements of OCMC 16.12.035. Groups of more than four parking spaces shall be so located and served by driveways so that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley.

Finding: Complies as proposed. Analysis of ingress and egress was analyzed in the submitted transportation impact study for public streets. Please refer to findings under OCMC 16.12.035.

No access from individual units is proposed directly onto the new public street. A private drive aisle would serve as access to the garages for 13 units located along the east part of the development. The access for this driveway is near the east property boundary and about 70 feet from the new public street intersection established at Mountainview Street. All access to individual units is to the internal private street system, which functions similar to drive aisles in a traditional multi-family development.

Since all of the units will be accessed by private drive aisles, there will be no backing movements or other maneuvering within any public street rights-of-way.

B. Surfacing. Required off-street parking spaces and access aisles shall have paved surfaces adequately maintained. The use of pervious asphalt/concrete and alternative designs that reduce storm water runoff and improve water quality pursuant to the City's stormwater and low impact development design standards are encouraged.

Finding: Complies as proposed. The applicant has proposed paved surfaces for all off-street parking spaces and access aisles.

C. Drainage. Drainage shall be designed in accordance with the requirements of OCMC 13.12 and the City public works stormwater and grading design standards.

Finding: See findings from section 13.12 of this report.

D. Dimensional Standards.

1. Requirements for parking developed at varying angles are according to the table included in this section. A parking space shall not be less than seven feet in height when within a building or structure, and

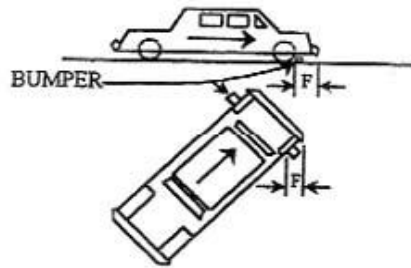
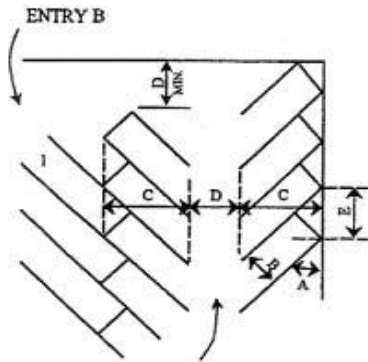
shall have access by an all-weather surface to a street or alley. Parking stalls in compliance with the American with Disabilities Act may vary in size in order to comply with the building division requirements. Up to thirty-five percent of the minimum required parking may be compact, while the remaining required parking stalls are designed to standard dimensions. The Community Development Director may approve alternative dimensions for parking stalls in excess of the minimum requirement which comply with the intent of this chapter.

PARKING STANDARD

PARKING ANGLE SPACE DIMENSIONS

A Parking Angle		B Stall Width	C Stall to Curb	D Aisle Width	E Curb Length	F Overhang
0 degrees		8.5	9.0	12	20	0
30 degrees	Standard Compact	9' 8'	17.3' 14.9'	11' 11'	18' 16'	
45 degrees	Standard Compact	8.5 8.5	19.8' 17.0'	13' 13'	12.7' 11.3'	1.4
60 degrees	Standard Compact	9' 8'	21' 17.9'	18' 16'	10.4' 9.2'	1.7
90 degrees	Standard Compact	9' 8'	19.0' 16.0'	24' 22'	9' 8'	1.5

All dimensions are to the nearest tenth of a foot.



Finding: Complies with Condition. The proposal includes an alternative parking/landscaping plan, please refer to 17.52.030.D.2. **The applicant can meet this standard by complying with the conditions of approval.**

2. *Alternative parking/plan.* Any applicant may propose an alternative parking plan. Such plans are often proposed to address physically constrained or smaller sites, however innovative designs for larger sites may also be considered. In such situations, the Community Development Director may approve an alternative parking lot plan with variations to parking dimensions of this section. The alternative shall be consistent with the intent of this chapter and shall create a safe space for automobiles and pedestrians while providing landscaping to the quantity and quality found within parking lot landscaping requirements.

Finding: Complies with conditions. The applicant proposed an innovative design for the multi-family development. Rather a central parking lot adjacent to a building or series of buildings containing multi-family dwellings, the proposed design is intended to mimic that of a subdivision with duplexes, triplexes,

and fourplexes throughout the site and accessed from a multi-family drive aisle (identified as a private road in the application) rather than a drive aisle commonly found in a traditional multi-family development. The drive aisles include sidewalks along the majority of the site as well as adjacent trees. The overall innovative design is more similar that of a subdivision with each unit having their own garage and a driveway or alley access.



As the design is uncommon for multi-family development, the applicable codes for parking lot dimensions and associated parking lot landscaping do not apply well. Rather than have a central parking lot, parking for the proposed development consists of one indoor parking space inside of a garage

connected to each unit as well as an adjacent exterior parking stall in front of the garage designed to mimic a driveway of a typical row house or single-family dwelling for units 14-60. Additional parking is currently identified within the public right-of-way and along the drive aisle (identified as a private street on the plans) which is designed to look like on-street parking. The proposed site plan indicates a variety of off-street parking stalls with the following dimensions:

Garages (60): 8' x 18'

Driveway (47): 12' x 20'

Parking in the Drive Aisle (on-street on marked as "Private Street") (9): 8' x 20'

Total Spaces: 116

The dimensions of the parking indoors (in a garage), on the driveway, and within the drive aisle (made to look like on-street parking) are approved. However, the width of the "driveways" connecting the drive aisle (identified as private roads in the application) to each dwelling is shall be limited to allow for a greater balance with landscaping. The width of each "driveway" connecting the drive aisle (identified as private roads in the application) to each dwelling for units 14-60 shall be limited to 11 feet in width each (with space to allow to transition to the curb cut).

The width of the drive-aisle will be sufficient to permit the average motorist to get into or out of their garage with the available clearances and to allow two vehicles to pass one another, which will be an infrequent and low-speed movement. A typical parking lot with 90-degree parking has a typical aisle width of 20 to 24 feet. The twenty-foot width will allow sufficient space to maneuver into and back out of their garages before using the drive aisle to go north, without encroaching on the ten-foot landscape buffer.

The proposal includes varied parking space dimensions with garage parking and driveway parking that result in safe spaces for pedestrians and automobiles, balanced with more shrubs and groundcover than a traditional parking lot. The intent of the chapter is met because the resulting garages and driveways provide safe spaces, with the conditions of approval, and are more similar to the overall neighborhood than a traditional parking lot.

Prior to issuance of a building permit, the applicant shall provide a revised site plan indicating that all driveways serving garages for the units shall maintain a minimum length of twenty feet and the drive aisle connecting to the driveways (identified as a private street on the submittal) will be a minimum of 20' wide. The "dead-end" design of the drive aisles (turnaround) shall be marked with no-parking signs or markings for large emergency vehicles and other long vehicles in the form of a hammerhead or other design in accordance with Clackamas Fire District No. 1. [The development shall include whatever improvements, coupled with requisite access easement, identified by Clackamas Fire District No 1 as are necessary to accommodate emergency vehicles.](#)

The applicant can meet this standard by complying with the conditions of approval. This alternative meets the intent of the standard to provide parking lot landscaping as well as a safe space for automobiles and pedestrians. The city transportation engineering consultant Replinger and Associates, has no concerns with the design due to the limited usage.

Due to the requirement to provide a ten-foot wide landscaped buffer strip on the east side of the development abutting the R-6 zoned property, and the requirement to widen the landscaping area between the subject site and the park to 5', the applicant may relocate or modify the units or reduce

some of the parking to provide the landscape buffer and maintain a 20' wide drive aisle and 20' long driveway if used for parking. Any changes shall comply with the applicable standards.

The city adopted a fee for review of alternative parking plans, however the applicant did not submit the associated fee. Prior to issuance of permits, the applicant shall pay \$355 to the City for the alternative parking plan analysis. **The applicant can meet this standard by complying with the conditions of approval.**

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

Finding: Not applicable. This project is entirely residential, so no carpool or vanpool spaces are required.

17.52.040 - Bicycle parking standards.

B. Number of Bicycle Spaces Required. For any use not specifically mentioned in Table A, the bicycle parking requirements shall be the same as the use which, as determined by the Community Development Director, is most similar to the use not specifically mentioned. Calculation of the number of bicycle parking spaces required shall be determined in the manner established in OCMC 17.52.020 for determining automobile parking space requirements. Modifications to bicycle parking requirements may be made through the site plan and design, conditional use, or master plan review process.

TABLE A Required Bicycle Parking Spaces*

Where two options for a requirement are provided, the option resulting in more bicycle parking applies. Where a calculation results in a fraction, the result is rounded up to the nearest whole number.

USE	MINIMUM BICYCLE PARKING	MINIMUM BICYCLE PARKING - COVERED - The following percentage of bicycle parking is required to be covered
Multi-family (five or more units)	1 per 10 units (minimum of 2)	50% (minimum of 1)

* Covered bicycle parking is not required for developments with two or fewer parking stalls.

Finding: Complies with Conditions. This multi-family proposal proposes 116 off street parking spaces, therefore the minimum number of bicycle parking required is 11 bicycle parking spaces, of which six are required to be covered. The applicant shall indicate the required bicycle parking, of suitable design, in suitable locations, distributed as appropriate to serve all building on the revised site plans prior to issuance of a building permit in accordance with OCMC 17.52.040. The garages are an acceptable location for bicycle parking and will not require additional notification, provided a minimum of two bicycle parking spaces are provided in one of the common areas. **The applicant can meet this standard by complying with the conditions of approval.**

C. Design Standards.

1. *Bicycle parking facilities shall be in the form of a lockable enclosure onsite, secure room in a building onsite, a covered or uncovered rack onsite, or within the adjacent right-of-way.*
2. *Bicycle parking areas shall be clearly marked or visible from on-site buildings or the street. If a bicycle parking area is not plainly visible from the street or main building entrance, a sign shall be posted indicating the location of the bicycle parking area. Indoor bicycle parking areas shall not require stairs to access the space. If sites have more than one building, bicycle parking shall be distributed as appropriate to serve all buildings.*
3. *All bicycle racks shall be designed so that:*
 - a. *The frame and at least one wheel of the bicycle can be locked to the rack with a standard U-type lock.*
 - b. *The user is not required to lift the bicycle onto the bicycle rack.*
 - c. *Each bicycle parking space is accessible without moving another bicycle.*
 - d. *It is a minimum of thirty inches tall and eighteen inches wide between the two points of contact.*
 - e. *Provides an area of six feet by two feet per bicycle.*
 - g. *All bicycle racks and lockers shall be securely anchored to the ground or to a structure.*

Finding: Complies with Conditions. This multi-family proposal proposes 107 off street parking spaces, therefore the minimum number of bicycle parking required is 11 bicycle parking spaces, of which six are required to be covered. The applicant shall indicate the required bicycle parking, of suitable design, in suitable locations, distributed as appropriate to serve all building on the revised site plans prior to issuance of a building permit in accordance with OCMC 17.52.040. The garages are an acceptable location for bicycle parking and will not require additional notification, provided a minimum of two bicycle parking spaces are provided in one of the common areas. **The applicant can meet this standard by complying with the conditions of approval.**

17.52.060 - Parking lot landscaping.

A. Applicability. Unless otherwise specified, construction of new parking lots and alterations of existing parking lots shall comply with parking lot landscaping standards. Parking lot landscaping requirements within this section do not apply to parking structures or parking garages, except landscaping as required in OCMC 17.62.

B. Development Standards.

1. *The landscaping shall be located in defined landscaped areas that are uniformly distributed throughout the parking or loading area.*
2. *All areas in a parking lot not used for parking, maneuvering, or circulation shall be landscaped.*
3. *Parking lot trees shall be a mix of deciduous shade trees and coniferous trees. The trees shall be evenly distributed throughout the parking lot as both interior and perimeter landscaping.*
4. *Required landscaping trees shall be of a minimum two-inch minimum caliper size (though it may not be standard for some tree types to be distinguished by caliper), planted according to American Nurseryman Standards, and selected from the Oregon City Street Tree List or approved by an arborist;*
5. *At maturity, all of the landscaped area shall be planted in ground cover plants, which includes grasses. Mulch (as a ground cover) shall only be allowed underneath plants at full growth and within two feet of the base of a tree and is not a substitute for ground cover.*
6. *Landscaped areas shall include irrigation systems unless an alternate plan is submitted, and approved by the Community Development Director, that can demonstrate adequate maintenance;*
7. *All landscaping shall be installed according to accepted planting procedures, according to American Nurseryman Standards.*

C. Perimeter Parking Lot Landscaping and Parking Lot Entryway/Right-of-Way Screening. Parking lots and associated drive aisles shall include a five-foot wide landscaped buffer where the parking lot abuts the

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

1. The perimeter parking lot are[a] shall include:

- a. Trees spaced a maximum of thirty feet apart (minimum of one tree on either side of the entryway is required). When the parking lot is adjacent to a public right-of-way, the parking lot trees shall be offset from the street trees;
- b. *An evergreen hedge screen of thirty to forty-two inches high or shrubs spaced no more than four feet apart on average. The hedge/shrubs shall be parallel to and not nearer than two feet from the right-of-way line. The required screening shall be designed to allow for free access to the site and sidewalk by pedestrians. Visual breaks, no more than five feet in width, shall be provided every thirty feet within evergreen hedges abutting public right-of-ways.*

D. Parking Area/Building Buffer. Except for parking lots with fewer than five parking stalls, parking areas (excluding drive aisles with no adjacent parking) shall be separated from the exterior wall of a structure, exclusive of pedestrian entranceways or loading areas, by one of the following:

1. *Minimum five-foot wide landscaped planter strip (excluding areas for pedestrian connection) meeting the standards for perimeter parking lot area landscaping; or:*
2. *Minimum seven foot sidewalks with shade trees spaced a maximum of thirty feet apart in three-foot by five-foot tree wells.*

E. Interior Parking Lot Landscaping. Surface parking lots with more than five parking stalls shall include at least forty-five square feet of interior parking lot landscaping per parking stall to improve the water quality, reduce storm water runoff, and provide pavement shade. Pedestrian walkways or any impervious surface in the landscaped areas are not to be counted in the percentage. Fractions shall be rounded up when calculating the required number of plantings. Interior parking lot landscaping shall include:

- a. *A minimum of one tree per four parking spaces.*
- b. *A minimum of 1.5 shrubs per parking space.*
- c. *No more than eight contiguous parking spaces shall be created without providing an interior landscape strip between them. Landscape strips shall be provided between rows of parking shall be a minimum of six feet in width and a minimum of ten feet in length.*

Finding: Applicable. The applicant proposed to construct parking onsite so this section is applicable, however, the applicant has proposed an alternative landscaping plan in order to accommodate parking within and adjacent to each dwelling rather than a central parking lot.

F. Alternative landscaping plan.

Any applicant may propose an alternative landscaping plan. Such plans are often proposed to address physically constrained or smaller sites, however innovative designs for larger sites may also be considered. Alternative plans may include the use of low impact development techniques and minimized landscaping requirements. In such situations, the Community Development Director may approve variations to the landscaping standards of OCMC 17.52.060 in accordance with A and/or B below.

1. *General Review Standard. The alternative shall meet the standards in OCMC 17.62.015 - Modifications that will better meet design review requirements.*

Finding: Complies with conditions. The applicant proposed an innovative design for the multi-family development. Rather than central parking lot adjacent to a building or series of buildings containing multi-family dwellings, the proposed design is intended to mimic that of a subdivision with duplexes, triplexes, and fourplexes throughout the site and accessed from a central drive aisle (identified as a

private road on the application). The overall design is more similar to the detached single-family homes found within the neighborhood than a traditional large multi-family structure.



As the design is uncommon for multi-family development, the applicable codes for parking lot dimensions and associated parking lot landscaping do not apply well. Rather than have a central parking lot surrounded by landscaping, parking for the proposed development consists of indoor parking inside of a garage connected to each unit, adjacent exterior parking stall in front of the garage designed to mimic a driveway for units 14-60, and 9 parking stalls along the interior drive aisle (identified as a private street on the plans) designed to look like on-street parking.

The stated purposed of the parking lot landscaping standards in 17.52.060:

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

The purpose of the chapter is implemented in a variety of ways. Though the applicant proposed trees near each of the driveways, in order to comply with the intent of this code, the following shall be required:

- a. The driveway width for units 14-60 shall be limited to 11 feet in width each (with space to allow to transition to a 12' curb cut). The minimum width for a parking space is 9-feet wide, and thus the width should provide sufficient space for access. This will allow an opportunity for additional landscaping adjacent to the driveways.
- b. An evergreen hedge screen of thirty to forty-two inches high or shrubs spaced no more than four feet apart on average and ground cover shall be planted along the sides of the driveways for units 1-13 including within the space between the driveway for unit 2/3, 7/8 and 11/12. Units 14-60 shall be designed to have a 5' wide landscaped area with an evergreen hedge screen of thirty to forty-two inches high or shrubs spaced no more than four feet apart on average and ground cover shall be planted along the sides of the driveways. Exceptions are allowed for the following spaces less than 5' in width:
 - Near the private street between units 22 and 23 a narrower space is allowed;
 - The width of the landscaped area may be 4.5' adjacent to the pedestrian path offsite; and
 - The narrow space between garage doors where no landscaping is proposed is not required to be landscaped unless otherwise identified.

The hedge/shrubs shall be parallel to and not nearer than two feet from the right-of-way line. The spaces near the street for units 14-60 is also anticipated to have street trees, to the extent feasible.

- c. A 3.5' wide landscape strip extending the length of the driveway with at least one shrub and groundcover in the space between the driveways on units D, E, and F.
- d. The 10' wide landscape buffer between the subject site and 567 Holmes Lane shall be planted in accordance with the perimeter parking lot landscaping standards in OCMC 17.52.060.C. Existing trees may be utilized for this standard.
- e. The 3.5' landscape strip between the subject site and Stafford Park (tax lot 5200) shall be widened to 5 feet and planted in accordance with the perimeter parking lot landscaping standards in OCMC 17.52.060.C. Existing trees may be utilized for this standard.
- f. The applicant shall plant a large tree which shall reach over eighteen inches dbh at maturity in the open space near Holmes Lane and the proposed new street and in the space behind the retaining wall behind unit 22.
- g. The space behind the retaining wall in the northwest corner of the site shall be landscaped with ground cover and a minimum of 5 shrubs.
- h. All landscaping in accordance with these requirements shall comply with the planting standards in OCMC 17.52.060.B.4-7.

The overall effect will be landscaping throughout the site and buffering the view of the driveways. As a result of buffering the sides of each stall, the site will have more groundcover and shrubs than a

traditional multi-family parking lot design. The trees along the drive aisle act as parking lot landscaping trees, so additional large trees have been conditioned to provide shade throughout the site. Overall, the exterior parking will be visually softened by locating some parking inside a garage and obscuring the view of exterior parking with landscaping while providing shade, reduce air and water pollution, and improve stormwater impacts in a design that is welcoming to all users.

The city adopted a fee for review of alternative landscaping plans however the applicant did not submit the associated fee. Prior to issuance of permits, the applicant shall pay \$355 to the City for the alternative landscaping plan analysis. **The applicant can meet this standard by complying with the conditions of approval.**

2. Credit for Pervious/Low Impact Development. The Community Development Director may count up to fifty percent of the square footage of any pervious hardscaped landscape material within a parking lot that is designed and approved pursuant to the City's adopted stormwater and low impact development design standards toward minimum landscaping requirements for the site. (This includes porous pavement detention, open celled block pavers, porous asphalt, porous concrete pavement, porous turf, porous gravel, etc.).

Finding: Not applicable. The applicant did not propose any pervious hardscaping.

17.52.080 - Maintenance.

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

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

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

Finding: Complies with Conditions. The applicant's narrative did not identify that the landscaped areas will be maintained by the owner in accordance with this section. The applicant shall be responsible for maintenance of the site per OCMC 17.52.080. **The applicant can meet this standard by complying with the conditions of approval.**

17.52.090 - Loading areas.

B. Applicability.

OCMC 17.52.090 applies to uses that are expected to have service or delivery truck visits with a forty-foot or longer wheelbase, at a frequency of one or more vehicles per week. The City Engineer and decision maker shall determine through site plan and design review the number, size, and location of required loading areas, if any.

Finding: Not applicable. The development does not propose loading areas to have service or delivery truck visits with a forty-foot or longer wheelbase, at a frequency of one or more vehicles per week.

C. Standards.

1. The off-street loading space shall be large enough to accommodate the largest vehicle that is expected to serve the use without obstructing vehicles or pedestrian traffic on adjacent streets and driveways. Applicants are advised to provide complete and accurate information about the potential need for loading spaces because the City Engineer or decision maker may restrict the use of other public right-of-way to ensure efficient loading areas and reduce interference with other uses.

Finding: Not applicable. The development does not propose loading areas to have service or delivery truck visits with a forty-foot or longer wheelbase, at a frequency of one or more vehicles per week.

2. *Where parking areas are prohibited between a building and the street, loading areas or drive isles are also prohibited.*

Finding: Not applicable. The development does not propose loading areas to have service or delivery truck visits with a forty-foot or longer wheelbase, at a frequency of one or more vehicles per week.

3. *The City Engineer and decision maker, through site plan and design review, may approve a loading area adjacent to or within a street right-of-way when all of the following loading and unloading operations conditions are met:*

- a. *Short in duration (i.e., less than one hour);*
- b. *Infrequent (less than three operations daily between 5:00 a.m. and 12:00 a.m. or all operations between 12:00 a.m. and 5:00 a.m. at a location that is not adjacent to a residential zone);*
- c. *Does not obstruct traffic during peak traffic hours;*
- d. *Does not interfere with emergency response services; and*
- e. *Is acceptable to the applicable roadway authority.*

Finding: Not applicable. The development does not propose loading areas adjacent to or within a street right-of-way.

CHAPTER 17.54 – SUPPLEMENTAL ZONING REGULATIONS AND EXCEPTIONS

17.54.100 Fences, Hedges, Walls, and Retaining Walls.

A fence, hedge, wall, retaining wall, or combination thereof may be located on real property, not within the right-of-way, subject to all of the following:

1. *A fence, hedge, wall, retaining wall, or combination thereof located in front of a building may be up to 3.5-feet in total height as measured from the finished grade at any point on the fence.*
2. *A fence, hedge, wall, located next to, or behind the forward most building, or within more than forty feet of the right-of-way, whichever is less may be up to:*
 - a. *Six feet in total height for residential properties with less than five units as measured from the finished grade at any point on the fence; or*
 - b. *Eight feet in total height for all other uses as measured from the finished grade at any point on the fence.*
3. *A retaining wall or combination of a fence, hedge, wall located next to and behind the forward most building, or within more than forty feet of the right-of-way, whichever is less, may be up to (as measured from the finished grade) 8.5 feet in height from the finished grade.*
4. *Fences, hedges, and/or walls located within two feet above a retaining wall, as measured on a horizontal plane, shall be measured together for the purposes of determining height.*
5. *Property owners shall ensure compliance with the Traffic Sight Obstruction requirements in Chapter 10.32 of the Oregon City Municipal Code.*
6. *Retaining walls completely below the elevation of the right-of-way may be up to six feet in height.*
7. *Minimum fall protection required by the Building Official, such as railings, is not included in the height of a retaining wall but must comply with the fence height requirements.*

Finding: Complies with Conditions. The submitted site plan does not include any fences or hedges, though the applicant mentioned the potential for fences or hedges near the open space. The applicant shall submit documentation identifying if any fences or hedges are proposed. All fences and hedges shall comply with OCMC 17.54.100. **The applicant can meet this standard by complying with the conditions of approval.**

B. When no other practicable alternative exists, the City Engineer may permit a fence, hedge, wall, retaining wall, or combination thereof to be located within the right-of-way subject to all of the following:

- 1. A Revocable Permanent Obstruction in the Right of Way permit is granted per OCMC 12.04.120;*
- 2. Retaining walls, fences, or hedges comply with OCMC 17.54.100.A, unless determined to be impracticable by the City Engineer.*
- 3. The abutting property owner shall ensure compliance with the Traffic Sight Obstruction requirements in Chapter 10.32 of the Oregon City Municipal Code.*

Finding: Not applicable. The applicant has not proposed fences, hedges or walls within the right-of-way.

C. It is unlawful for any person to erect any electric fence or any fence constructed in whole or in part of barbed wire or to use barbed wire, except as erected in connection with security installations at a minimum height of six feet, providing further that prior written approval has been granted by the City Manager.

Finding: Not applicable. No barbed wire or electric fence is proposed.

CHAPTER 17.58 – LAWFUL NONCONFORMING USES, STRUCTURES, AND LOTS

Finding: As identified in the R-2 District within this report, the site contains two single-family homes, one of which is proposed to be demolished and the other which is proposed to be retained. Though the use is not permitted and the lot size is being reduced, the existing single-family dwelling is allowed to be retained per OCMC 17.58.030.

CHAPTER 17.62 – SITE PLAN AND DESIGN REVIEW

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;*
 - e. Building location in OCMC 17.62.055.D;*
 - f. Building Details in OCMC 17.62.050.B.9.055.I;*
 - g. Windows in OCMC 17.62.050.B.10.055.*
 - h. Parking Lot Landscaping in OCMC 17.52.060.*

Finding: Not Applicable. The applicant did not propose any modifications.

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.*

Finding: Not Applicable. The applicant did not propose any modifications under this section.

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

<i>Existing Use</i>	<i>Proposed Use</i>
<i>Residential</i>	<i>Nonresidential use, including but not limited to: commercial, office, industrial, retail, or institutional</i>
<i>Single-family or duplex</i>	<i>3 or more dwellings</i>

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.

Finding: Applicable. The applicant has proposed a multi-family development in the high-density residential district, therefore site plan and design review is required.

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.*

Finding: Not applicable. This application does not meet the criteria for minor site plan and design review.

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;

Finding: Complies as Proposed. The applicant submitted a site plan with the applicable requirements of this section.

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;

Finding: Complies as Proposed. The applicant submitted a site plan with 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;

Finding: Complies with Conditions. The applicant submitted site plans with contours at 1' intervals. The applicant shall submit a revised site plan with contour lines at two-foot contour intervals for grades zero to ten percent, and five-foot intervals for grades over ten percent. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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;

Finding: Complies with Conditions. The applicant did not identify if any of the following apply onsite or within 100'. The applicant shall submit a revised site plan with the location of all natural hazards within 100' of the site including the items listed in OCMC 17.62.040.A.4. **Based on the accessibility of the information on the City's website staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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;

Finding: Complies with Conditions. The applicant did not identify if any of the following apply onsite or within 100'. The applicant shall submit a revised site plan with the location of all natural hazards within 100' of the site including the items listed in OCMC 17.62.040.A.5. **Based on the accessibility of the information on the City's website staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

6. The location of inventoried historic or cultural resources on and within one hundred feet of the boundaries of the site;

Finding: Complies with Conditions. The applicant did not identify if any of the following apply onsite or within 100'. The applicant shall submit a revised site plan with the location of inventoried historic or cultural resources within 100' of the site including the items listed in OCMC 17.62.040.A.6. **Based on the accessibility of the information on the City's website staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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;

Finding: Complies with Conditions. The site plan submitted had a portion of the information identified in this criterion. The applicant did not identify 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. The applicant shall submit a revised site plan with

the information listed in OCMC 17.62.040.A.7. **Based on the information in the record as well as information the accessibility of the information on the City's website staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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;
Finding: Complies as Proposed. The applicant submitted the information identified in this criterion.

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;

Finding: Complies with Conditions. The site plan submitted had a portion of the information identified in this criterion. The applicant did not identify 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. The applicant shall submit a revised site plan with the information listed in OCMC 17.62.040.A.9. **Based on the accessibility of the information on the City's website staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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;

Finding: Complies with Conditions. The site plan submitted had a portion of the information identified in this criterion. The applicant did not identify 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. The applicant shall submit a revised site plan with the information listed in OCMC 17.62.040.A.10. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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;

Finding: Complies with Conditions. The site plan submitted had a portion of the information identified in this criterion. No carpool or vanpool are proposed and the applicant is required to submit revisions to the bicycle parking plan. The applicant shall submit a revised site plan with the information listed in OCMC 17.62.040.A.11. **Based on the conditions of approval which identify the location of the additional bicycle parking locations staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

12. Site access points for automobiles, pedestrians, bicycles and transit;

Finding: Complies as Proposed. The site plan submitted included site access points for automobiles, pedestrians, bicycles and transit.

13. On-site pedestrian and bicycle circulation;

Finding: Complies as Proposed. The site plan submitted included on-site pedestrian and bicycle circulation.

14. Outdoor common areas proposed as open space;

Finding: Complies as Proposed. The site plan submitted included outdoor common areas proposed as open space.

15. Total impervious surface created (including buildings and hard ground surfaces);

Finding: Complies as Proposed. The site plan submitted included total impervious surfaces created.

16. The proposed location, dimensions and materials of fences and walls.

Finding: Complies with Conditions. The site plan did not identify the location, dimensions, and materials of fences. The applicant shall submit a revised site plan with the information listed in OCMC

17.62.040.A.16. **Based on the clear and objective conditions of approval for compliance with fence standards and the plans submitted with the application staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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.

Finding: Complies with Conditions. A landscaping plan was submitted, though it did not include an accurate representation of the existing site conditions, nor proposed irrigation systems. The applicant shall submit a revised site plan with the information listed in OCMC 17.62.040.B. **Based on the plans submitted which include some landscaping and some existing trees, staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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.

Finding: Complies as Proposed. The applicant submitted architectural plans with a site plan corresponding the building elevations to the associated locations.

D. An electronic materials board clearly depicting all building materials with specifications as to type, color and texture of exterior materials of proposed structures.

Finding: Complies as Proposed. The applicant submitted an electronic materials board.

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.

Finding: Complies as proposed. In response to notification about the development proposal, the applicant received a copy of separate letters from the Oregon State Historic Preservation Office (SHPO) Archeologist notifying the applicant of applicable state laws ORS 358.905 and ORS 97.74, and from the Archeologist for Confederated Tribes of the Warm Springs Reservation of Oregon. Confederated Tribes of the Warm Springs Reservation of Oregon recommends a cultural resources survey consistent with Oregon SHPO standards. SHPO recommends that archeological investigations be performed prior to any ground disturbing activities and that an Inadvertent Discovery Plan (IDP) be in place. Each letter provides a recommended course of action. These letters are attached to this application and staff report. The applicant's narrative identified that the development proposal will maintain continuous compliance with applicable federal, state, and City standards.

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.

Finding: Complies as Proposed. The application included the removal of all plants listed on the Oregon City Nuisance Plant List 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.

Finding: Complies with conditions. Per OCMC 17.32, the site requires 15% landscaping. The total developable area equals 123,084 square feet requiring a minimum of 18,462 square feet of landscaping.

The Applicant's proposal did not identify the specific square footage of landscaping. The applicant shall submit a revised landscaping plan demonstrating that a minimum of 15% of the site is landscaped. All proposed landscaped areas will be improved with growing plant materials. There are no natural resource overlay districts located on the subject property.

A tentative landscape plan has been submitted that shows that landscape areas will be improved with a mix of vertical (trees and shrubs) and horizontal elements (grass, groundcover, etc.) that within three (3)

years will cover 100 percent of the proposed landscape areas. Prior to issuance of a building permit the applicant shall submit a detailed landscape plan prepared in accordance with OCMC 17.50.050.A. by a registered landscape architect. The City values the presence of existing trees which add to the character of the neighborhood nearby parks, provide shade, buffer properties, and have positive environmental effects and encourages their retention. Trees larger in size and groupings of trees are of particular importance. The revised plan shall identify that within three years of planting, landscaping will cover one hundred percent of the landscaped area. No mulch, bark chips, or similar materials shall be allowed at the time of landscape installation except under the canopy of shrubs and within two feet of the base of trees. In order to assure proper sight distance, the applicant shall assure compliance with OCMC 10.32 prior to issuance of any certificate of occupancy for the site. **The applicant can meet this standard by complying with the conditions of approval.**

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.

Finding: Not Applicable. The subject site is not located within the Natural Resource Overlay District.

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.

Finding: Complies with Condition. The landscaping plan submitted does not articulate the location and species of the landscaping proposed to be planted and retained onsite nor does it include a stamp that it was prepared by a registered landscape architect. The applicant indicated that "A tentative landscape plan has been submitted that shows that landscape areas will be improved with a mix of vertical (trees and shrubs) and horizontal elements (grass, groundcover, etc.) that within three (3) years will cover 100 percent of the proposed landscape areas". However, though the plan submitted demonstrates the location of the landscape area, it does not include information on the plants themselves. Prior to issuance of a permit for construction the applicant shall submit a revised landscaping plan prepared by a registered landscape architect in compliance with OCMC 17.52 and 17.62 and the condition within this report. **The applicant can meet this standard by complying with the conditions of approval.**

5. Landscaping shall be visible from public thoroughfares to the extent practicable.

Finding: Complies as Proposed. Existing and proposed landscaping will be visible from both 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.

Finding: Complies with conditions. The applicant's transportation engineer indicated that the landscaping proposed would comply with the vision requirements in OCMC 10.32 if maintenance is provided. The applicant shall assure compliance with OCMC 10.32 prior to issuance of any certificate of occupancy for the site and over time. **The applicant can meet this standard by complying with the conditions of approval.**

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.

Finding: Complies as Proposed. All parking areas are proposed to be inside each unit and at the rear or side of the units when viewed from public streets.

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.

Finding: Complies with conditions. The subject site abuts two city parks on either side. No vehicle access easements are proposed; however, the site proposes to pedestrian paths to connect to the park property on either side. One pedestrian connection is proposed between units 5 and 6, and the other pedestrian connection is proposed between units 32 and 33. Prior to issuance of building permits, the applicant shall provide pedestrian access easements in a form approved by the City where these paths connect to the city park property on either side to assure unimpeded public pedestrian access to and from the park properties. **The applicant can meet this standard by complying with the conditions of approval.**

3. Parcels larger than three acres shall provide streets as required in OCMC 16.12.

Finding: Complies as Proposed. Please refer to the analysis in 16.12. The subject site is 4.33 acres in size, so the above criterion applies to the Applicant's proposal.

4. Parking garage entries shall not be more than half of the streetscape.

Finding: Complies as Proposed. No parking garages are oriented towards the street.

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.

Finding: Complies as Proposed. The proposal connects the dwellings through driveways from the dwelling to a sidewalk and drive aisle network.

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.

Finding: Complies as proposed. A well-marked, continuous and protected on-site pedestrian circulation system is proposed. The proposed pedestrian circulation system will connect all main entrances of the proposed condominium units, parking areas (i.e., driveways), common outdoor areas, and any pedestrian amenities on the site. All proposed units will have a hard surface walkway connecting the units' entry way with the sidewalk or the pedestrian accessway system within the drive aisles. The drive aisle system has five-foot wide pathways on one or both sides. The proposed on-site pedestrian walkways will be hard surfaced (i.e., concrete), well drained and at least five (5) feet wide. Surface material will contrast visually to adjoining surfaces, as all streets will be asphalt and the sidewalks will be concrete. All of the pedestrian circulation systems that are parallel to and adjacent to an auto travel lane, the walkway will be raised or separated from the auto travel lane by a raised curb, bollards (pedestrian paths between units 5 & 6 and 32 & 33), landscaping or other physical barrier.

D. All development shall maintain continuous compliance with applicable federal, state, and City standards.

Finding: Complies as proposed. The applicant's narrative identified that the development proposal will 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.

Finding: See findings under Chapter 16.12.

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.

Finding: Complies as proposed. Notice of this application was provided to Tri-Met, who did not comment on the proposal.

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.*

Finding: Complies with conditions. The applicant did not respond to this question. It is anticipated that all units may include HVAC equipment typical of single-family dwellings. Prior to issuance of a building permit the applicant shall provide responses and revised site plans indicating screening of any rooftop mechanical equipment at the time of building permit review. **The applicant can meet this standard by complying with the conditions of approval.**

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.*

Finding: Complies with conditions. The applicant did not respond to this question. It is anticipated that all units may include HVAC equipment typical of single-family dwellings. Prior to issuance of a building permit the applicant shall provide responses and revised site plans indicating screening of any wall-mounted mechanical equipment at the time of building permit review. **The applicant can meet this standard by complying with the conditions of approval.**

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.*

Finding: Complies with conditions. The applicant did not respond to this question. It is anticipated that all units may include HVAC equipment typical of single-family dwellings. Prior to issuance of a building permit the applicant shall provide responses and revised site plans indicating screening of any ground-mounted mechanical equipment at the time of building permit review. **The applicant can meet this standard by complying with the conditions of approval.**

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.*

Finding: Complies with conditions. The applicant did not indicate whether any solar energy panels, photovoltaic equipment, wind power generating equipment, dishes/antennas, pipes, vents, and chimneys are proposed. If proposed, such equipment shall be exempt from the mechanical screening requirements of this section. **The applicant can meet this standard by complying with the conditions of approval.**

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.*

Finding: Not Applicable. The application does not propose any prohibited materials.

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.*

Finding: Complies as proposed. The materials proposed include commonly used residential siding, panel and roofing materials. These include fiber cement paneling, lap siding and trim, and asphalt composition roofing tiles, vinyl windows and paint. None of the special materials listed are proposed.

J. 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

Finding: Applies. The applicable chapters are included within this report.

17.62.055 – Institutional, office, multi-family, retail, and commercial building standards.

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.

Finding: Applicable. The Applicant's proposal is for 60 attached single-family residential condominium units. Condominium units are an ownership type. The Oregon City code does not distinguish ownership types, nor does it regulate on this basis. Since all the units are proposed to be on one parcel, the development is considered multi-family. Due to the Applicant's proposed site layout – a combination of duplex, triplex, and quadplex style condominium buildings clustered throughout the site, the city has determined that Chapter 17.62.055 should be applied to the Applicant's proposal to the extent practicable. The standards principally affect the street facing facades of those units that abut public streets. The condominium unit proposal will be reviewed against the criteria in Chapter 17.62 of the OCMC, however, not all of the criteria in Chapter 17.62.055 will be applicable to the Applicant's proposal.

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.

Finding: Not applicable. No conflicts have been identified.

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.*

Finding: Complies as proposed. Multi-family structures may not be more than 20 feet from the site frontage. This applies to all units adjacent to the proposed new street, Mountainview Lane, and Holmes Lane. The layout of the proposal includes structures in compliance with this requirement along most frontages. However, this section allows a greater setback with the incorporation of at least one design element for every five feet in excess of the 20 foot maximum. The site complies with the mitigation as demonstrated:

- Between unit 14 and the proposed street is approximately 24', though approximately 870 square feet of landscaping is proposed in that location in compliance with (6).
- Between unit 48 and the proposed street is up to approximately 21', though approximately 845 of landscaping is proposed in that location in compliance with (6).
- Between units 53/54 and Holmes Lane is approximately 23', though approximately 500 of landscaping is proposed in that location in compliance with (6).
- Between units 55/56 and Holmes Lane is approximately 23', though approximately 500 of landscaping is proposed in that location in compliance with (6).
- Between units 57/58 and Holmes Lane is approximately 23', though approximately 500 of landscaping is proposed in that location in compliance with (6).
- Between units 59/60 and Holmes Lane is approximately 23', though approximately 500 of landscaping is proposed in that location in compliance with (6).
- Between units 1/2/3 and the proposed street is up to approximately 25', though approximately 650 of landscaping is proposed in that location in compliance with (6).
- Between unit 49 and the proposed street is up to approximately 40', though approximately 1,290 square feet of landscaping, three picnic tables, a large tree, lighting, is proposed in that location in compliance with (1, 3, 6, 8). Bicycle parking in this location may also be utilized if the lighting proposed is not pedestrian scale.

All units are proposed to be setback no more than 25 feet from the street. In all cases there is enhanced landscaping far greater than 20 square feet in the setback area.

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.

Finding: Complies as Conditioned. The proposed design includes a majority of the buildings oriented toward the street with the most architecturally significant elevation facing the street including a primary functional entranceway which is recessed. However, the street facing façade of units 14, 38, 48, and 49 have the main entranceway oriented toward the street with a porch, windows, dormer(s), and varying architectural materials, it does not appear to be the most architecturally significant façade given the balcony and larger size of windows on other facades. The applicant shall submit a revised street-facing elevation for units 14, 38, 48, and 49 with the width of the front porch extended from 12'5' to 25'. Further the depth of the front porch shall be extended from the exterior wall of the home a minimum of 4'.

Lastly, the design of the building for units 38-41 and units 45-48 appear to be the same, however, due to the orientation on the site unit 38 (on the left side of the building) faces the street and unit 48 (on the right side of the building) faces the street. The submittal included elevations for the street facing façade for the right elevation. The applicant shall assure that the design elevation as conditioned for unit 48 is the same as the final street facing façade is the same as the street facing façade for unit 38. **The applicant can meet this standard by complying with the conditions of approval.**

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.

Finding: Complies as proposed. All primary entranceways include a recessed entry of at least five feet, creating a porch, with decorative columns, and decorative doors with windows.

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.*

Finding: Not Applicable. This standard does not apply to multi-family development per (3).

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.*

Finding: Not applicable. The above section does not apply to the Applicant's proposal because none of the proposed duplex, triplex condominium unit's street facing facades are greater than one hundred twenty feet in length.

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*

Finding: Complies as proposed. The Applicant's proposal satisfies the above criterion because all front and side facades include design elements or architectural features that add interest and detail so there are no blank walls of thirty feet in length or greater with windows, balconies, and pillars. For units 13, 14, 36, 38, 48, 49, and 60, the side elevations facing the proposed public street will have side facades that include a variety of window types and sizes to break up the horizontal wall with a side view of the balcony and associated pillar.

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*

Finding: Complies as proposed. The front façade of the structures includes shingles or board and batten on the front facades, through the precise square footage is unknown. However, the front façade of all the buildings is designed with a covered balcony on the second story which is a change in plane that extends throughout the building at a significant depth. Visual interest is further added with posts that repeat at an interval and a recessed entry. This change in plane from the balcony is also visible on the side facades. The right side of unit 14 has a recessed entry with decorative shingles and a decorative roof. The left side of unit 13 has the recess, a balcony with an exterior entry. Units (53, 54, 55, 56, 57, 58, 59, 60) are oriented toward the street with the balcony, pillars, and recess for the balcony and entry.

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.

Finding: Complies as proposed. The Applicant is proposing a combination of duplex, triplex and four-plex style units that will be alternated throughout the site to minimize having 2 similar duplexes next to each other. There will be instances where two duplex units will be next to each other, but they will have a different facade. In these situations, the Applicant is proposing alternative painting schemes, façade changes with window patterns, building material, and minor architectural variations on the buildings to help create distinction and enhance the street scape within the development. See submitted elevation drawings for location of each unit and appearance.

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.

<i>Table 17.62.055.J Minimum Windows</i>				
<i>Use</i>	<i>Ground Floor: Front and Street Facing Facades</i>	<i>Upper floor(s): Front and Street Facing Facades</i>	<i>Ground Floor: Side(s) Facades</i>	<i>Upper Floor(s): Side(s) Facades</i>
<i>Multi-Family (or Portions of Buildings Thereof)</i>	15%	15%	10%	10%

Finding: Complies with Conditions. The applicant stated in their narrative that they comply with the minimum window requirements for multi-family buildings but did not provide any calculations supporting the statement. Measurements by staff indicate that not all floors for each building plan meet the minimum windows requirements. Building plans A, B, and C are front-loaded duplexes with two garage doors and two entry doors on the front elevation, but no windows, except those in the entry doors, which are too high from the ground to be counted towards the window requirements. Building plans D, E, and F are rear-loaded duplexes that appear to meet the standards. Building plan G is a front loaded triplex with three garage doors and three entry doors on the front elevation, but no windows, except those in the entry doors, which are too high from the ground to be counted towards the window requirements. Building plan H is a rear-loaded tri-plex that appears to meet the standards. Building plans J (duplex) and K (fourplex) are front loaded and do not appear to meet the standard for the same reasons that the other front-loaded unit types do not. The applicant shall provide revised elevations at the time of building permit submittal that fully comply with the minimum window requirements of OCMC Table 17.62.055.J - Minimum Windows. Windows provided in doors or garage doors may meet the standard if they are between 3.5 feet and six feet from the ground. **The applicant can meet this standard by complying with the conditions of approval.**

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.

Finding: Complies with conditions. The applicant shall assure that 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. **The applicant can meet this standard by complying with the conditions of approval.**

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.

Finding: Not applicable. The applicant did not propose false windows or door openings.

4. Multi-family windows shall incorporate window trim at least four inches in width when surrounded by horizontal or vertical lap siding.

Finding: Complies as proposed. The applicant has indicated four-inch trim for all windows.

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.

Finding: Complies as proposed. None of the proposed buildings have a continuous roofline on a street-facing façade of seventy-five feet or more. The maximum length of any proposed roof line is 50-feet for the triplex buildings. See submitted elevation drawings for more detail.

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.*

Finding: Not applicable. The proposed development does not include drive-through facilities.

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.*

Finding: Not applicable. The Applicant is not proposing new retail, office and/or institutional buildings which front on a transit street. The Applicant's proposal is for a residential condominium project.

17.62.057 - Multifamily Usable Open Space Requirements

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.

Finding: Complies as proposed. Twenty-eight of the proposed sixty units will have at grade rear patios a minimum of one hundred square feet in size (e.g. Units 1 – 13 and 38 – 52) for a total of 2,800 square feet. The remaining thirty-two units (e.g. Units 14 – 37 and 53 – 60), which cannot accommodate at grade patios due to topography issues, have a second story deck each totaling one hundred square feet in size for a total of 3,200 square feet. Additionally, the development proposal includes two open space areas of 3,384 s.f. and 2,287 square feet with benches, picnic tables, community gardens with garden boxes. The applicant has proposed a total of 6,000 square feet of private open space and 5,671 square feet of public open space.

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.

Finding: Not applicable. This is a residential development.

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.

Finding: Complies. The applicant has not proposed both public and private open space. Though none of the private open space is within a setback, some of the public open space is, though it is incorporated into the landscaping and open space areas.

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.

Finding: Complies. The applicant will provide calculations of the minimum landscaping as a condition of approval.

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.

Finding: Complies as proposed. Common open spaces are identified on the proposed plans in locations which are accessible to all without fencing or other barriers.

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.

Finding: Complies with condition. The development includes 60 units and thus is required to provide 6,000 square feet of open space, half of which must be public open space. As the applicant has proposed 6,000 square feet of private open space, the proposal must have a minimum of 3,000 square feet of public open space.

The applicant has proposed two common open spaces areas including the SE corner of the new proposed public street (2,887 sq. ft.) and on the east side of Unit 49 (3,334 sq. ft) for a total of 6,221 square feet. The first common open space area is intended for a entry monument recognizing the development and ornamental landscaping, the second common open space area is envisioned as a casual gathering area for the tenants with three tables and a large tree. For the purposes of this criteria, only the active open space is being analyzed. The applicant indicated that the open space will feature landscaping, a large tree, pedestrian-scaled lighting, three picnic tables. Prior to issuance of permits the applicant shall submit a landscaping plan including the species of the landscaping and large tree in the open space adjacent to unit 49 with identification of a tree species expected to reach over eighteen inches dbh at maturity as well as a lighting plan. As identified within this report, the applicant is required to install two bicycle parking spaces within this open space as well. **The applicant can meet this standard by complying with the conditions of approval.**

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.

Finding: Complies with condition. The applicant indicated that all proposed common open space areas will be separated from ground level windows and streets, with landscaping and low-level fencing to enhance safety and privacy for both the common open space areas and dwelling units but did not identify the height of the fencing or specifics of location. Prior to issuance of permits the applicant shall submit details demonstrating that the open space adjacent to unit 49 complies with the standard in OCMC 17.62.057.C. **The applicant can meet this standard by complying with the conditions of approval.**

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.

Finding: Complies as proposed. All proposed common open space areas will be accessible from the dwelling units and public streets, drive aisles and sidewalks.

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.).

Finding: Complies as proposed. The applicant has not proposed that private open space count toward common open space requirements, however the Applicant's proposal satisfies all open space requirements for both the private and common open space areas.

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.

Finding: Not applicable. The applicant has not proposed cluster housing.

17.62.065 - Outdoor lighting.

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.

Finding: Applies. The proposed development is defined as a multi-family residential development and is subject to the outdoor lighting standards of this section.

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.

Finding: Complies with conditions. The proposed development is defined as a multi-family residential development and is subject to the outdoor lighting standards of this section. The applicant shall provide an exterior lighting plan that meets the applicable standards of OCMC 17.62.065 prior to issuance of a building permit. The outdoor lighting plan should indicate compliance with standards C.1-14. A site photometric plan indicating lighting levels at the property line shall be submitted. **The applicant can meet this standard by complying with the conditions of approval.**

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.

Finding: Not applicable. The applicant has not requested an exception.

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.

Finding: Complies with conditions. The proposed development is defined as a multi-family residential development and is subject to the outdoor lighting standards of this section. The applicant shall provide an exterior lighting plan that meets the applicable standards of OCMC 17.62.065 prior to issuance of a building permit. The outdoor lighting plan should indicate compliance with standards C.1-14. A site photometric plan indicating lighting levels at the property line shall be submitted. **The applicant can meet this standard by complying with the conditions of approval.**

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).

Finding: Complies as proposed. Because the units will be constructed to look as single family attached duplexes, tri-plexes and fourplexes, all trash will be stored in each units and placed for pick up along the drive aisles on garbage day. A communal refuse and recycling facility is neither proposed nor required.

CONCLUSION AND DECISION:

Based on the analysis and findings as described above along with the two Supplemental Staff Reports, the City Commission, ~~staff~~ concludes that the proposed 60-unit condominium project located at 535 Holmes Ln Oregon City, OR 97045, Clackamas County APN: 3-2E-06AA-05001, and 545 Holmes Ln, Oregon City, OR 97045, Clackamas County APN: 3-2E-06AA-05100, can meet the requirements as described in the Oregon City Municipal Code by complying with the Conditions of Approval provided in this report. Therefore, the City Commission denies the appeals, AP 21-00004 and AP 21-00005, and Community Development Director approves files Planning File GLUA-21-00002: SP-21-00001 / LL 21-00002 with conditions, ~~based upon the findings and exhibits contained in this staff report.~~

EXHIBITS:

1. Vicinity Map (On File)
2. Applicant's Narrative and Plans (On File)
3. Public Comments
4. Comments from John Replinger of Replinger and Associates
5. ~~Comments from SHPO and Confederated Tribes of Warm Springs~~

Laura Terway

From: Karla Laws <karla.laws@gmail.com>
Sent: Wednesday, September 15, 2021 3:20 PM
To: Laura Terway
Cc: Rachel Lyles Smith; Denyse McGriff; Frank O'Donnell; Rocky Smith, Jr.; Adam Marl
Subject: Sept. 15 Ltr to Mayor Lyles-Smith and Oregon City City Commission re Appeal Nos. AP-21-0004 and -0005.PDF
Attachments: Sept. 15 Ltr to Mayor Lyles-Smith and Oregon City City Commission re Appeal Nos. AP-21-0004 and -0005.PDF

This document states no case.

Karla Laws
BHNA Chair

Sent from my iPhone

September 15, 2021

Erin M. Forbes

T: 503-796-2054
eforbes@schwabe.com

VIA E-MAIL

Ms. Rachel Lyles Smith, Mayor
Oregon City City Commission
Oregon City City Hall
625 C Street
Oregon City, OR 97045

RE: Appeal Nos. AP-21-00004 and AP-21-00005

Dear Mayor Lyles Smith and City Commission Members:

This firm represents the Applicant in File No. GLUA-21-00002 / SP-21-00001 & LL-21-00002 (the “Application”), who is also the Appellant in Appeal No. AP-21-00005 of the same file (the “Applicant”). This Letter provides a summary of the Applicant’s rights under Oregon’s Needed Housing laws; the Applicant’s responses to new evidence presented during the September 1 hearing; the Applicant’s renewed objections to certain testimony presented during the September 1 hearing and in ex parte communications submitted before and after that hearing; and the Applicant’s additional comments on its appeal of Condition 3 as relates to its constitutional rights.

As a preliminary matter, the Applicant appreciates the fact that citizen involvement and support is important to the City and the Commission, and the Applicant, like the Commission, is in favor of hearing the voices of the community as related to its proposal and as allowed by State law and the City’s Code. However, the Commission’s role in quasi-judicial land use proceedings such as this Appeal hearing is limited to (1) ensuring that the Applicant and Appellants have an opportunity for a fair hearing on the record, which includes preventing extra-record evidence from being presented and considered; and (2) determining whether the Applicant has met its burden of proof of showing its proposal meets all approval criteria, or that approval criteria can be met with reasonable conditions. Further and as explained in more detail below, the Application is for the “development of housing” and subject to only clear and objective standards. ORS 197.307(4). Thus, pursuant to that statute and ORS 197.522, the Commission must approve the Application if it satisfies applicable clear and objective standards, either as approved or with conditions of approval.

1. The Application is a Needed Housing Application and Must Be Treated As Such

The Applicant has submitted a proposal for a multi-family development at 535 Holmes Road in Oregon City, an area zoned for residential use. Such a development is considered “needed

Ms. Rachel Lyles Smith, Mayor
 September 15, 2021
 Page 2

housing” under Oregon law. ORS 197.303(1). The following statutes apply to this needed housing application:

- ORS 197.303, which defines “needed housing” and sets parameters that can be used by local governments to estimate housing needs.
- ORS 197.307(4), which requires local governments to adopt only clear and objective standards, conditions, and procedures regulating the development of housing, including needed housing.
- ORS 197.522(2) & ORS 197.522(4), which require local governments to approve needed housing applications that are consistent with, or can be made consistent with through reasonable conditions of approval, the comprehensive plan and applicable land use regulations, and to deny applications that are not.¹

The basis for BHNA’s challenge to the Application and the reasons it is asking the Commission to deny the Application do not stand up to Oregon’s needed housing statutes. The Commission cannot deny the Application based on standards that are not clear and objective.

ORS 197.307(4). Further, the Commission cannot deny an application that is consistent with the comprehensive plan and applicable land use applications and/or that can be made consistent by the imposition of reasonable conditions of approval. ORS 197.522(2); ORS 197.522(4).

In every case, the Planning Director found that the Application met the applicable approval criteria as proposed, or could meet the applicable approval criteria with reasonable conditions imposed. The BHNA has not offered substantial evidence showing that the Applicant did not or could not meet those criteria.

Regarding the BHNA’s objections relating to traffic, the traffic studies submitted by the Applicant show that traffic will not be negatively impacted by the proposed development. Commissioner McGriff’s extra-record observations (discussed in more detail below) cannot be weighed against traffic studies by traffic engineers. Even the city traffic engineer agreed with the Applicant’s submitted traffic studies. The Director imposed reasonable conditions on the Application for the approval criteria related to traffic (conditions suggested by the City’s traffic engineer, and unchallenged by the BHNA), and the Applicant does not object to those conditions.

Regarding the BHNA’s objections relating to tree preservation, as pointed out by Staff during the September 1 hearing, the applicable portions of Oregon City’s Code have no absolute requirements for tree preservation. See OCMC 17.41.010 (explaining that the intent of Chapter 17.41 is to ensure that new development “preserves trees to the maximum extent practicable”).

¹ The Applicant has not sought to amend its Application and has not proposed any alternative conditions of approval pursuant to ORS 197.522(3); as such, the Commission cannot extend the 120-day period under ORS 197.522(3)(b).

Ms. Rachel Lyles Smith, Mayor
 September 15, 2021
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Rather, applicants are permitted to mitigate tree removal through replanting (OCMC 17.41.060) or through a payment-in-lieu (OCMC 17.41.120), which is what the Applicant proposes here. Further, the Applicant included in its proposal plans for re-planting of trees to mitigate removal of trees that is needed to accommodate the proposed development. Moreover, the Director conditioned approval of the Application on Applicant revising its tree retention, removal and replanting or mitigation plan in accordance with the Code, including requirements that the Applicant include provisions to protect any trees proposed for retention.

Regarding the BHNA's objections relating to grading and stormwater runoff, as a starting point, the majority of the BHNA's "objections" are pure speculation and are not based on any facts in the record (or even outside of the record). Further, City Staff have testified that the Applicant's proposal satisfies all applicable approval criteria either as proposed or with conditions recommended by Staff.

Because the Director found that the Application did or could, by condition, meet the applicable criteria, and because the BHNA offered no substantial evidence showing otherwise, the Application must be approved.

2. Commissioner McGriff Should Recuse Herself

Next, the Applicant wishes to renew and clarify its objections to Commissioner Denyse McGriff's participation in the Appeal proceedings. The Applicant does not make this request lightly and respects Commissioner McGriff and her commitment to her constituents and to the City, but as the Commission knows, two of the hallmarks of a quasi-judicial hearing are fairness to the parties and impartial decision makers.

Local decision makers in quasi-judicial land use proceedings are required to have "'actual impartiality,' the ability to make a decision based on the argument and evidence before them, rather than on prejudice or personal interest." *Spiering v. Yamhill County*, 25 Or LUBA 695 (1993) (emphasis added). Parties in a quasi-judicial land use proceeding have a right to a decision by a "tribunal which is impartial in the matter" *Fasano v. Washington Co. Comm.*, 264 Or 574, 588, 507 P2d 23 (1973). Recusal is appropriate where a council member (or Commissioner) has shown that they cannot make an unbiased and impartial decision. *See, e.g., Woodard v. City of Cottage Grove*, 54 Or LUBA 176 (2007); *Friends of Jacksonville v. City of Jacksonville*, 42 Or LUBA 137, *aff'd* 183 Or App 581 (2002); *Schneider v. Umatilla County*, 13 Or LUBA 281 (1985).

Commissioner McGriff's comments and introduction of extra-record evidence during the September 1 hearing, as explained below, make clear that not only did she pre-judge the Application and/or the Applicant, but that she also no longer maintains even an *appearance* of being objective and unbiased. Indeed, her comments show only that she has a personal interest in the outcome of this Appeal. As such, Commissioner McGriff should recuse herself.

During the September 1 hearing, Commissioner McGriff disclosed her membership and board of trustees position since 1989, her past officer positions, and her "regular volunteer" activities with

Ms. Rachel Lyles Smith, Mayor
September 15, 2021
Page 4

the McLoughlin Memorial Association (the “Association”), which submitted a letter on June 1, 2021 in opposition to the Application. She explained during the hearing that she was aware of the Association’s concerns and advised it to testify against the project in writing. She also explained that she pointed the Association to the applicable criteria on the notice of application.

Commissioner McGriff further stated during the September 1 hearing that she believed the Applicant’s motion to dismiss the BHNA’s appeal was “ironic and specious” before the movant (the Applicant) was able to testify in support of its motion, indicating a clear prejudgment of the Applicant’s motion.

Commissioner McGriff also offered significant extra-record factual testimony regarding speeding and her personal concerns with sight distance on Holmes Lane that she observed while taking care of the Holmes House, which refers to the 536 Holmes Lane property maintained by the Association. She also offered extra-record testimony regarding her wishes for a fence to be installed between any proposed development and Stafford Park, and discussed her personal concerns about the removal of trees near Stafford Park.

These statements, taken together, demonstrate that:

- Commissioner McGriff prejudged the Applicant’s motion to dismiss;
- Commissioner McGriff’s personal involvement with the Association was not only the basis of her attempt to introduce extra-record evidence in an on-the-record hearing, but also makes clear that she is unable to make an unbiased and impartial decision on the Application or the Appeals.

As such, and for the reasons set forth above, Commissioner McGriff should recuse herself from the Appeal proceedings and the Commission’s deliberation.

3. Summary of Improperly Submitted Evidence That Cannot Be Considered

In a quasi-judicial land use hearing, all parties are allowed an on-the-record hearing. An “on-the-record” hearing means that only evidence presented during the public comment period for the Application – “preserved” evidence – may be considered. Allowing new evidence that was not preserved imposes a different burden of proof, which prevents the parties from having the full and fair hearing on the merits to which they are entitled.

The Applicant set forth in its August 20 memorandum and its August 30 letter the evidence submitted by the BHNA and individuals that may not be considered because it was not preserved, and renews its objections to that evidence here. During the September 1 hearing and in ex parte communications following that hearing, additional new evidence was presented that

Ms. Rachel Lyles Smith, Mayor
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was not preserved; that evidence, listed below, cannot be considered by the Commission because the record closed on June 4².

- Commissioner McGriff's comments and personal observations made during the September 1 hearing relating to speeding cars on Holmes Road.
- Commissioner McGriff's comments and personal observations made during the September 1 hearing relating to her knowledge that because of the uneven surfaces of Holmes Lane there is an "issue" with sight distance at the Rilance intersection, that additional sight distance should be required because "we all know" that people use that area as a cut-through, and her request to increase the sight distance to "make it better."
- Commissioner McGriff's comments during the September 1 hearing relating to the removal of trees adjacent to Stafford Park, her concern that the Park be protected from access, and her request that a fence be built to restrict access to the park.
- The BHNA's comments in a September 6 email string regarding there being no "barrier of a fence between the park and the development" and the project's "huge impact on this small park"; and its request to make certain trees "heritage trees."
- Commissioner McGriff's comments during the September 1 hearing relating to there being a sewer/sanitary moratorium in the area in the past.
- The BHNA's comments made during the September 1 hearing relating to Singer Creek Park and the City Parks Department's approval of only a small area of access near Linn for public use as relates to stormwater.
- The BHNA's September 14 comments (by way of letter from Ms. Karla Laws) regarding the "ethics of the appeal," certain community members' "concern and disgust" with the appeal proceedings, the impact of the development on "not only Barclay Hills but Rivercrest, McLoughlin, and traffic intersecting to Molalla Ave.," and whether the Commission may by its own motion review the action of a hearings officer under ORS 227.180.
- Ms. Catherine Pieslewicz's September 14 email comments regarding access to Singer and Stafford Parks, the proposed development's private streets/drive alleys, and concerns relating to the Applicant and its representatives.

Regardless, even if the new evidence above is considered by the Commission, the Applicant has addressed it in its Application materials and in its testimony during the September 1 hearing. For

² The BHNA's and individuals' comments regarding the Planning Department's and the City's procedures and processes are not relevant to the merits of either Appeal and as such are not discussed here. The Applicant has objected to such comments and renews those objections here. Such comments cannot be considered by the Commission.

Ms. Rachel Lyles Smith, Mayor
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example, the Applicant's traffic study showed that the proposed development will not impact traffic, and that the street system was adequate to safely support the additional traffic from the proposed development, in conformance with the City's requirements for traffic operations and the relevant intersections. The City's own traffic engineer concurred with this assessment. Moreover, speeding cars are not relevant to any approval criteria applicable to the Application.

As to sight distance, the Applicant's traffic study analyzed sight distance in excess of 400 feet, to accommodate a 35 MPH zone. While the speed limit in this area is actually 25 MPH, the City's traffic engineer concluded that the proposed sight distance was significantly more than adequate to accommodate a 25 MPH zone and, in fact, is sufficient site distance for cars going at least 10 MPH over the posted speed limit. Further, the Director imposed two conditions of approval requiring the Applicant to show sight distance at various time points to confirm that it was in fact adequate.

The Applicant addressed tree preservation in its application materials. Specifically, the Applicant stated that it will mitigate tree removal through replanting and/or cash-in-lieu pursuant to OCMC 17.41.060 and OCMC 17.41.120, respectively. Moreover, removal of trees is explicitly allowed by the Code, and preservation is required only "to the extent practicable" and even then, only outside of the "construction area." OCMC 17.41.010; OCMC 17.41.060.

As to the discussion of a lack of "barrier" fence between Stafford Park and the proposed development and the BHNA's concern that the proposed development will have a "huge impact" on the park (and similarly, Commissioner McGriff's concerns regarding access to the park), such concerns are purely speculative because they are not supported by any evidence that the proposed development could or will adversely impact the park.³ Regardless, they are not relevant to any applicable approval criteria. Indeed, there is no requirement in the approval criteria that the Applicant build a fence between its development and the Park. Finally, while not a "fence" per se, the Director imposed conditions of approval requiring appropriate landscape buffers (as required by the Code) between Stafford Park and the residential-zoned parcel adjacent to it.

As to the sewer/sanitary/stormwater issues brought up, as Ms. Richter stated during the hearing, the Application materials submitted show that the current infrastructure is adequate to support the proposed development. Further, conditions have been imposed to ensure that the proposed development, when constructed and occupied, will continue to meet the City's standards.

As to the BHNA's and Ms. Pieslewicz's comments in their September 14 correspondence, the facts presented in that correspondence were not raised during the public comment period, and as such, the Commission must reject them. Moreover, even if raised during the public comment period, they are not relevant to any applicable approval criteria, and cannot be considered for that

³ The Commission can, in fact, find that the proposed development will have a positive impact on the abutting parks because (1) the Applicant has proposed to make a financial contribution to Stafford Park and Singer Park to allow the City to purchase and install play equipment, and (2) the proposed development will increase the number of people using the parks for their intended purpose.

Ms. Rachel Lyles Smith, Mayor
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separate reason. Also, while ORS 227.180 allows the Commission to make its own motion to call-up and review a decision of a hearings officer, such a motion may only be made in lieu of an appeal, and the time for the Commission to make such a motion has passed. Finally, as to Ms. Pieslewicz's concerns relating to the party submitting the Application, the Code provides that land use permit applications may be initiated by "the record property owner or contract purchaser." OCMC 17.50.060. The Applicant has submitted the Application consistent with the City's Code, and has authorization from the current property owners (as well as the contract purchaser) to submit the Application on their behalf, as shown on the land use and appeal applications submitted. Regardless, this issue was not brought up during the public comment period, and is not related to any approval criteria, and as such cannot be considered.

4. The Applicant's Constitutional Challenge to Condition 3

The Applicant provided a memorandum dated August 31, 2021 explaining why Condition 3, as it applies to the remaining single-family home property 545 Holmes Lane, is unconstitutional. Stated simply, the Applicant proposes to provide full frontage improvements along both the existing extent of 535 Holmes Lane and the portion of 545 Holmes Lane being acquired for development. In other words, the Applicant has already agreed to provide full frontage improvements along Holmes Lane where Holmes Lane abuts the proposed new dwellings and street access. The remaining portion of 545 Holmes Lane will remain a separate single-family home and is not proposed to be developed—it is the additional frontage improvements along this existing home to which the Applicant objects.

In so doing, the Applicant cited two Oregon Court of Appeals cases, *Hill v. City of Portland*, 293 Or App 283, 290 (2018) and *Brown v. City of Medford*, 251 Or App 42, 53 (2012). *Hill* essentially says that City policies requiring frontage improvements are not enough to demonstrate that those improvements have an essential nexus to an interest that would allow a local government to deny the application. *Hill* explains, rather, that the City must identify some kind of street system impact caused by a development that would require frontage improvements. It is simply impossible for the City to demonstrate that a property that is not going to be developed—what remains of 545 Holmes Lane after the lot line is adjusted—will have impacts on the street system requiring frontage improvements. Similarly, *Brown* explains that applicants need not improve frontages to roads they do not propose to access.

Staff made no effort to explain how its frontage improvement requirement at 545 Holmes Lane is constitutional under *Hill* or *Brown*. Instead, Staff offers a somewhat convoluted argument that requiring "46% of the new homes responsible for only 25% of the required frontage would be roughly proportional." Putting aside that this statement is conclusory, it is not clear how this argument supports Condition 3. "New homes" do not pay for frontage improvements—the developer does. Furthermore, *Hill* makes clear that it is irrelevant as a constitutional matter whether new owners would benefit from a proposed frontage improvement.

Again, the sole questions in the constitutional analysis in this case are as follows. First, do the frontage improvement requirements for 545 Holmes Lane have an "essential nexus" to the

Ms. Rachel Lyles Smith, Mayor
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existing single-family home located there, given that it is not proposed to be redeveloped? Second, if there is a nexus, is the requirement for frontage improvements in front of this existing home “roughly proportional” to the impacts of its continued occupation? *Hill, Brown*, logic, and common sense provide that there is no nexus to frontage improvement requirements for property that is not being developed *in fact*.⁴ What is more, such requirements cannot be roughly proportional to the traffic impact of continued occupation of 545 Holmes Lane because there is no new traffic impact.

To be sure, there will be new traffic generated by the proposed development, but the entire frontage of the land actually being physically developed with new residential uses will have frontage improvements; this includes 535 Holmes Lane and the land transferred from 545 Holmes Lane to 535 Holmes Lane. However, the City cannot make the constitutional case for Condition 3 with respect to the remaining, undeveloped extent of 545 Holmes Lane because it will not generate any new trips over what it does currently.

The order by which the property lines are adjusted is utterly irrelevant in this context, but at any rate, OCMC 17.50.010 encourages consolidation of related applications. In this vein, Staff’s argument that the Applicant’s willingness to consolidate its LLA and Site Plan/Design Review (as recommended by staff and the OCMC) is the key basis upon which the City can extract otherwise-unconstitutional frontage improvements, is self-serving at best.

The Commission should note that, during the hearing, the Applicant reserved its rights under ORS 197.796 to challenge Condition 3 in Clackamas County Circuit Court should the City not amend Condition 3 to clarify that it does not apply to the remainder of 545 Holmes Lane after approval of the proposed LLA. In such an action, the burden will be on the City to demonstrate the constitutionality of the exaction.

5. The September 1 and 15 Hearings

The September 1 hearing was the first evidentiary hearing for the above-referenced Appeals. That hearing included all argument and testimony on the Applicant-Appellant’s Motion to Dismiss BHNA’s Appeal, as well as the Commission’s decision on that Motion; the Applicant-Appellant’s argument and testimony on its own Appeal; and BHNA’s argument and testimony on its Appeal. Thus, the September 15 continued Appeal hearing should consist only of (1) testimony from individuals with standing to provide testimony on either Appeal (which individuals were identified in Exhibit A to the Applicant’s August 31 Letter⁵) – which testimony

⁴ Note that the Nolan/Dolan/Koontz unconstitutional conditions doctrine does not turn on particular definitions; it looks to the *physical impacts* of property development, regardless of what the City considers to be “development” for regulatory purposes.

⁵ During the September 1 hearing, the Commission decided that Mr. Donnelly’s June 4 comments were submitted on behalf of BHNA rather than on his personal behalf. And Mr. Donnelly did not file his own appeal of the Application. As such, Mr. Donnelly should be precluded from providing testimony as an “individual” during the continued hearing on September 15, especially given the testimony he provided on behalf of BHNA during the September 1 hearing.

Ms. Rachel Lyles Smith, Mayor
September 15, 2021
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cannot, by law, include new evidence or arguments not preserved during the open record period that closed on June 4; and (2) rebuttal from the Applicant-Appellant and BHNA.

Further, no party is entitled to an automatic continuance of the second evidentiary hearing set for September 15; nor is any party entitled to an open record period. If the Commission grants such a request by anyone other than the Applicant, the 120-day period, which ends on October 11, 2021, cannot be extended.

Finally, the Applicant has not extended the 120-day period, nor did it request a continuance of the September 1 hearing.

6. **Conclusion**

The Applicant appreciates the Commission's consideration of its Application and Appeal, and respectfully requests that the Commission reject the BHNA's appeal of the Director's decision approving the Application and approve the Application without condition of approval A.3 requiring right-of-way dedication and improvements on a lot that is not being developed and remains used only for a single-family dwelling. The Applicant hopes that it can build the approved development that will add to the City's housing supply and that is consistent with the applicable zoning and development standards.

Best regards,



Erin M. Forbes

EMF/jmhi
Enclosures

cc: Ms. Laura Terway (*via email*)
Ms. Carrie Richter (*via email*)
Mr. Scott Miller (*via email*)
Mr. Steve Miller (*via email*)
Mr. Jim McCartan (*via email*)
Mr. Neil Fernando (*via email*)
Mr. Eric Evans (*via email*)
Mr. Michael C. Robinson (*via email*)
Mr. Garrett H. Stephenson (*via email*)

PDX\138228\266548\GST\31735702.1

Laura Terway

From: Karla Laws <karla.laws@gmail.com>
Sent: Tuesday, September 14, 2021 12:11 PM
To: Frank O'Donnell; Denyse McGriff; Rocky Smith, Jr.; Rachel Lyles Smith; Adam Marl
Cc: crichter@batemanseidel.com; Tony Konkol; Laura Terway; recorderteam
Subject: 535 & 545 Land Use
Attachments: 9 15 21 City Commission Comment.pdf

Please submit this for public record to the city commissioners for 9/15/21.

I would like to read this out loud for the public. I'm asking my neighborhood tonight to give me 5 minutes for public comment. I am not sure if I am able to talk during the appeal hearing. Is this possible (without disturbing someone else's time)? I want the residents have their own time to speak for BHNA.

Sincerely,
Karla Laws
BHNA Chair

September 14, 2021

419 Roosevelt St
Oregon City, OR 97045

City Commission
City of Oregon City
625 Center St
Oregon City, OR 97045

Subject: 535 & 545 Holmes Land Use Appeal

City Commissioners:

BHNA appreciates that our due process was honored by the commission, recognizing that we are average citizens with no legal background trying to advocate for the neighborhood. I have been approached by many residents, even outside our neighborhood, concerned about the ethics of the appeal handled by not only the developer but our city staff. Technically, whatever decision the city commission makes, the developer potentially could press the issue with the appeal fee and utilize LUBA, no matter what process the BHNA did to attempt to advocate for the residents. However, the law could prevail for the residents through our elect city commission.

ORS 227.180 Review of action no permit application; fees.

(1)(a) A party aggrieved by the action of a hearings officer may appeal the action to the planning commission or council of the city, or both, however the council prescribes. ***The appellate authority on its own motion may review the action.***

According to the law, the city commission could do their own motion and may review the action. This would address any concerns regarding standing and the legality of the appeal fee for BHNA. Is this something the city commission would consider to do, our elect to advocate for BHNA and other residents with concerns outside of Barclay Hills?

Members of the community who watched the last 9/1/21 city commission meeting, have reached out to me in concern and disgust on how we were treated by the developer and our own city. My perspective is this should be an entire city issue since this will have a great impact not only on Barclay Hills but Rivercrest, McLoughlin, and traffic intersecting to Molalla Ave.

Thank you for considering my request and the hours invested in volunteering for our community.

Sincerely,

Karla Laws
BHNA Chair

Laura Terway

From: Karla Laws <karla.laws@gmail.com>
Sent: Tuesday, August 24, 2021 12:13 AM
To: Laura Terway
Cc: Jamesdonn@comcast.net; aaron@wolftune.com
Subject: Re: Additional Information Received Regarding the Appeal 535 & 545 Holmes
Attachments: Samm-Miller - 8.20.2021 - Motion to Dismiss BHNA Appeal with Exhibits 1-3.pdf

Laura,

I am looking forward for our city commission to make that call. I think it's interesting that Steve Miller brings up a few points you did (with Kelly Reid) and trying to **reject the appeal paperwork**, trying to **block** neighborhood concerns. Particularly, to try to argue the minutes for Barclay Hills NA which **is** very clear. It is also clear per request by our mayor was to reach out to the neighbors on guidance which never happened. I cannot believe both Kelly Reid and you **refused the appeal paperwork** from Mr. Donnelly (according to BHNA Minutes) 'on the behalf of BHNA' until I showed up.

Also, the citizen involvement committee is recommending up an investigation on operations by are city staff who has clearly been guiding Steve Miller rather than the direction of advocating for the residents. Looking forward to appeal hearing!

Please include this response to our city commission in the appeal hearing 9/1/21 attached to Steve Miller's response in the appeal paperwork.

I want transparency!

Please keep me posted when all the paperwork for the appeal is submitted for the city commissioners to see online. We will be counting each page. I expect every page of that appeal submitted by Barclay Hills Neighborhood Association to be in that packet for the city commission. Whether the city chooses to argue our points or not, our elect get to make the final call.

See attachment to this response:

Cheers,

Karla Laws
 BHNA Chair

Sent from my iPhone

On Aug 23, 2021, at 11:10 PM, Laura Terway <lterway@orcitey.org> wrote:

Good Evening James,
 Enclosed you will find some additional information the City received regarding the neighborhood association's appeal. Please note that I will also share the link to the City Commission agenda tomorrow

after it is posted which will include a staff analysis as well. Please do not hesitate to reach out with any questions.

<image001.gif> [<image002.jpg>](#)

What's your Vision for Oregon City?

Laura Terway, AICP

Community Development Director - Planning & Building Departments

She/Her/Hers

695 Warner Parrott Road (PO Box 3040), Oregon City, Oregon 97045

Direct 503.496.1553 Office 503.722.3789

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Think **GREEN** before you print.

This e-mail is subject to the State Retention Schedule and may be made available to the public.

COVID-19 (Coronavirus) Information

<Jim Hall Comments.pdf>

<Memorandum - Analysis of BHNA Grounds for Appeal.pdf>

<Samm-Miller - 8.20.2021 - Motion to Dismiss BHNA Appeal with Exhibits 1-3.pdf>

August 20, 2021

Erin M. Forbes

Admitted in Oregon, Illinois and
Washington, D.C.

T: 503-796-2054

eforbes@schwabe.com

VIA E-MAIL

Ms. Rachel Lyles Smith, Mayor
Oregon City City Commission
Oregon City City Hall
625 C Street
Oregon City, OR 97045

RE: Motion to Dismiss Appeal No. AP-21-00004 (Appeal by Barclay Hills
Neighborhood Association of File No. GLUA-21-00002 / SP-21-00001 & LL-21-
00002)

Dear Mayor Lyles Smith and City Commission Members:

This firm represents the Applicant in File No. GLUA-21-00002 / SP-21-00001 & LL-21-00002 (the “Application”), who is also the Appellant in Appeal No. AP-21-00005 of the same file (the “Applicant”). The Applicant respectfully moves to dismiss the above-referenced appeal filed by the Barclay Hills Neighborhood Association (“BHNA”) for the following reasons. *First*, BHNA failed to meet the jurisdictional requirement of submitting an appeal fee and did not properly obtain a fee waiver. *Second*, even if BHNA properly obtained a fee waiver, the procedure set forth in OCMC 17.50.290.C regarding fee waivers is subjective, and as such cannot be applied to an application for needed housing under ORS 197.307(4) or a subsequent appeal. *Third*, BHNA does not have standing to appeal, and even if it did, it did not include the required statement of standing with its appeal materials. These issues are set forth in detail below. This motion does not contain new evidence and the upcoming appeal hearing is on the record. As such, the Appellant BHNA cannot submit new evidence to cure its jurisdictional deficiency.

1. Relevant Facts

The Applicant submitted its Application for Site Plan and Design Review and Lot Line Adjustment with the City of Oregon City (the “City”) on January 11, 2021. The first public notice on the Application was mailed on May 10, 2021, and a revised public notice was mailed on May 21, 2021.

During the comment period, public comments were submitted, in relevant part, by Mr. Jim Donnelly on his own behalf; by Ms. Karla Laws – “shar[ing]” electronically the comments

Ms. Rachel Lyles Smith, Mayor
 August 20, 2021
 Page 2

submitted by Mr. Donnelly “on his behalf”; and by Mr. Aaron Wolf in his personal capacity.¹ None of those public comments were submitted by or on behalf of the BHNA – the only mention of BHNA in those comments appears in Ms. Laws’ email signature block.²

The comment period for the Application closed on June 7, 2021. The Type II Staff Report and Notice of Decision with Conditions of Approval was issued on July 22, 2021. BHNA, via submission made by Mr. Donnelly as a “representative of the Barclay Hills Neighborhood Association,” submitted an appeal on August 5, 2021.³

2. BHNA Failed to Meet Jurisdictional Requirements for Appeal

When filing a notice of appeal, “[t]he appropriate appeal fee” is required to be included with the notice of appeal. OCMC 17.50.190.C.5.⁴ “Failure to include the appeal fee . . . within [the] appeal period is deemed to be a jurisdictional defect and will result in the automatic rejection of any appeal so filed.” *Id.* Where a local government’s filing requirements for local appeals are “jurisdictional,” failure to satisfy such requirements deprives the local government of jurisdiction to hear the appeal. *Tipton v. Coos County*, 29 Or LUBA 474, 477 (1995), *aff’d* 137 Or App 633 (1995); *see also DLCD v. Wasco County*, 25 Or LUBA 529 (1993). BHNA did not submit the required fee with its notice, but instead requested a fee waiver. However, Mr. Donnelly’s handwritten request for such a waiver on the appeal form, without more, is insufficient to obtain such a waiver for BHNA.

The Code provides that “[i]f a city-recognized neighborhood association with standing to appeal has voted to request a fee waiver pursuant to OCMC 17.50.290.C⁵, no appeal fee shall be required for an appeal filed by that association.” OCMC 17.50.190.C.5.⁶ OCMC 17.50.290.C provides in relevant part that “[a]ppel fees shall not be charged for an appeal filed by a city-recognized neighborhood association, so long as the appeal has been officially approved by the general membership or board of the neighborhood association at a duly announced meeting.”

With its appeal materials, BHNA provided two documents entitled “Barclay Hills Neighborhood Association (BHNA) Minutes” dated May 11, 2021 and May 20, 2021.⁷ However, these documents do not provide evidence showing (a) that the meetings were “duly announced”; (b) that the “general membership or board” of BHNA approved the appeal; or (c) that it voted to request a fee waiver.

As to whether the meetings were “duly announced,” both Minutes documents state that BHNA’s meetings take place on “2nd Tuesdays.” While the May 11 meeting did take place on the second Tuesday of the month, there is no evidence in the record that the meeting was “duly announced.”

¹ Staff Report Exhibits at pp. 1-15, 27-73.

² Staff Report Exhibits at pp. 28, 73.

³ Appeal No. AP-21-00004 at p. 1.

⁴ OCMC 17.50.190 is attached as Exhibit 1.

⁵ OCMC 17.50.290 is attached as Exhibit 2.

⁶ BHNA’s standing, or lack thereof, is discussed in Section 4 below.

⁷ BHNA’s Meeting Minutes can be found in Appeal No. AP-21-00004 at pp. 23-25.

Ms. Rachel Lyles Smith, Mayor
 August 20, 2021
 Page 3

The May 20 meeting – which was a “special meeting” regarding “LUBA 535 & 545 Holmes” – did not take place on a “second Tuesday,” and there is no evidence in the record or otherwise that it was “duly announced.” Not even the May 11 Minutes document mentions the May 20 meeting (the next meeting listed was to take place June 8, 2021).

As to the required votes to approve the appeal and to request a fee waiver, the only votes that were taken at the May 11 and May 20 meetings were “to support land use comment and appeal by the neighbors” regarding two different land use applications (one being the subject Application), and to “support neighborhood comments of Jim Donnelly [sic] and a land use appeal at 535 & 545 Holmes Lane,” respectively. There is no record of those who were in attendance at the May 11 meeting, nor is there record of the number of votes that were taken – only that a motion was made and seconded, and that no one opposed. It appears that five BHNA members were in attendance at the May 20 meeting, though it is unclear whether that accounts for the “general membership” or whether those in attendance were members of the “board.” The meeting minutes submitted make clear that a vote to request a fee waiver was not taken at all. And, if the required votes were taken at a later meeting, the minutes for that meeting should have been provided with the appeal materials.

Regardless, such votes could not have been properly taken. The May 11 and May 20 meetings took place *before* the City issued its decision on the Application, *before* BHNA (or any of its members) submitted any public comments, and *before* the public comment period closed. As such, BHNA could not have properly voted to file an appeal, much less voted to request a fee waiver, because there was not at that time a decision BHNA could have appealed.

Finally, even if BHNA had provided proper evidence of a vote to request a fee waiver, BHNA was also required to submit, “[i]n lieu of the appeal fee, . . . a duly adopted resolution of the general membership or board approving the request for fee waiver.” OCMC 17.50.190.C.5. No such resolution was provided.

Because BHNA failed to provide evidence showing it meets the requirements for a fee waiver, failed to provide the required duly adopted resolution approving the request for fee waiver, and did not pay the required appeal fee with its appeal, the City is required to automatically reject BHNA’s appeal, and must do so now. *Id.*; *Tipton*, 29 Or LUBA at 477.

3. OCMC 17.50.290.C Cannot Be Applied to Needed Housing Applications

Notwithstanding the above, the City cannot apply the fee waiver provisions set forth in OCMC 17.50.290.C to an appeal of a needed housing application such as the Applicant’s. ORS 197.307(4) requires local governments to “adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing, including needed housing.” Needed housing means “all housing on land zoned for residential use or mixed residential and commercial use that is determined to meet the need shown for housing within an urban growth boundary at price ranges and rent levels that are affordable to households within the county with a variety of incomes, including but not limited to households with low incomes, very low incomes and extremely low incomes, as those terms are defined by the United States Department

Ms. Rachel Lyles Smith, Mayor
 August 20, 2021
 Page 4

of Housing and Urban Development under 42 U.S.C. 1437a.” ORS 197.303(a). Needed housing includes “[a]ttached and detached single-family housing and multiple family housing for both owner and renter occupancy.” ORS 197.303(1)(a).

The subject Application falls under the definition of “needed housing” because (a) it is on land zoned for residential use that is within an urban growth boundary, and (b) it will consist of attached and/or detached single-family housing for owner and/or renter occupancy.

Procedures are clear and objective “if they do not impose ‘subjective, value-laden analyses that are designed to balance or mitigate impacts.’” *Warren v. Washington County*, LUBA No. 2018-089, *Slip Op.* at p. 21 (Or LUBA 2018) (citing *Rogue Valley Assoc. of Realtors v. City of Ashland*, 35 Or LUBA 139, 158 (1998), *aff’d* 158 Or App 1, 970 P.2d 685, *rev den* 328 Or 549 (1999)).

OCMC 17.50.290.C includes a procedure that allows the planning division to “waive all or any portion of an application fee if, *in the opinion of the director*, a particular application shall be resubmitted because of an error made by the city. Appeal fees may be waived, wholly or in part, by the city commission, *if the city commission finds that, considering fairness to the applicant and to opposing parties*, a full or partial waiver of the appeal fee is warranted.” (Emphasis added.) A procedure that allows the “opinion of the director” to be considered is wholly subjective, as is a procedure that allows the city commission to consider “fairness.”

The requirement that an appeal be “officially approved by the general membership or board of the neighborhood association at a duly announced meeting” is also subjective because neither the Code nor the City define “officially approved,” “general membership,” or “duly announced meeting.” As such, this procedure allows for discretion, which is improper under the needed housing rules.

Thus, the procedures allowing fee waivers for appeals cannot be applied to BHNA’s appeal of the subject Application. For this additional reason, BHNA’s failure to submit the required appeal fee merits dismissal of its appeal.

4. BHNA Does Not Have Standing to File an Appeal

Finally, the Code provides that Type II decisions made by the Community Development Director are “appealable to the city commission, by any party who submitted comments in writing before the expiration of the comment period.” OCMC 17.50.030.B⁸; *see also* OCMC 17.50.190.D.1. As explained above, BHNA did not submit comments during the public comment period. While three members of BHNA, including the chair and co-chair, submitted comments during the public comment period, none of them were submitted on behalf of BHNA.⁹ The BHNA chair

⁸ OCMC 17.50.030 is attached as Exhibit 3.

⁹ Jim Donnelly submitted paper comments on June 4 on his own behalf and made no mention of BHNA. (See Staff Report Exhibits at pp. 1-15.) Karla Laws, chair of BHNA, shared via email the comments submitted by Mr. Donnelly “on behalf of” Mr. Donnelly – and did not state in her submission emails that the comments made by Mr. Donnelly were made on behalf of BHNA. (See *id.* at p. 28-72.) Ms. Laws’ additional June 4, 1:02 p.m. email also

Ms. Rachel Lyles Smith, Mayor
 August 20, 2021
 Page 5

only re-submitted Mr. Donnelly's comments, and in doing so, she made no mention of doing so on behalf of BHNA. As such, BHNA does not have standing to appeal, and its appeal should be dismissed on this ground alone.

Further, BHNA failed to provide the required "statement of how [it] has an interest in the matter *and* standing to appeal." OCMC 17.50.190.C.3 (emphasis added). Nor could BHNA have provided such a statement, because as explained above, BHNA did not have standing to appeal. "For Type II decisions, only those persons or recognized neighborhood associations who submitted comments in writing before the expiration of the comment period have standing to appeal a community development director decision." OCMC 17.50.190.D.1. BHNA submitted no comments during the public comment period. And Mr. Donnelly, who submitted comments on his own behalf, did not file the appeal on his own behalf; rather, he filed it on behalf of the BHNA. For this separate reason, BHNA's appeal should be dismissed.

5. Conclusion

For the reasons set forth above, BHNA's appeal should be dismissed.

Best regards,



Erin M. Forbes

EMF/jmhi
 Enclosures

cc: Ms. Laura Terway (*via email*) (*w/enclosures*)
 Mr. Scott Miller (*via email*) (*w/enclosures*)
 Mr. Steve Miller (*via email*) (*w/enclosures*)
 Mr. Jim McCartan (*via email*) (*w/enclosures*)
 Mr. Neil Fernando (*via email*) (*w/enclosures*)
 Mr. Eric Evans (*via email*) (*w/enclosures*)
 Mr. Michael C. Robinson (*via email*) (*w/enclosures*)
 Mr. Garrett H. Stephenson (*via email*) (*w/enclosures*)

PDX\138228\266548\EMF\31534726.1

makes no mention of comments being submitted on behalf of BHNA. (*See id.* at p. 73.) Aaron Wolf, vice-chair of BHNA, submitted comments on his own behalf rather than on behalf of BHNA. (*See id.* at p. 27.)

17.50.190 - Appeals.

Appeals of any non-final decisions by the city shall comply with the requirements of this section.

- A. Type I decisions by the community development director are not appealable to any other decision-maker within the city.
- B. A notice of appeal of any Type II, III or IV decision shall be received in writing by the planning division within fourteen calendar days from the date notice of the challenged decision is provided to those entitled to notice. Late filing of any appeal shall be deemed a jurisdictional defect and will result in the automatic rejection of any appeal so filed.
- C. The following shall be included as part of the notice of appeal:
 - 1. The planning file number and date the decision to be appealed was rendered;
 - 2. The name, mailing address and daytime telephone number for each appellant;
 - 3. A statement of how each appellant has an interest in the matter and standing to appeal;
 - 4. A statement of the specific grounds for the appeal;
 - 5. The appropriate appeal fee. Failure to include the appeal fee, with the exception of actual attorney fees, within appeal period is deemed to be a jurisdictional defect and will result in the automatic rejection of any appeal so filed. If a city-recognized neighborhood association with standing to appeal has voted to request a fee waiver pursuant to OCMC 17.50.290.C, no appeal fee shall be required for an appeal filed by that association. In lieu of the appeal fee, the neighborhood association shall provide a duly adopted resolution of the general membership or board approving the request for fee waiver.
- D. Standing to Appeal. The following rules prescribe who has standing to appeal:
 - 1. For Type II decisions, only those persons or recognized neighborhood associations who submitted comments in writing before the expiration of the comment period have standing to appeal a community development director decision. Review by the city commission shall be on the record, limited to the issues raised in the comments and no new evidence shall be considered.
 - 2. For Type III and IV decisions, only those persons or recognized neighborhood associations who have participated either orally or in writing have standing to appeal the decision of the planning commission or historic review board, as applicable. Grounds for appeal are limited to those issues raised either orally or in writing before the close of the public record. No new evidence shall be allowed.
- E. Notice of the Appeal Hearing. The planning division shall mail notice of the appeal hearing to all parties who participated either orally or in writing and provided their mailing address before the close of the public record in accordance with OCMC 17.50.090.B and post notice on the city website. Notice of the appeal hearing shall contain the following information:
 - 1. The file number and date of the decision being appealed;

2. The time, date and location of the public hearing;
 3. The name of the applicant, owner and appellant (if different);
 4. The street address or other easily understood location of the subject property;
 5. A description of the permit requested and the applicant's development proposal;
 6. A brief summary of the decision being appealed and the grounds for appeal listed in the notice of appeal;
 7. A statement that the appeal hearing is confined to the issues raised in the notice of appeal;
 8. A general explanation of the requirements for participation and the city's hearing procedures.
- F. Appeal Hearing—Scope of Review. Appeal hearings shall comply with the procedural requirements of OCMC 17.50.120. Appeal hearings shall be conducted by the city commission. The decision shall be on the record and the issues under consideration shall be limited to those listed in the notice of appeal.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.50.290 - Fees.

Item 3a.

The city may adopt by resolution, and revise from time to time, a schedule of fees for applications and appeals. Fees shall be based upon the city's actual or average cost of processing the application or conducting the appeal process. The only exception shall be the appeal fee for a Type II decision, which shall be limited by ORS 227.175.10.b. The requirements of this section shall govern the payment, refund and reimbursement of fees.

- A. Payment. All fees shall be due and payable at the time the application or appeal is submitted. No application or appeal shall be completed without the proper fee being paid.
- B. Refunds. Fees will only be refunded as provided in this subsection:
 - 1. When a fee is paid for an application which is later found to not be required, the city shall refund the fee.
 - 2. Errors. When an error is made in calculating a fee, overpayment will be refunded.
 - 3. Refund upon Withdrawal of an Application. In the event an applicant withdraws an application, the planning department shall refund the unused portion of the fee. In this case, the planning department will deduct from the fee the city's actual costs incurred in processing the application prior to withdrawal.
- C. Fee Waivers. The planning division may waive all or any portion of an application fee if, in the opinion of the director, a particular application shall be resubmitted because of an error made by the city. Appeal fees may be waived, wholly or in part, by the city commission, if the city commission finds that, considering fairness to the applicant and to opposing parties, a full or partial waiver of the appeal fee is warranted. Appeal fees shall not be charged for an appeal filed by a city-recognized neighborhood association, so long as the appeal has been officially approved by the general membership or board of the neighborhood association at a duly announced meeting.
- D. Major Projects. The fees for a major project shall be the city's actual costs, which shall include, but not be limited to, the actual costs for staff time, as well as any consultants, including contract planners, attorneys and engineers. The costs of major projects will not be included in any average used to establish other fees under this section.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.50.030 - Summary of the city's decision-making processes.

The following decision-making processes chart shall control the city's review of the indicated permits:

Table 17.50.030
Permit Approval Process

Permit Type	I	II	III	IV	Expedited Land Division
Annexation				X	
Compatibility review for communication facilities	X				
Compatibility review for the Willamette River Greenway Overlay District			X		
Code interpretation			X		
Master plan/planned unit development—General development plan			X		
Master plan/planned unit development—General development plan amendment	X	X	X		
Conditional use (excluding shelters)			X		
Conditional use for a shelter				X	
Detailed development plan ¹	X	X	X		
Extension	X				

8/18/2021

Oregon City, OR Municipal Code

Final plat	X				
Geologic hazards		X			
Historic review	X		X		
Lot line adjustment and abandonment	X				
Manufactured home park review (new or modification)		X			
Placement of a single manufactured home on existing space or lot within a park	X				
Minor partition		X			
Nonconforming use, structure and lots review	X	X			
Plan or code amendment				X	
Revocation				X	
Site plan and design review	X	X			
Subdivision		X			X
Variance		X	X		
Zone change				X	
Natural resource overlay district exemption	X				

Natural resource overlay district review		X	X		
Live/work dwelling review		X			
Cluster housing development review		X			
Residential design standards review for single-family attached, single-family detached, duplexes, 3—4 plexes, internal conversions and accessory dwelling units	X				
Modification of residential design standards		X			

- ¹ If any provision or element of the master plan/planned unit development requires a deferred Type III procedure, the detailed development plan shall be processed through a Type III procedure.
- A. Type I decisions do not require interpretation or the exercise of policy or legal judgment in evaluating approval criteria. Because no discretion is involved, Type I decisions do not qualify as a land use, or limited land use, decision. The decision-making process requires no notice to any party other than the applicant. The community development director's decision is final and not appealable by any party through the normal city land use process.
- 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, by any party who submitted comments in writing before the expiration of the

comment period. Review by the city commission shall be on the record pursuant to OCMC 17.50.190 under ORS 197.195(5). The city commission decision is the city's final decision and is subject to review by the land use board of appeals (LUBA) within twenty-one days of when it becomes final.

- C. Type III decisions involve the greatest amount of discretion and evaluation of subjective approval standards, yet are not required to be heard by the city commission, except upon appeal. In the event that any decision is not classified, it shall be treated as a Type III decision. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and the planning commission or the historic review board hearing is published and mailed to the applicant, recognized neighborhood association(s) and property owners within three hundred feet. Notice shall be issued at least twenty days pre-hearing, and the staff report shall be available at least seven days pre-hearing. At the evidentiary hearing held before the planning commission or the historic review board, all issues are addressed. The decision of the planning commission or historic review board is appealable to the city commission, on the record pursuant to OCMC 17.50.190. The city commission decision on appeal from is the city's final decision and is subject to review by LUBA within twenty-one days of when it becomes final, unless otherwise provided by state law.
- D. Type IV decisions include only quasi-judicial plan amendments and zone changes. These applications involve the greatest amount of discretion and evaluation of subjective approval standards and shall be heard by the city commission for final action. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and planning commission hearing is published and mailed to the applicant, recognized neighborhood association(s) and property owners within three hundred feet. Notice shall be issued at least twenty days pre-hearing, and the staff report shall be available at least seven days pre-hearing. At the evidentiary hearing held before the planning commission, all issues are addressed. If the planning commission denies the application, any party with standing (i.e., anyone who appeared before the planning commission either in person or in writing within the comment period) may appeal the planning commission denial to the city commission. If the planning commission denies the application and no appeal has been received within fourteen days of the issuance of the final decision, then the action of the planning commission becomes the final decision of the city. If the planning commission votes to approve the application, that decision is forwarded as a recommendation to the city commission for final consideration. In either case, any review by the city commission is on the record and only issues raised before the planning commission may be raised before the city commission. The city commission decision is the city's final decision and is subject to review by LUBA within twenty-one days of when it becomes final.
- E. The expedited land division (ELD) process is set forth in ORS 197.360 to 197.380. To qualify for this type of process, the development shall meet the basic criteria in ORS 197.360(1)(a) or (b).

While the decision-making process is controlled by state law, the approval criteria are found in this code. The community development director has twenty-one days within which to determine whether an application is complete. Once deemed complete, the community development director has sixty-three days within which to issue a decision. Notice of application and opportunity to comment is mailed to the applicant, recognized neighborhood association and property owners within one hundred feet of the subject site. The community development director will accept written comments on the application for fourteen days and then issues a decision. State law prohibits a hearing. Any party who submitted comments may call for an appeal of the community development director's decision before a hearings referee. The referee need not hold a hearing; the only requirement is that the determination be based on the evidentiary record established by the community development director and that the process be "fair." The referee applies the city's approval standards, and has forty-two days within which to issue a decision on the appeal. The referee is charged with the general objective to identify means by which the application can satisfy the applicable requirements without reducing density. The referee's decision is appealable only to the court of appeals pursuant to ORS 197.375(8) and 36.355(1).

- F. Decisions, completeness reviews, appeals, and notices in this chapter shall be calculated according to OCMC 1.04.070 and shall be based on calendar days, not business days.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

CITY OF OREGON CITY

Community Development Department, 320 Warner Milne Road,
P.O. Box 3040, Oregon City, OR 97045, (503) 657-0891
www.ci.oregon-city.or.us

Submitted By The Barclay Hills Neighborhood Association
APPEAL OF A LAND USE DECISION

FILE # AP 21-00004 (of File #) SP-21-00001 DATE: Aug 4, 2021
NAME: James Donnelly TELEPHONE #: 503-309-0759
ADDRESS: 567 Holmes Lane, Oregon City, OR 97045
ADDRESS OR PROPERTY DESCRIPTION (T/R/S) OF SUBJECT PROPERTY:

545, 585 Holmes Lane, Oregon City, OR 97045
SUBJECT OF APPEAL: NOTICE OF DECISION DATE: 07/22/21 For File #:

File Number GLUA-21-00002: SP-21-00001/LL 21-00002
The undersigned hereby appeal(s) the decision of the Oregon City Planning Dept.

concerning the subject case. The decision to approve 0 deny 5 the application was made
at the meeting held on May 14, 2021 May 20th, 2021 Nov 10, 2020

REASONS FOR APPEAL: Please include a statement identifying which approval criteria are
violated by the decision and an explanation of how those criteria are violated, or stating how the
decision is otherwise in violation of applicable law. Please see Chapter 17.50 of Oregon City
Municipal Code for Administration & Procedures concerning Appeals.

Please see attached Environmental, Traffic, Safety
new street, 60 unit development

Barclay Hills Neighborhood Association

FILING FEE PAID: _____ DATE PAID: _____ RECEIPT NO.: _____

Property Owner Signature

Address

Property Owner Signature

Address

AUG 05 2021

****SIGNATURES REQUIRED IF APPLICABLE****

8.5.21 1:12pm

Signature

Address

____ Contract Purchaser

____ Lessee

____ Prospective Purchaser

*I request a fee
waiver
James Donnelly
8/5/2021*

Submitted by James Donnelly, Representative of the Barclay Hills Neighborhood Association. Comprehensive Planning and Land Use Committee Item 3a.

CITY OF OREGON CITY

Community Development Department, 320 Warner Milne Road,
P.O. Box 3040, Oregon City, OR 97045, (503) 657-0891
www.ci.oregon-city.or.us

Submitted By The Barclay Hills Neighborhood Association
APPEAL OF A LAND USE DECISION

FILE # AP 21-0004 (of File #) SP-21-00001 DATE: Aug 4, 2021
NAME: James Donnelly TELEPHONE #: 503-309-0759
ADDRESS: 567 Holmes Lane, Oregon City, OR 97045

ADDRESS OR PROPERTY DESCRIPTION (T/R/S) OF SUBJECT PROPERTY:

545, 585 Holmes Lane, Oregon City, OR 97045

SUBJECT OF APPEAL: NOTICE OF DECISION DATE 07/22/21 For File #:

File Number GLUA-21-00002: SP-21-00001/LL 21-00002

The undersigned hereby appeal(s) the decision of the Oregon City Planning Dept.

concerning the subject case. The decision to approve 0 deny 5 the application was made at the meeting held on May 14, 2021 May 20th, 2021 Nov 10, 2020

REASONS FOR APPEAL: Please include a statement identifying which approval criteria are violated by the decision and an explanation of how those criteria are violated, or stating how the decision is otherwise in violation of applicable law. Please see Chapter 17.50 of Oregon City Municipal Code for Administration & Procedures concerning Appeals.

Please see attached Environmental, Traffic, Safety
new street, 60 unit development

Barclay Hills Neighborhood Association

FILING FEE PAID: NO DATE PAID: _____ RECEIPT NO.: _____

Property Owner Signature

Address

Property Owner Signature

Address

****SIGNATURES REQUIRED IF APPLICABLE****

Signature

Address

____ Contract Purchaser

____ Lessee

____ Prospective Purchaser

CITY OF OREGON CITY

Received 8/5/21
Kerry Reid
Keely Reid

AUG 5 1:15P

I request
a fee waiver
James Donnelly
8/5/2021

To: Oregon City Planning

Subject: Appeal

File number GLUA-21-00002:SP-21-00001 / LL 21-00002

From: James Donnelly

567 Holmes Lane

Oregon City, OR 97045

503-309-0759

Representative of The Barley Hills Neighborhood
Association

and
Representative of the Comprehensive Planning
and Land Use Committee

"Attention"

New information as of
Aug 5th 2021 8:56 AM

Item 3a.

This has just come to my attention.

I contacted Christian Nauer, MS
on Monday Aug 2nd and left a message
concerning the development at 545, 535
Holmes Lane in Oregon City.

Christian Nauer called me back Thurs
Aug 5th at 8:56 AM.

Christian Nauer has no record of receiving
any letter from Oregon City, or sending
a return letter.

Christian Nauer was supposed to receive
the results of a special survey for the
Confederated Tribes of Warm Springs OR.
He did not!

I sent Christian Nauer copies of two letters
that are part of the Planning Dept. decision
of approval pending appeal. He did not
recognize either letter.

Please see two attached letters from
Oregon City Planning Dept to Christian Nauer
Archaeologist Confederated Tribes of Warm Springs.
and the letter from Christian Nauer of the
Confederated Tribes Warm Springs to Oregon City
Planning.

Christian Nauer has no such copies
sent or received until I sent him copies

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Oregon

Kate Brown, Governor

Parks and Recreation Department

State Historic Preservation Office

725 Summer St NE Ste C

Salem, OR 97301-1266

Phone (503) 986-0690

Fax (503) 986-0793

www.oregonheritage.org



October 31, 2019

Ms. Diliانا Vassileva
City of Oregon City Planning
221 Molalla Ave
Ste 200
Oregon City, OR 97045

RE: SHPO Case No. 19-1623

City of Oregon City Project PA19-45, Townhouse Development

46 unit townhouse development

535-545 Holmes Lane (3S 2E 6 TL 5001 and 5100), Oregon City, Clackamas County

Dear Ms. Vassileva:

Our office recently received a request to review your application for the project referenced above. Thank you for your submittal.

In checking our statewide archaeological database, it appears that there have been no previous surveys completed near the proposed project area. However, the project area lies within an area generally perceived to have a high probability for possessing archaeological sites and/or buried human remains. In the absence of sufficient knowledge to predict the location of cultural resources within the project area, extreme caution is recommended during project related ground disturbing activities. Under state law (ORS 358.905 and ORS 97.74) archaeological sites, objects and human remains are protected on both state public and private lands in Oregon. If archaeological objects or sites are discovered during construction, all activities should cease immediately until a professional archaeologist can evaluate the discovery. If you have not already done so, be sure to consult with all appropriate Indian tribes regarding your proposed project. If the project has a federal nexus (i.e., federal funding, permitting, or oversight) please coordinate with the appropriate lead federal agency representative regarding compliance with Section 106 of the National Historic Preservation Act (NHPA).

If you have any questions about the above comments or would like additional information, please feel free to contact our office at your convenience. In order to help us track your project accurately, please reference the SHPO case number above in all correspondence.

Sincerely,

Shane P. James, M.S., RPA
SHPO Archaeologist
(503) 986-0805
shane.james@oregon.gov

Christian Nauer, MS
 Archaeologist
 Confederated Tribes of the Warm Springs Reservation of Oregon
 Branch of Natural Resources

christian.nauer@ctwsbnr.org
 Office 541.553.2026
 Cell 541.420.2758

Standard Disclaimers:

*The Confederated Tribes of the Warm Springs Reservation of Oregon have reserved treaty rights in Ceded Lands, as well as Usual and Accustomed and Aboriginal Areas, as set forth through the Treaty with the Middle Tribes of Oregon, June 25, 1855.

*Please know that review by the Tribal Historic Preservation Office does not constitute Government-to-Government consultation. Please ensure that appropriate Government-to-Government consultation is made with the Confederated Tribes of the Warm Springs Tribal Council.

*The opinions expressed by this author do not necessarily represent those of the Confederated Tribes of the Warm Springs Reservation of Oregon. Information, contents, and attachments in this email are Private and Confidential.

On Jun 23, 2020, at 8:12 PM, Diliana Vassileva <dvassileva@orcity.org> wrote:

Good afternoon,

Oregon City's Municipal Code requires that notice be sent to selected Tribes and SHPO before development involving ground disturbance may occur. Oregon City will not be reviewing projects on archeological criteria but we want to make sure that the applicant is aware of any potential archeological issues as early in the process as possible.

Please review the attached documents and return any comments regarding potential archeological issues to me within 45 days and your comments will be forwarded to the applicant.

Thank you and feel free to contact me with any additional questions or concerns.

Thank you.

Diliana Vassileva
Assistant Planner
Planning Division
 City of Oregon City
 PO Box 3040
 695 Warner Parrott Road,
 Oregon City, Oregon 97045
Same Location, New Address
 Direct - 503.974.5501
 Planning Division - 503.722.3789
 Fax 503.722.3880

What's your Vision for Oregon City?
 <image002.jpg>

The property at the proposed development should be rezoned back to what it was R-6

This development is too big, too high, too close to Singer Creek, too much of an impact on traffic, and traffic safety.

This is a unique property and there can be an exception to the current zoning of that property.

Environmental - I contacted DEQ in regards to the location of the Street Water Collection pond and Singer Creek. This semipermeable membrane will let chemicals such as pesticides, herbicides, oil, grease leach into Singer Creek. This will flow unchecked nonfiltered into the Willamette River. This will create and promote toxic algae blooms.

DEQ stated the potential for an environmental disaster is very high in that location. Two local Oregon City approved Collection Ponds have failed. One is on Maggie place and Mountain View Street less than 1/4 mile from the proposed development. The failure effected Mountain View, Cedar Lane, Stafford Park, and ran into Singer Creek. The other failed Collection Pond is at Newell Creek.

The two failed Collection Ponds also had City approved engineered drainage plans, drainage reports, design flow calculations, and were supposed to meet Public Works Stormwater and grading design standards.

Question: Does this mean the stormwater standards are inadequate? Page 31 #13.12.080
 Page 2 #12 Page 3 #14, 15 Page 3 #16
 Page 30 #2 allowed to discharge into the Willamette River?

Page 8 The applicant is taking advantage of the City to enhance Stafford Park.

Question: Is this a bribe? To give the City Money or in-lance recreational opportunities to sell Condos?

Page 9 Plans do not reflect 10' Buffer Zone Between 567, and proposed development.

On Page 31 E The Staff has determined that it is possible, likely and reasonable that applicant can meet this standard through conditions of approval.

Question: Based on what? What Staff member? a developer the City has never worked with before?

Page 33 13.12.145 Private Stormwater.
13.12.170 DEQ Permit

→ Staff has determined ← ?

again what staff member?

Based on what documentation? None Shown!

This is an opinion, not documentation.

Question: Is this the opinion of one
Staff Member? Are they qualified?

The entire staff?

Staff has determined is used repeatedly
throughout this report.

No Documentation to support this
"opinion". No changes shown to support
this decision.

I asked if any staff members had been
to the proposed development. The answer was
No! This development is less than 1/2 mile
from the planning Dept. office.

Signs were not posted on site address properly
hidden in trees and grass. I had to call
planning to enforce proper sign placement.
Signs should be placed on both lots. They
are Not.

Traffic - Street design 16.12.015
 Connection to Holmes Lane, Mountain View.
 The Street System shall assure an adequate
 traffic Circulation System.

The Connection to Mountain View.
 Mountain View is no Wider than an alley
 Two Cars passing each other is dangerous.
 The increased Traffic flow of 120 Cars
 or More is unsafe on Mountain View.

The Traffic Report was not changed.
 But it was approved with incorrect
 speed limits, and incorrect dates.
 The date was changed to 2020. The
 report was from 2013, 2018.

Speeding is a big problem on Holmes Lane
 that is not on the Traffic Report. Accidents
 reported are only from police reports. There
 are many accidents that are not reported.
 Traffic report has no information about
 Lynn and Holmes Lane. Report only covers
 East of Alliance Lane and Holmes Lane.

The Traffic Report is skewed to help
 the developer, not the citizens who live
 and will be effected by the increase in
 Traffic

Traffic Report in Response to Letter
from Riplinger & Associates

It is addressed to Laura Terway
The Letter one persons opinion" states
that Speed Limits don't Matter. Has
no bearing on Traffic.

I request a New Traffic Report. A
Current 2021 Report. Done by a
neutral third party, unbiased, with
Correct data.

I again request a Speed Monitoring
device on Holmes Lane. In addition to
the new Traffic Report. People go 60 MPH on
Holmes Lane
Traffic Speed does have an impact on
Traffic Safety.

Question: Why does Traffic Speed have
no bearing on the Traffic Report Letter?
Should the police stop giving Speeding Tickets
on Holmes Lane?

The Traffic Report Letter is Negligent, and
irresponsible. It is biased in Favor of
the New development.

Tree retention OCMC 17.41 and Table
17.41.060-1

Pete Walker told me James Donnelly that
all existing trees are clearly marked on
the drawings with a circle. The developer
has not indicated current tree locations.
There are a large tree line along the
Stafford Park, and 567 Holmes Lane of
Mature Trees. Plans show all trees removed
along that Property Line.

That is not tree retention OCMC 17.41.140
That is tree elimination.

OCMC 17.52.060
Page 4 E. The 10 foot wide required landscape
area between 567 Holmes Lane, and 545
Holmes Lane will reduce parking at the
development. Existing Trees shall remain.
Not shown in drawings.

There should also be a 10 foot wide Landscaped
area between 545 Holmes Lane and Stafford
Park. Drawings show tree line removed
Not tree retention.

Page 5 #38
 Structure to be demolished at 535 Holmes
 Lane. Permits required are not noted.
 Lead base paint permit, and a Asbestos
 abatement permit.

Page 5 #45
 Hours of Construction Not Noted.

Page 6 I.2. Flat topography not true
 Property Slopes to the North. Sewer on
 Mountainview is Non Existant for that reason.
 all runoff from storms will flood Mountain
 View Street and the property on that Street.

Page 7 #2. Lot Line adjustment at 545 Holmes Lane
 The property at 545 Holmes Lane existing
 house should change back to R-6.
 Property should not qualify for OCMC 17.09.700
 Lot Line adjustment should keep 545 Holmes
 Lane under .5 Acres and revert to R-6.

Chapter 13.12 Stormwater Management

13.12.050 OCMC 17.47

Sediment Control, Question does this apply to Singer Creek, preventing Sediment, Mud from ever entering the Creek.

This will be a privately owned and maintained stormwater facility.

Question: What guarantee does the City have that NO unfixed stormwater will not Contaminate the Singer Creek headwater?

B.2. development will create or replace more than 5000 Sq. Ft.

C.1 Will be allowed to discharge to the Willamette River.

as defined in ~~OC~~ OCMC 17.42

C.2. Exempt from water quality and flow control.

Question: why are they exempt from water quality? Won't the potentially contaminated water effect the Creek and Willamette River?

Page 31 13.12.090, OCMC 13.12.010

E. Plans have not been fully reviewed

Question: How has Staff determined that it's possible and reasonable. Can meet this standard

Question: Where is the documentation for this item?

13.12.110 Engineering Responsibility, Drainage
City Planning has determined this is not
applicable section 16.12.014

* This is applicable if the engineer is
changed at any time
City Planning should be concerned about
who will be held liable in the event of an
engineering change.

Page 37 16.12.013 B. applicant may request
modification to the Standards of this Chapter.
D. Street design Change.

Question: Will or Can Street design Change
from original Drawings? Would this involve
a new Traffic Report?

Page 43 OCMC 13.34.000.A Proposed Street
design for Holmes Lane does not meet City Code for
a Collector road. Holmes Lane will be Modified
due to high Voltage Power lines.

16.12.013 applicant to install improvements.

Question: Will anyone else on Holmes Lane be
required to also due improvements?

Page 48

16.12.026 Alleys. An Alley "Fire Lane" is proposed along the property line of Stratford Park and 567 Holmes Lane.

Question: Will parking be allowed on Alley "Fire Lane"? Will occupants of development be allowed to use and park overnight in the Stratford Park parking lot?

Why was developer given so much time for the Letters of Concern. The Citizens had 14 Days to Comply. Pete Walker said all Letters of Concern would be addressed by the end of June. No response from Oregon City Planning until July 22nd. Why is the developer given more time and received help from Oregon City Planning? This is unfair to the Citizens of Oregon City. What checks and balances does Oregon City Planning have? It seems Oregon City Planning can make up their own rules and answer to no one. How is this possible?

I am including my Letter of Concerns for your review.

August 2, 2021

Oregon City Commissioners,

In response to: TYPE II REPORT AND NOTICE OF DECISION WITH CONDITIONS OF APPROVAL

Dated July 22, 2021

Chapter 13.12 Finding Applicable

"Connections to a public stormwater conveyance system is required to serve this development."

Question: Where is the **Stormwater Conveyance System Connection** on or at Mt. View St.?

Chapter 13.12.140 Finding Applicable

"Development has not proposed any roadside stormwater facilities which may receive stormwater runoff from public right-of-way".

Question: Is Not the proposed continuation of Reliance St. a public right-of-way? Or Public Street?

Oregon City Web Maps/Contours Map states: The elevation continuation of Reliance St. through the proposed development starting at Holmes Lane (470ft.) going north and ending at Mt. View St. (466 ft.) has an approximately four feet of drop of elevation between Holmes to Mt. View.

This is our understanding that stormwater runoff collected on the proposed Reliance St. continuation will end up on Mt. View St. that currently has **No Stormwater Conveyance System Connection**.

Oregon City Web Maps/Contours Map states: At northwest corner of proposed development where Units 19 -27 the elevation is 450 ft. The proposed retention pond elevation is 458 ft. – 460 ft.

Question: How are those units going to get grade for stormwater/rain drain into pond?

Proposed Site Plan Page 9:

Stated that behind proposed Units 21-24 indicated that there would be a retaining wall next to the Singer Creek Park.

Question: How is this area behind the retaining wall next to the park going to be landscaped not only for visual but to keep the area from becoming a Homeless Camp?

Question: How will the Trash be Managed for these 60 Units? Will there be trash enclosures? Or will there be 180 trash cans (60 X3) on the streets?

The proposed site plan indicates there will be curbs and gutters and repaved to the center of Mt. View St. only directly in front of the development, leaving the rest of Mt. View St. in it's existing under developed condition.

Proposed Site Plan also indicates the continuation of Reliance St. from Holmes Ln. to Mt. View St. making Mt. View St. a through street and no longer a dead-end street.

Proposed site plan indicates that there will be 120 cars added to the Holmes Ln. and to Mt. view St.

Page 1

Our observation is: the current condition of Holmes Ln. road surface has only been "Chipped and Sealed" and was Not repaved. There are signs of the "Chip and Sealed" surface peeling off.

Our observation of Mt. View St. from Cedar Lane to the dead end does Not have any curbs, gutters or sidewalks. Current road condition narrows to one lane. Pavement condition is poor, with pot-holes.

Oregon Web Maps/ Oregon City Zoning

This map indicated that: Along Mt. View St. heading west from the Oregon City Water reservoir to the dead end of Mt. View St. is all zoned R2 High Density, including both sides of Stafford Park. Most of the existing houses in that area are either on City Sewer that is on a Pump or Septic System. As a concerned neighborhood this does Not appear to be Adequate Infrastructure for R2 Zoning.

We understand that Oregon City needs to meet the states requirement of infill in existing neighborhoods. But shouldn't the zoning fit the neighborhood and the current infrastructure?

If the zoning can't be changed to a lower density and remains at the R2 zoning, the infrastructure or plans to develop the R2 infrastructure should be in place before or during the development.

Summary Requests:

The Barclay Hills Neighborhood Association would like all Oregon City Departments that have been or would be involved in verifying the current infrastructure is able to support the proposed development. We request that a written verification from head of each department.

We would like to know in written form, who is responsible for any and all problems that would arise with this proposal? Take for example: Sewage backups, low water pressure, fire, life and safety issues, which would include emergency egress, not only for the new development but for the entire neighborhood.

Zoning Map and Proposed Site Plan included

Thank You Kindly,

Barclay Hills Neighborhood Association

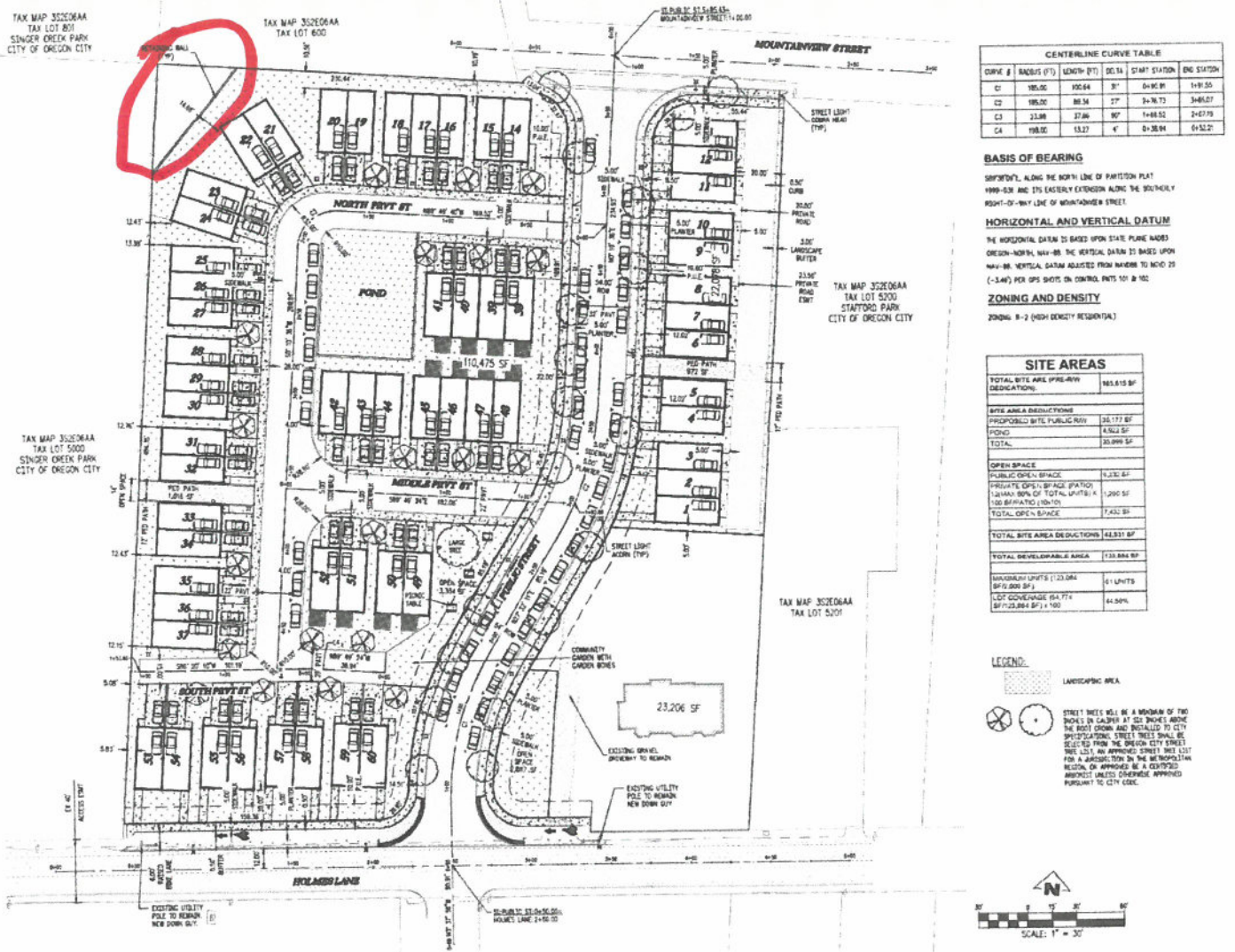


Figure 3: Proposed Site Plan

City of Oregon City

GEOGRAPHIC INFORMATION SYSTEM

Zoning Map

Ordinance No. 08-1014

Adopted July 1, 2009

Most recent zoning update shown is Ordinance 25-1208 (effective date: 7/31/2022)

ZONING DESIGNATIONS

Low Density Residential Districts

R-10	3.5 - 4.4 du/acre
R-8	4.4 - 5.4 du/acre
R-6	5.8 - 7.3 du/acre

Medium Density Residential Districts

R-5	7 - 17.4 du/acre
R-3.5	10 - 21.8 du/acre

High Density Residential District

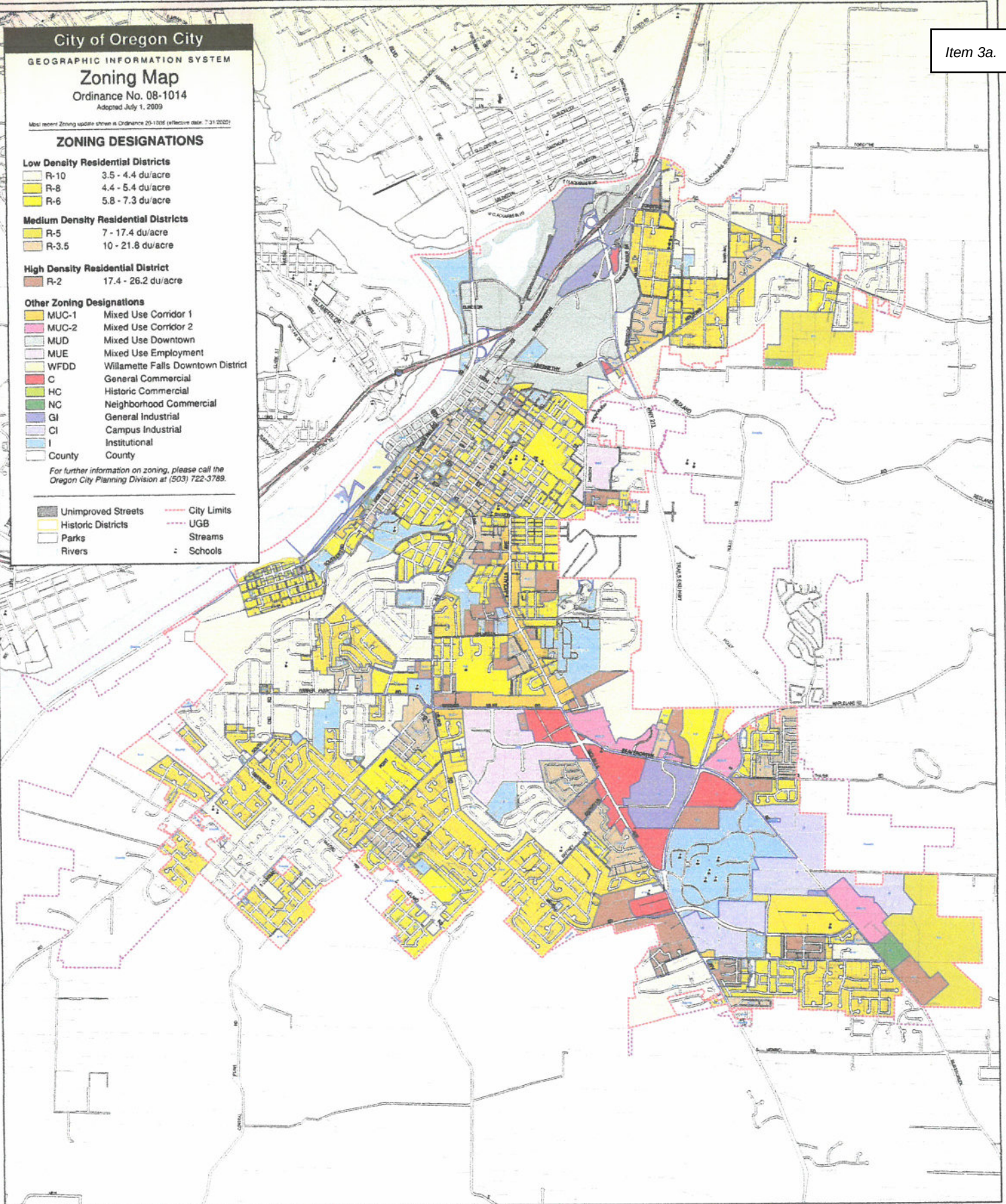
R-2	17.4 - 26.2 du/acre
-----	---------------------

Other Zoning Designations

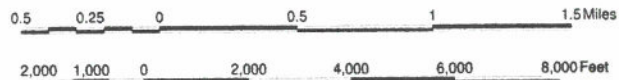
MUC-1	Mixed Use Corridor 1
MUC-2	Mixed Use Corridor 2
MUD	Mixed Use Downtown
MUE	Mixed Use Employment
WFDD	Willamette Falls Downtown District
C	General Commercial
HC	Historic Commercial
NC	Neighborhood Commercial
GI	General Industrial
CI	Campus Industrial
I	Institutional
County	County

For further information on zoning, please call the
Oregon City Planning Division at (503) 722-3769.

Unimproved Streets	City Limits
Historic Districts	UGB
Parks	Streams
Rivers	Schools



The City of Oregon City makes no representations, express or implied, as to the accuracy, completeness and timeliness of the information displayed. This map is not suitable for legal, engineering, or surveying purposes. Notification of any errors is appreciated.



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



Plan date: May 7, 2019
Plan name: Zoning
Map name: Zoning

image001.png



There is a letter the fourth page from the end of The Staff Report from Replinger and Associates LLC addressed to Mr. Pete Walter. The letter States it is response to a request made by Mr. Walter. Neither this letter or any documentation of the request in Oregon City planning department file for the proposed development.

Had I not read the entire planning department release, I would never have known about this letter. We have the right to appeal, however, do not have full access to all the information the planning department has to prepare our appeal.

Below is information from the letter we do have and the sections where they are listed.

The letter starts with a statement that he has reviewed the Traffic Impact Study done in 2020 and submitted for the proposed construction.

What follows are our findings to some of the statements made in the letter: Our findings follow each item.

Study Area The focus of the impact study was limited Holmes Lane and Rilance Lane plus Holmes Lane and Molalla Ave.

We find the study extremely limited in scope. The information in the Dec. 2020 study, in fact, is insufficient to determine the Traffic Impact of the proposed project.

Traffic Counts The counts used were from 2017 and adjusted 1% per year to reflect growth.

Oregon City does a traffic count every three years. We reviewed the traffic count for north bound Molalla Ave. at the Holmes land intersection. We researched the city's accrual traffic counts for 2017 information referenced along with the 2014. Based on this data the traffic count increased at a rate of 1.36% per year for a total increase of 4.8% in three years. Which would indicate the total traffic count had increased by then 4.8% in 2020.

There is no traffic count data regarding the intersection of Rilance Lane and the proposed new street. Rilance Lane is a dead end roadway with 19 homes that starts and ends at Holmes Lane.

We determined the Traffic Impact Study, in fact, failed to provide complete and accurate information as to the traffic count at the two locations. The absence of factual data makes conclusions drawn not valid.

Trip Distribution. The assumption was made that the majority of traffic from the proposed 60 unit development would use Holmes Lane to and from the site.

This is an assumption not supported by any facts.

The site provides access to both Holmes Lane and Mountainview St. There is a 32 unit apartment complex at 581 Holmes Lane. It is located four lots east of the site. The complex also connects with Mountainview. Since the time it was built traffic

from this complex has and currently uses both Holmes Lane and Mountainview going to and from Molalla Ave.

We find that as there is no evidence to support the statement in the letter, is not valid but misleading as to the Traffic Impact of the proposed development.

Barclay Hills Neighborhood Association (BHNA) Minutes

May 11, 2021 7:00-8:00PM

Where: Saint John the Apostle Cemetery 451 Warner St, Oregon City

Call to Order & Introductions 7:08PM

Oregon City Police updates - Drug Take Back went well, discussed neighbor concerns

BHNA reports and maintenance

1. approve minutes: September, November 2020 and January 2021, motioned by Billy Watz (spelling?) and 2nd by Didi Dalhsrud
2. Treasurer's report: \$84.50 cash & \$50 gift certificate at Grocery Outlet
3. CIC update

Speaker: Urban Gardens had Chanel Beuhner from Elevine Field Flora not able to come.

Land Use Presentation: Land use discussion pending at Warner Milne (no land use presentation) and one just approved at 535 & 545 Holmes. Motion by Did Dalhsrud to support land use comment and appeal by the neighbors, Aaron Wolf 2nd, all in favor, no opposed.

Meeting Adjourn 8:16PM

Next Meetings (2nd Tuesdays), open to all:

Steering Meeting **June 8**, 2021 7:00 pm

General Meeting **July 13**, 2021 7:00 pm

Any questions, comments, etc.

contact Karla Laws, BHNA Chair, 503.956.0634 or karla.laws+BHNA@gmail.com

More details: <https://www.orcity.org/community/barclay-hills-neighborhood-association>

RINY

BHNA Special Meeting: LUBA 535 & 545 Holmes

May 20, 2021

1/2021

[illegible]

Barclay Hills Neighborhood Association (BHNA) Minutes

May 20, 2021 7:00-8:00PM

Where: St John the Apostle Cemetery 451 Warner St, Oregon City

Call to Order & Introductions 7:17PM

Discussed the land use at 535 & 545 Holmes Lane. Neighbors have issues with the land use. Discussed the process of making public comment and a land use appeal.

Motion by Dorothy Dahlsrud for support of neighborhood comments of Jim Donnelly and a land use appeal at 535 & 545 Holmes Lane, 2nd by Leon Liegel, all in favor, no opposed.

Meeting Adjourn 8:23PM

Next Meetings (2nd Tuesdays), open to all:

Steering Meeting **June 8**, 2021 7:00 pm

General Meeting **July 13**, 2021 7:00 pm (VIRTUAL)

Any questions, comments, etc.

contact Karla Laws, BHNA Chair, 503.956.0634 or karla.laws+BHNA@gmail.com

More details: <https://www.orcity.org/community/barclay-hills-neighborhood-association>

Grant
Robert

W. Schaffer

Troy Brummell
DAVE Wakefield

Anna Farmer
Charles Galbra
Gary Averay

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503-765-6832



Anna Farmer

Charles Galbra

Gary Averay

T. Brummell



FINAL REPORT | Prepared for
The City of Oregon City

Stormwater Master Plan

July 2019



Section 4

Storm System Condition Assessment

Oregon City has some of the oldest infrastructure in the state of Oregon. The City needs a management strategy to identify needed pipe replacements and plan for long-term asset replacement, repair, and rehabilitation. The storm system condition assessment conducted for this Master Plan included an evaluation of existing infrastructure needs and recommends that a long-term rehabilitation and replacement (R/R) program be included as a critical element of the City's overall stormwater management program.

4.1 Background

Oregon City was established in 1829 and incorporated in 1844, which makes it the first city to be incorporated west of the Rocky Mountains.

While existing infrastructure is reaching its design life, the City's focus over the last several decades has been on providing new utility and roadway services for rapidly developing areas. Underground infrastructure problems are addressed on an as-needed basis when failures or flooding occur. The City is now working to establish a program to replace aging infrastructure, including roadways and utility systems. As a part of this effort, the city has acquired video inspection equipment and has begun Closed-Circuit Television (CCTV) inspections of the drainage system.

In addition to the review of pipe repair records, and as-builts from previous infrastructure projects, this visual inspection will be a valuable aid to the city in implementing a pipe replacement and prioritization system. While it is not unusual for stormwater pipes to remain viable for much longer than similar sanitary sewer systems, visual inspection by a trained individual can help differentiate levels of service in aging pipe segments.

4.2 System Assessment

The goal of a traditional stormwater system condition assessment is to review existing stormwater system information to identify areas of current or imminent failure as well as areas that are rapidly deteriorating. At the time of this study, the City had performed CCTV video inspections and developed rating scores for about one-fifth of the City's buried stormwater infrastructure. The work to date covers approximately 40 miles of pipe, primarily in the southern neighborhoods. As a part of each survey, CCTV recordings of pipes are made, and each segment is given a rating between one and five, in accordance with the Pipeline Assessment Certification Program (PACP). A score of "1" indicates a pipe is new and/or very unlikely to fail within its given design life, while a "5" indicates a pipe that has failed or is extremely likely to fail. With 20 percent of the city surveyed in three years, establishing citywide baseline data would take roughly 12 years, assuming the city can maintain the current pace of surveying. The goal of this master planning evaluation is to outline a strategy that the City can implement to start collecting condition data to optimize their system assessment and inform future CIP decisions.

4.2.1 Aging Infrastructure

As a result of early settlement, Oregon City has some of the oldest stormwater infrastructure in the region. The John Adams Basin, Canemah Neighborhood, and Singer Basin all likely have pipes and infrastructure that are more than 100 years old. Clay pipe was the most common material used before concrete pipes. Significant portions of the three basins likely have clay pipe. Clay pipe can last many decades but if disturbed is highly susceptible to failure.

The downtown area (John Adams Basin) had a combined sanitary sewer and storm collection system, which is approximately 70 years old. In the 1980s and 1990s a new sanitary sewer collection system was constructed. The former combined system remains in place, well past the expected life of the pipe, and continues to be used to manage stormwater.

In other areas of the city, pipe age was evaluated by looking at the dates of neighborhood development, since most stormwater infrastructure in residential areas is constructed as part of residential development. The areas south of downtown and north of roughly Warner Parrott Road and Warner Milne Road are made up of infrastructure constructed between 1940 and 1980. Areas south of Warner Parrott and Warner Milne roads are primarily built after 1980 and should have several decades of service remaining. This is also true for the portion of the city north of downtown, where infrastructure was constructed after 1990. See Figure 4-2 for a map detailing these areas.



Figure 4-1. Historic brick manhole along the Singer Creek alignment

4.2.2 Existing Condition Data

Because of the age of the infrastructure in the older portion of Oregon City there is little information with regard to its condition. The information available for the rest of the city is slightly more robust but still lacking in detail to inform an assessment program. The City has inspected approximately 20 percent of the piped conveyance system via closed-circuit television (CCTV) inspections, primarily in the southern portion of the city (See Figure 4-3).

As shown in Table 4-1, of the pipes inspected, approximately 77 percent received a score less than 2.0, indicating failure is extremely unlikely within the design life of the pipes, while approximately 6 percent received scores of 4 or higher, indicating poor condition, and a high probability of failure.

Table 4-1. CCTV Results to-Date (March 2019)

Score	Pipes Inspected LF	% of Total Inspected
1.0 - 1.9	166,785	77.3
2.0 - 2.9	23,736	11.0
3.0 - 3.9	11,934	5.5
4.0 - 4.9	7,617	3.5
5.0	5,753	2.7
Total Inspected	215,824	

Detailed review of the CCTV reports did not identify any pipe segments that are in immediate need of replacement. This highlights the need for a detailed engineering assessment to evaluate pipes with condition concerns, prior to prioritizing replacement projects.

Some limited amount of condition data is available from visual inspections. For example, the drainage network along the historic Singer Creek has been observed to be formed out of bedrock and concrete walls with aged manholes built out of bricks (see Figure 4-1). The primary creek channel appears to flow through a constructed channel that has been enhanced over the decades with concrete walls (in some places), and a top. The channel is similar in shape to a box culvert.

During visual inspections of structures, the Singer trunk line infrastructure appears aged but does not appear to need significant repair. However, CCTV inspection has been completed on three segments of the Singer trunk line, two of which scored a 4, warranting more assessment of this area. Based on modeling results (see Section 3) the system capacity is adequate for the desired level of service, but a review of the specific pipe inspections in this vicinity would be helpful to understand whether pipe replacement is warranted. Visual inspections of structures can effectively be paired with already completed CCTV to build a fuller picture of system health.

The City continues to track pipe and storm drain infrastructure using Lucity (now CentralSquare Technologies) as well as compiling information from the pipe surveying software Granite. Using these in tandem with their GIS geodatabase of infrastructure positions the City to make informed decisions on infrastructure improvements.

4.2.3 Sanitary Sewer System and Stormwater

Modern conveyance systems for storm and sanitary are separated so that the two do not mix. However, this is not always the case. There are portions of the city where no stormwater conveyance system was ever constructed and therefore runoff is routed to the sanitary system. The areas that lack storm conveyance infrastructure should be slated for storm system construction. This would likely require that private lateral connections be updated.

In the John Adams Basin, as mentioned previously, large portions of the conveyance infrastructure for storm and sanitary were combined at one time and the old combined system pipes are still used for stormwater conveyance. These old pipes are suspected of having areas that are deteriorating, compromised by tree roots, or otherwise damaged. While the public trunk lines are no longer serving combined sanitary and storm, several of these have been surveyed along 12th Avenue, and have scored in the fours and fives, suggesting further surveys may be warranted. It is also likely that private laterals, which remain from before the sewer separation, and that may manage roof runoff, foundation drains, and small area drains are still connected to the sanitary system.

The plans or as-builts of the separation of the storm and sanitary sewer infrastructure in the old portions of town may provide insights into how this separation was conducted and how the private and public laterals were handled. Some of the old infrastructure was constructed deeper than most traditional stormwater systems because of its former use as a combined system. The depth of the system may make replacement or rehabilitation more challenging.

4.2.4 Other Considerations

The City is in the process of establishing an inspection and replacement program for the sanitary system. To date, the work has included an infiltration and inflow (I/I) study in key neighborhoods as well CCTV inspections. The City has also conducted smoke testing to locate cross-connections between the sanitary and storm systems in the John Adams and Singer Basins. That work was completed in 2016/17 and reported in *I/I Abatement Program, Smoke Testing* (BC), February 10, 2017.

The City also has an ongoing pavement maintenance program, which includes reconstruction of roadways in older neighborhoods. Because these projects cause significant disruption to neighborhood residents, coordinating any needed underground utility improvements with pavement maintenance projects is desirable.

4.3 Rehabilitation and Replacement Program

R/R programs can be broadly described as a process of investigation, assessment, recommendations, and implementation. The implementation of CCTV inspections is the first step in establishing an R/R program to assess and evaluate the stormwater system. The City has also implemented an inspection and replacement program for the sanitary system as part of its 2014 Sanitary Sewer Master Plan, and has seen the value in systematic assessment and evaluation. A similar program is recommended for the storm system.

Conducting a citywide rehabilitation program that investigates all areas of the city on a rotating basis is likely cost-prohibitive, so the R/R program recommendations will utilize existing and on-going CCTV survey information for establishing priorities for focused inspections.

4.3.1 Aging Infrastructure Area

Oregon City is in a unique position locally in the Portland metropolitan area because of the excessive age of some portions of the city's buried infrastructure. However, the City also manages an ever-expanding network of new stormwater infrastructure, constructed to support rapid development. Rather than conduct a citywide R/R program, the R/R program alternatives described below are based on identifying a priority area for inspections.

The "aging infrastructure area" is defined as those areas of the city where the stormwater system is assumed to be at least 60 years old. Development records, as-builts, and anecdotal information provided by City staff were used to estimate pipe age across the city. The City's GIS inventory was then used to calculate the piped conveyance system assets. The aging infrastructure area encompasses most of the Singer and John Adams Basins, as well as the Canemah Neighborhood.

Table 4-2 compares the length of pipe inside the aging infrastructure area to the City's total piped infrastructure.

Table 4-2. Stormwater Asset Inventory

Asset type	Aging infrastructure area, LF	City total, LF
Pipe total	140,000+	760,000+
10-12 inch pipe	113,500	589,700
15-18 inch pipe	18,000	106,500
21-14 inch pipe	5,200	34,300
30-36 inch pipe	3,700	23,800
42+ inch pipe	300	6,100
Catch basins, all types	860	4,300
Manholes	420	2,400
Connected downspouts	Unknown	Unknown

4.3.2 Inspection Program

In 2016, Brown and Caldwell met with City staff to explore possible directions to go in when establishing an inspection program for the aging stormwater system. The inspection program will allow the City to collect quality data to guide decisions about infrastructure rehabilitation and replacement. Several alternative approaches were discussed with the City to determine whether the City would embark on a widespread CCTV inspection program or target inspections to highest risk areas. Subsequent to the initial alternatives meeting, the City embarked on a widespread CCTV inspection program that has inspected over forty miles of stormwater pipe, as described in Section 4.2.2. Collecting a significant amount of condition information prior to identifying R/R areas will allow projects to be focused on the areas of greatest need.

The City should continue CCTV inspections, focused on three areas: the aging infrastructure area, areas in the vicinity of high priority CIP projects, and roadways and neighborhoods that are scheduled for pavement replacement. Focusing in these areas will allow the City to identify acute problems that should be corrected during ongoing pavement maintenance projects and/or CIP projects. After inspections are completed in these areas, it is recommended that the City continue an ongoing cycle of CCTV inspections, with the aim of covering all public stormwater infrastructure in the City on a 10-year cycle. Depending on staffing levels, the long-term CCTV inspection could be completed by City maintenance crews.

4.3.3 Replacement Program

The City currently funds stormwater CIPs at approximately \$500,000 per year, so widespread replacement of the aging infrastructure area is cost-prohibitive. Review of the CCTV inspection data collected to date identified that approximately six percent of the inspected pipes have scores of 4 or 5, indicating a condition concern. This percentage is expected to increase as the inspections move into older areas of the City. However, detailed review of the CCTV reports did not identify any pipe segments that are in immediate need of replacement. This highlights the need for a detailed engineering assessment to evaluate pipes with condition concerns, prior to prioritizing replacement projects.

Continuing to utilize the completed and on-going CCTV information will allow the City to identify pipes in critical need of replacement and to focus capital construction resources in the areas of highest need, as well as coordinate with transportation improvement projects, and CIP projects. It is assumed that a higher percentage of pipes (20-25 percent) will require replacement in the aging infrastructure area, but that newer areas will require fewer replacements. For a planning assumption, the City should plan to replace 5 to 10 percent of the public infrastructure over the next 20 to 25 years. With over 150 miles of publicly managed stormwater pipe, the annual replacement cost would be between \$300,000 and \$750,000 per year, depending on the extent of pipe replacements, size of pipes, type of rehabilitation, and the speed at which the City wants to implement the program.

Pipe replacement projects would be in addition to the CIPs outlined in Section 7 and should be scored and prioritized in a similar manner, as the City determines where to direct stormwater program resources.

To Oregon City Planning Division
in regards to 535, 545 Development Holmes Lane
Attention: Pete Walter

From: James Donnelly
567 Holmes Lane
Oregon City, OR 97645
503-309-0759
jamesdonna@comcast.net

COPY
Concerns
Letter

FAIR
JUN 04 2021
BY: 11:59 am
[Signature]

Item #1 Traffic Impact Study

The report is full of mistakes and is inaccurate. Wrong speed limits for Holmes Lane, and Molalla Ave. Mountain View Street is not two lanes.

The addition of the proposed new street connecting Holmes Lane with Mountain View St. is unsafe and a danger to residents living on those streets. Page 8 refers to Holmes Lane again being a 35 MPH street. It is not.

The findings of the report are from 2018, not 2020. Page 11 peak hour rate only includes 28 cars in the am, and 34 cars in the PM. This number is half of the total units = 60, and does not include other traffic.

12.04.195
Sight Obstructions

The view from proposed road, and Holmes Lane is at a low point, difficult to see cars coming from the East on Holmes Lane. Cars are not visible until they are at the West end of Stafford Park. Cars constantly speed on Holmes Lane. I spoke with an officer parked at the New China Restaurant he was giving speeding tickets. He said cars driving down Holmes Lane go as fast as 60 MPH.

* I request a Speed Monitor device on Holmes Lane to get a realistic idea of actual

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)
Municipal Code



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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

*12.04.195 - Traffic sight obstructions.

All streets shall comply with the traffic sight obstructions in OCMC 10.32.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

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 chapter, 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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

Chapter 12.08 - PUBLIC AND STREET TREES^[2]

Footnotes:

--- (2) ---

To Sum up. The Traffic impact Study is based on The wrong Speed Limits, old data, an extremely low amount of Traffic, and no knowledge of the high number of Cars Speeding on Hokues Lane.

* This Traffic Impact Study Should be Thrown out.

Item #2 Trees. Speaking with Pete Walter he said all trees to be removed will have an X on them. No where on the drawings does it show any trees to be removed with an X. Picture is Starbord Park, taken from Mountain View



Please note the row of Trees on the Property
Line of northeast corner of proposed developm.
and North west Corner of Stafford Park.
No mention of these trees on drawing.

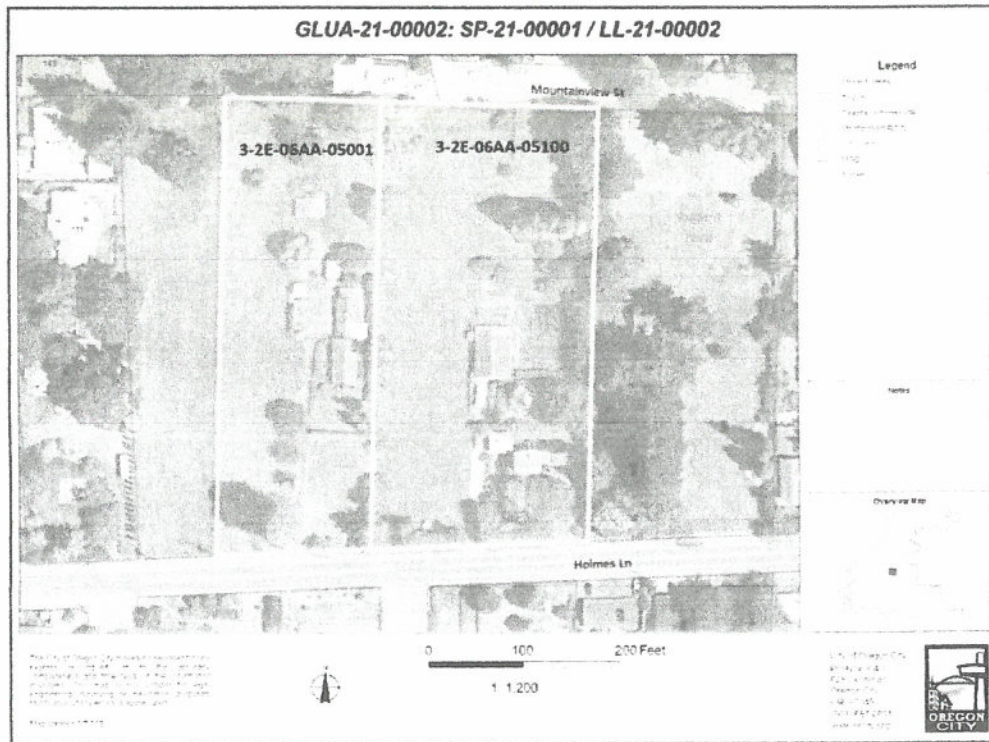
Picture taken from Mountain View St Looking South.
This is northeast side of proposed development.
You can very clearly see the Mature Trees

* Why are these trees being removed? 12-08-010 Purpose

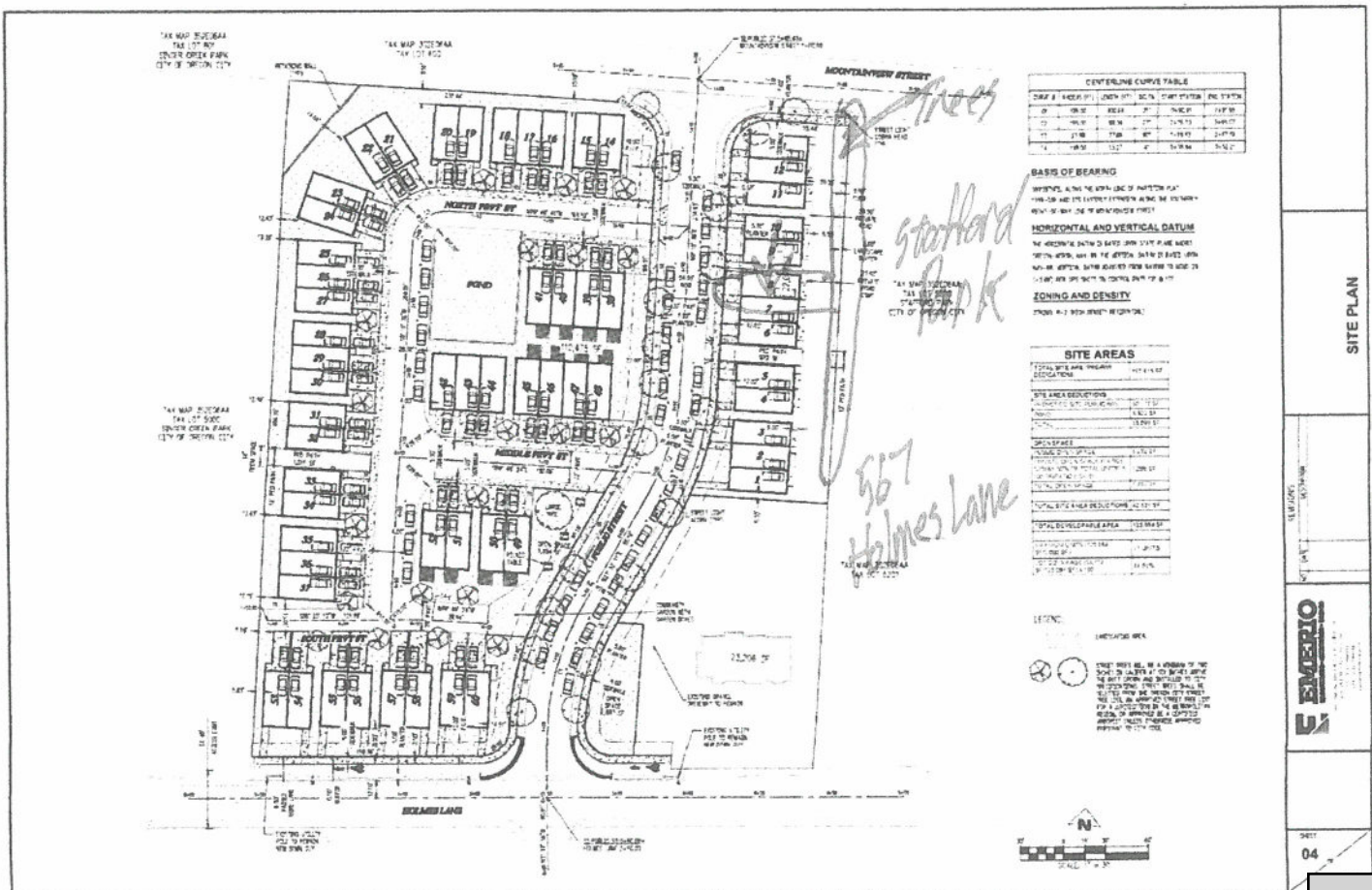


Please see notes on Next Two Pages

Vicinity Map



Site Plan



Editor's note—Ord. No. 18-1009, § 1(Exh. A), adopted July 3, 2019, amended Chapter 12.08 in its entirety to read as herein set out. Former Chapter 12.08, §§ 12.08.010—12.08.050, pertained to similar subject matter, and derived from Ord. No. 08-1014, adopted July 1, 2009.

12.08.010 - Purpose.

The purpose of this chapter is to:

- A. Develop tree-lined streets to protect the living quality and beautify the city;
- * B. Establish physical separation between pedestrians and vehicular traffic;
- * C. Create opportunities for solar shading;
- * D. Improve air and water quality; and
- * E. Increase the community tree canopy and resource.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

12.08.015 - Street tree selection, planting and maintenance requirements.

All development shall provide street trees adjacent to all street frontages. Species and locations of trees shall be selected based upon vision clearance requirements, but shall in all cases be selected from the Oregon City Street Tree List, an approved street tree list for a jurisdiction in the Metropolitan region, or be approved by a certified arborist unless otherwise approved pursuant to this section. If a setback sidewalk has already been constructed or the public works department determines that the forthcoming street design shall include a setback sidewalk, then all street trees shall be installed with a planting strip or within tree wells. If existing street design includes a curb-tight sidewalk, then all street trees shall be placed according to OCMC 12.08.035.C.

- A. One street tree shall be planted for every thirty-five feet of property frontage. The tree spacing shall be evenly distributed throughout the total development frontage to meet the clearance distances required in subsection B below. The community development director may approve an alternative street tree plan, or accept fee-in-lieu of planting pursuant to OCMC 12.08.035, if site or other constraints prevent meeting the required total number of tree plantings.
- B. The following clearance distances shall be maintained when planting trees:
 - 1. Fifteen feet from streetlights;
 - 2. Five feet from fire hydrants;
 - 3. Twenty feet from intersections;
 - 4. Five feet from all public utilities (i.e. sewer, storm and water lines, utility meters, etc.).
- C. All street trees planted in conjunction with development shall be a minimum of two inches in caliper at six inches above the root crown and installed to city specifications. Larger

Item #3 Multi-Family residential development
abuts a parcel zoned R-6 there shall be
a landscaped yard of ten feet on the side
abutting the adjacent zone in order to provide
a buffer area.

See Next Page

Picture taken from R-6 Property, pointing
at R-2 development Property Line



Municipal Code	Standard	R-2	☰	Q	⋮
	Multi-family	75 feet			
	Minimum front yard setback	5 feet, except			
		0 feet — Porch			
	Maximum front yard setback	20 feet			
	Minimum interior side yard setback				
	All, except	5 feet ¹			
	Single-family attached	0 feet (attached)/5 feet (side)			
	Minimum corner side yard setback	5 feet			
	Minimum rear yard setback	10 feet ¹ , except			
		5 feet — Porch			
	Garage setbacks	20 feet from ROW, except			
		5 feet from alley			
	Minimum required landscaping (including landscaping within a parking lot)	15%			

Notes:

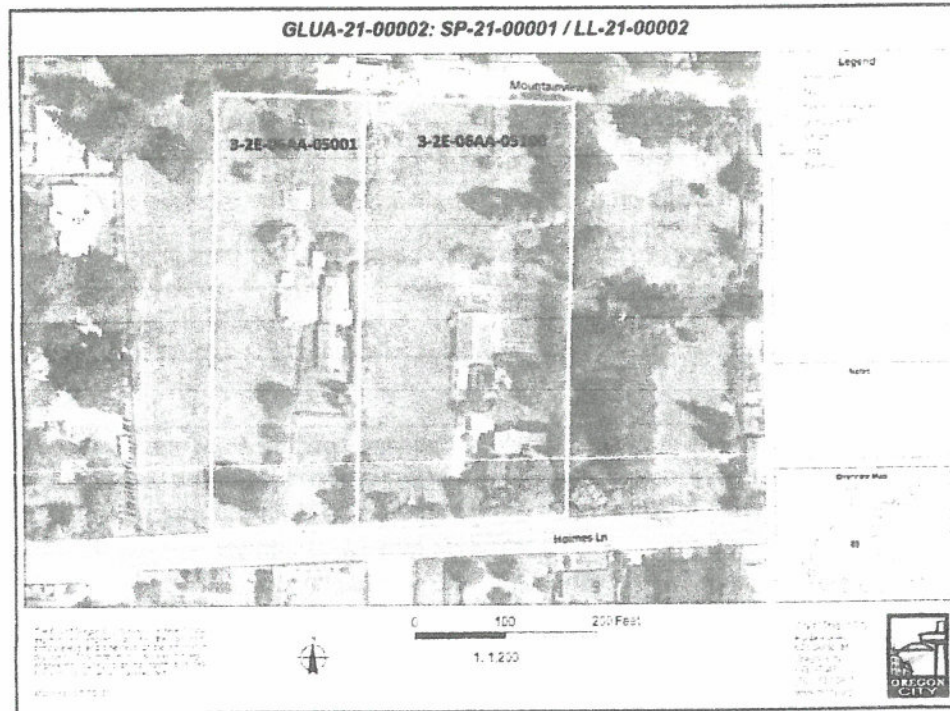
1. If a multi-family residential development abuts a parcel zoned R-10, R-8, R-6, there shall be a landscaped yard of ten feet on the side abutting the adjacent zone in order to provide a buffer area.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

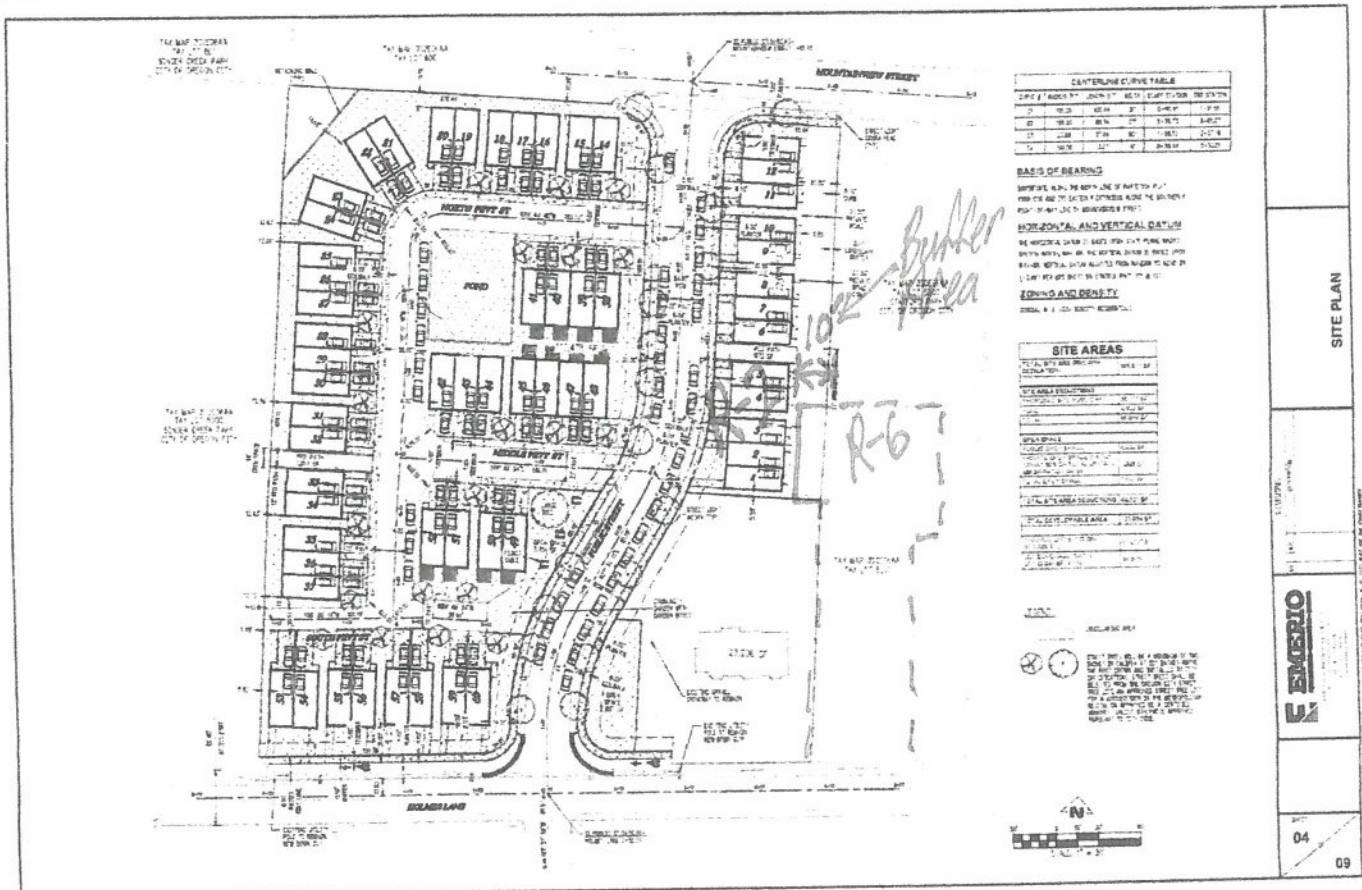
17.12.045 - Exceptions to setbacks.

- A. Projections from Buildings. Ordinary building projections such as cornices, eaves, overhangs, canopies, sunshades, gutters, chimneys, flues, sills or similar architectural features may

Vicinity Map



Site Plan



Picture shows 3 Feet from Surveyors Bench
Mark Between Fence post and Metal Fence Post.
Developers Drawing Shows a five Lane at
this point. Clearly not a 10" Buffer



Item #4 Parking. There will not be enough parking for the number of residents living in the new 60 unit project. No parking allowed in the Five Lanes. No Resident Parking in Stafford Park. No Parking on Holmes Lane. No Parking on Mountain View Street.

Drawing shows cars parked on both sides of new road through project. Two cars can not pass on new road with both sides full of parked cars. overflow parking will be on Rialto St., Haley Ct., Belle Ct. This will cause parking problems for current residents.

See next page

item #5 Singer Creek and Water Collection Pond.

Will water from the new pond drain into Singer Creek? Is it Street run off?
Street run off contains oil and chemicals from cars, and pesticides, herbicides, from new homes.

Will there be mosquito prevention with large new pond?

Construction that close to Singer Creek will inevitable contaminate the creek with Mud.

See Next Page

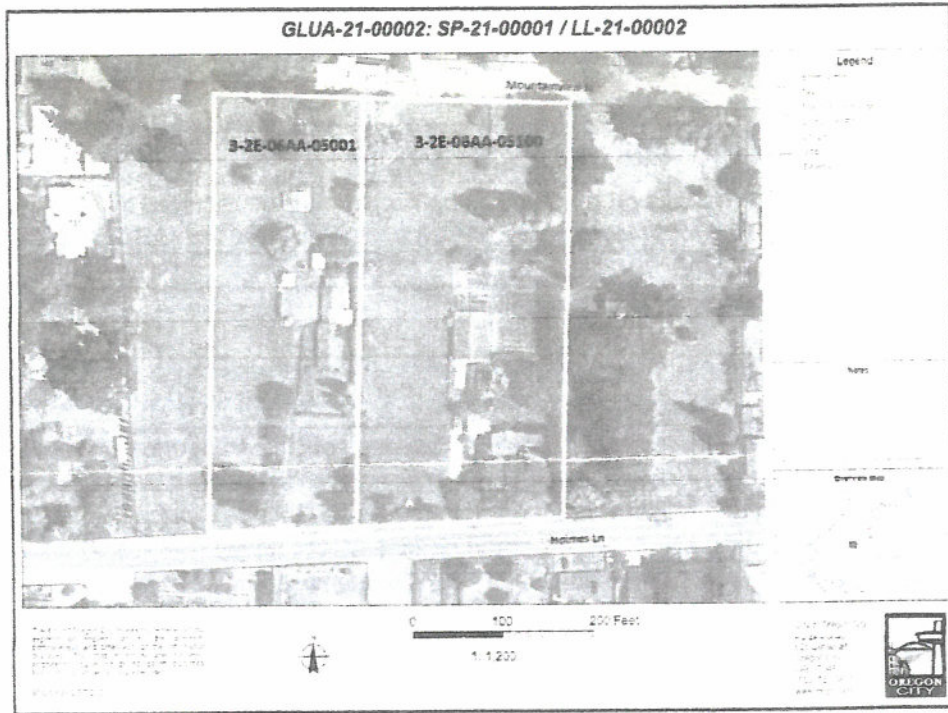
item #6 Distance from Property deemed Historic by the City of Oregon City. This development is across the street from The Rose Farm Museum. The Rose Farm Museum is the original Capital of the Oregon Territory. On the Corner of Rilance and Holmes Lane is another Historic Property.

Next to the Development is the Historic Stafford Barn and W.B. Stafford house. Also the Historic Stafford Park. This development would have a negative effect on The History of Oregon City.

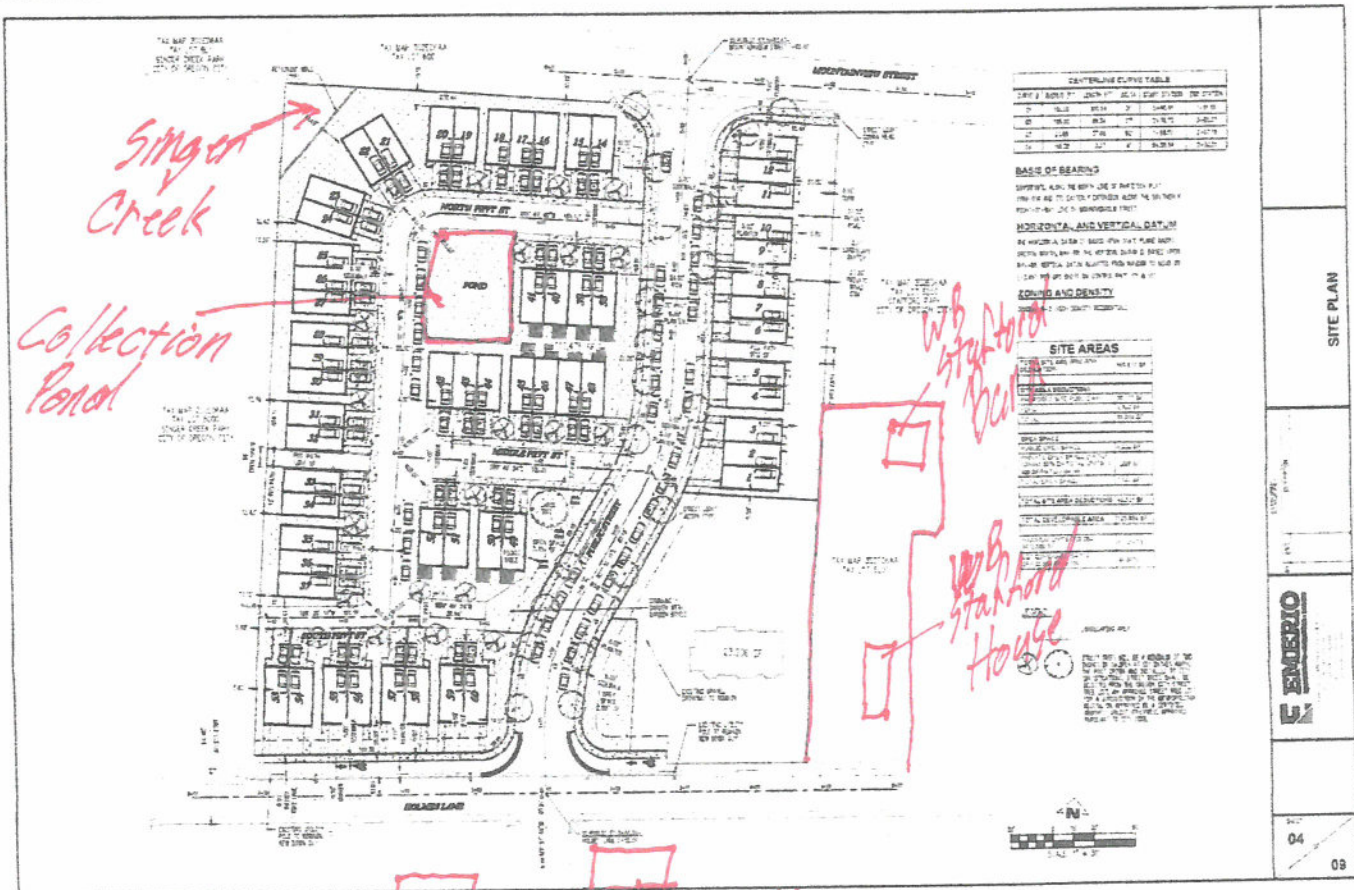
* 535, and 545 should be rezoned as it was prior to 2004.

See Next Page

Vicinity Map



Site Plan



Laura Terway

From: Robinson, Michael C. <MRobinson@SCHWABE.com>
Sent: Wednesday, September 15, 2021 5:41 PM
To: Laura Terway
Cc: Stephenson, Garrett H.; Forbes, Erin M.; Carrie Richter (crichter@batemanseidel.com); Steve Miller; Scott Miller; Tony Konkol
Subject: Re: Singer Creek and Related
Attachments: scan0872.pdf

Laura and Carrie, the attached email is new evidence and may not be received by the City Commission. The applicant objects to its inclusion in the record and asks the City Commission not to consider it and to expressly reject it from the record.

Please place this email before the City Commission prior to the commencement of tonight's public hearing.

Thank you. Mike

Sent from my iPhone

On Sep 15, 2021, at 5:25 PM, Laura Terway <lterway@orccity.org> wrote:

Afternoon,
 Please see the attached additional information submitted to the City.

Laura Terway, AICP
 Community Development Director
 City of Oregon City
 503.496.1553

From: Rivers of Life Center <riversoflifecenter@gmail.com<mailto:riversoflifecenter@gmail.com>>
 Sent: Wednesday, September 15, 2021 3:51 PM
 To: adam.j.mar12@gmail.com<mailto:adam.j.mar12@gmail.com>; Rocky Smith Jr <rockylsmith2@yahoo.com<mailto:rockylsmith2@yahoo.com>>; Frank O'Donnell <coachfranko@comcast.net<mailto:coachfranko@comcast.net>>; Denyse MCGRIFF <guttmcg@msn.com<mailto:guttmcg@msn.com>>; Rachel Lyles Smith <rlsmith@orccity.org<mailto:rlsmith@orccity.org>>; Doug Neeley <RETIREDfromstats@gmail.com<mailto:RETIREDfromstats@gmail.com>>; Mike Mitchell <mike.k.mitchell@gmail.com<mailto:mike.k.mitchell@gmail.com>>; Ed Darrow <eed1@comcast.net<mailto:eed1@comcast.net>>; Dan Fowler <danf@abernethycenter.com<mailto:danf@abernethycenter.com>>; kntzig001@aol.com<mailto:kntzig001@aol.com>; JEAN LASALLE <jeanbob06@comcast.net<mailto:jeanbob06@comcast.net>>; James Graham <jgraham@orccity.org<mailto:jgraham@orccity.org>>; karin.morey@gmail.com<mailto:karin.morey@gmail.com>; John M. Lewis <jmlewis@orccity.org<mailto:jmlewis@orccity.org>>; Tony Konkol <tkonkol@orccity.org<mailto:tkonkol@orccity.org>>
 Subject: Singer Creek and Related

Please review attached

Item 3a.

--

Jerry Herrmann
President
Rivers of Life Center/Earth Crusaders Program
PO BOX 444
Gladstone, OR 97027
(503)-260-3432
riversoflifecenter@gmail.com<mailto:riversoflife@gmail.com>
For immediate needs, be advised that contact by phone is preferred

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Testimony about Holmes Lane and Singer Creek

Folks:

Many years ago, the Environmental Learning Center did a complete assessment of Urban Streams in Oregon City with a particular focus on those descending through historic areas and those contained in culverting historic "catacombs". You are reviewing the proposed development at Singer Creek's source. I have no standing in this matter except to speak as a person of knowledge regarding the sensitive nature of that stream corridor. Here are my thoughts:

1. The neighborhood association is correct in its concern about degradation of water quality.
2. Disturbance of upland lands without serious attention to siltation will introduce high sediment flows to the creek that will never be polished out adequately as it goes through 40 some acres in Singer Creek Park.
3. Silts and runoff will then flow and accumulate in nearly one-half mile of underground piping and "historic catacombs" (hand-cut rock channels) that exist from the Jacob's block (Pioneer Community Center)
These are all underground conveyances that have no ability to cleanse or bioremediate those waters.
4. These waters then emerge as very visible outfall at the Works Progress Administration water courses and waterfalls that can be seen by all from Downtown Main Street.
5. Many years ago, the Environmental Learning Center worked with Oregon Department of Fish and Wildlife to raise and release nearly 10,000 winter Steelhead (raised at the college and released in Singer Creek because of its extremely high-water quality)
6. Those fish reared in the waterfalls previously described and ate all the "tender viddals" (mosquitoes, flies etc.) They then went on to the Willamette and returned to the Clackamas, which was accessible for spawning. After Mount St. Helens eruption, the toutle and Cowlitz rivers were heavily damaged and the fish returned to healthy side creeks and streams.

It worked! The fish kept people from getting bitten! The water quality of Singer Creek uniquely served the community. Your decisions regarding this important waterway can make a difference now and in the future!!!

Jerry Herrmann
Founding Director Environmental Learning Center

Laura Terway

From: Forbes, Erin M. <EForbes@SCHWABE.com>
Sent: Wednesday, September 15, 2021 11:18 AM
To: Laura Terway
Cc: 'crichter@batemanseidel.com'; Robinson, Michael C.; Stephenson, Garrett H.; Hicks, Jane M.; 'Steve Miller'; 'Scott Miller'; 'Jim McCartan'; 'eric@emeriodesign.com'; 'Neil Fernando'
Subject: AP-21-00004 and -00005 [IWOV-pdx.FID4713335]
Attachments: Sept. 15 Ltr to Mayor Lyles-Smith and Oregon City City Commission re Appeal Nos. AP-21-0004 and -0005.PDF

Dear Laura:

Please place the attached letter before the City Commission and in the official Planning Department file for the Application. This letter contains no new evidence.

Best regards,

Erin

Erin M. Forbes

Of Counsel

Direct: 503-796-2054

eforbes@schwabe.com

Pronouns: she, her, hers

Schwabe Williamson & Wyatt



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September 15, 2021

Erin M. Forbes

T: 503-796-2054
eforbes@schwabe.com

VIA E-MAIL

Ms. Rachel Lyles Smith, Mayor
Oregon City City Commission
Oregon City City Hall
625 C Street
Oregon City, OR 97045

RE: Appeal Nos. AP-21-00004 and AP-21-00005

Dear Mayor Lyles Smith and City Commission Members:

This firm represents the Applicant in File No. GLUA-21-00002 / SP-21-00001 & LL-21-00002 (the “Application”), who is also the Appellant in Appeal No. AP-21-00005 of the same file (the “Applicant”). This Letter provides a summary of the Applicant’s rights under Oregon’s Needed Housing laws; the Applicant’s responses to new evidence presented during the September 1 hearing; the Applicant’s renewed objections to certain testimony presented during the September 1 hearing and in ex parte communications submitted before and after that hearing; and the Applicant’s additional comments on its appeal of Condition 3 as relates to its constitutional rights.

As a preliminary matter, the Applicant appreciates the fact that citizen involvement and support is important to the City and the Commission, and the Applicant, like the Commission, is in favor of hearing the voices of the community as related to its proposal and as allowed by State law and the City’s Code. However, the Commission’s role in quasi-judicial land use proceedings such as this Appeal hearing is limited to (1) ensuring that the Applicant and Appellants have an opportunity for a fair hearing on the record, which includes preventing extra-record evidence from being presented and considered; and (2) determining whether the Applicant has met its burden of proof of showing its proposal meets all approval criteria, or that approval criteria can be met with reasonable conditions. Further and as explained in more detail below, the Application is for the “development of housing” and subject to only clear and objective standards. ORS 197.307(4). Thus, pursuant to that statute and ORS 197.522, the Commission must approve the Application if it satisfies applicable clear and objective standards, either as approved or with conditions of approval.

1. The Application is a Needed Housing Application and Must Be Treated As Such

The Applicant has submitted a proposal for a multi-family development at 535 Holmes Road in Oregon City, an area zoned for residential use. Such a development is considered “needed

Ms. Rachel Lyles Smith, Mayor
 September 15, 2021
 Page 2

housing” under Oregon law. ORS 197.303(1). The following statutes apply to this needed housing application:

- ORS 197.303, which defines “needed housing” and sets parameters that can be used by local governments to estimate housing needs.
- ORS 197.307(4), which requires local governments to adopt only clear and objective standards, conditions, and procedures regulating the development of housing, including needed housing.
- ORS 197.522(2) & ORS 197.522(4), which require local governments to approve needed housing applications that are consistent with, or can be made consistent with through reasonable conditions of approval, the comprehensive plan and applicable land use regulations, and to deny applications that are not.¹

The basis for BHNA’s challenge to the Application and the reasons it is asking the Commission to deny the Application do not stand up to Oregon’s needed housing statutes. The Commission cannot deny the Application based on standards that are not clear and objective.

ORS 197.307(4). Further, the Commission cannot deny an application that is consistent with the comprehensive plan and applicable land use applications and/or that can be made consistent by the imposition of reasonable conditions of approval. ORS 197.522(2); ORS 197.522(4).

In every case, the Planning Director found that the Application met the applicable approval criteria as proposed, or could meet the applicable approval criteria with reasonable conditions imposed. The BHNA has not offered substantial evidence showing that the Applicant did not or could not meet those criteria.

Regarding the BHNA’s objections relating to traffic, the traffic studies submitted by the Applicant show that traffic will not be negatively impacted by the proposed development. Commissioner McGriff’s extra-record observations (discussed in more detail below) cannot be weighed against traffic studies by traffic engineers. Even the city traffic engineer agreed with the Applicant’s submitted traffic studies. The Director imposed reasonable conditions on the Application for the approval criteria related to traffic (conditions suggested by the City’s traffic engineer, and unchallenged by the BHNA), and the Applicant does not object to those conditions.

Regarding the BHNA’s objections relating to tree preservation, as pointed out by Staff during the September 1 hearing, the applicable portions of Oregon City’s Code have no absolute requirements for tree preservation. *See* OCMC 17.41.010 (explaining that the intent of Chapter 17.41 is to ensure that new development “preserves trees to the maximum extent practicable”).

¹ The Applicant has not sought to amend its Application and has not proposed any alternative conditions of approval pursuant to ORS 197.522(3); as such, the Commission cannot extend the 120-day period under ORS 197.522(3)(b).

Ms. Rachel Lyles Smith, Mayor
 September 15, 2021
 Page 3

Rather, applicants are permitted to mitigate tree removal through replanting (OCMC 17.41.060) or through a payment-in-lieu (OCMC 17.41.120), which is what the Applicant proposes here. Further, the Applicant included in its proposal plans for re-planting of trees to mitigate removal of trees that is needed to accommodate the proposed development. Moreover, the Director conditioned approval of the Application on Applicant revising its tree retention, removal and replanting or mitigation plan in accordance with the Code, including requirements that the Applicant include provisions to protect any trees proposed for retention.

Regarding the BHNA's objections relating to grading and stormwater runoff, as a starting point, the majority of the BHNA's "objections" are pure speculation and are not based on any facts in the record (or even outside of the record). Further, City Staff have testified that the Applicant's proposal satisfies all applicable approval criteria either as proposed or with conditions recommended by Staff.

Because the Director found that the Application did or could, by condition, meet the applicable criteria, and because the BHNA offered no substantial evidence showing otherwise, the Application must be approved.

2. Commissioner McGriff Should Recuse Herself

Next, the Applicant wishes to renew and clarify its objections to Commissioner Denyse McGriff's participation in the Appeal proceedings. The Applicant does not make this request lightly and respects Commissioner McGriff and her commitment to her constituents and to the City, but as the Commission knows, two of the hallmarks of a quasi-judicial hearing are fairness to the parties and impartial decision makers.

Local decision makers in quasi-judicial land use proceedings are required to have "'actual impartiality,' the ability to make a decision based on the argument and evidence before them, rather than on prejudice or personal interest." *Spiering v. Yamhill County*, 25 Or LUBA 695 (1993) (emphasis added). Parties in a quasi-judicial land use proceeding have a right to a decision by a "tribunal which is impartial in the matter" *Fasano v. Washington Co. Comm.*, 264 Or 574, 588, 507 P2d 23 (1973). Recusal is appropriate where a council member (or Commissioner) has shown that they cannot make an unbiased and impartial decision. *See, e.g., Woodard v. City of Cottage Grove*, 54 Or LUBA 176 (2007); *Friends of Jacksonville v. City of Jacksonville*, 42 Or LUBA 137, *aff'd* 183 Or App 581 (2002); *Schneider v. Umatilla County*, 13 Or LUBA 281 (1985).

Commissioner McGriff's comments and introduction of extra-record evidence during the September 1 hearing, as explained below, make clear that not only did she pre-judge the Application and/or the Applicant, but that she also no longer maintains even an *appearance* of being objective and unbiased. Indeed, her comments show only that she has a personal interest in the outcome of this Appeal. As such, Commissioner McGriff should recuse herself.

During the September 1 hearing, Commissioner McGriff disclosed her membership and board of trustees position since 1989, her past officer positions, and her "regular volunteer" activities with

Ms. Rachel Lyles Smith, Mayor
 September 15, 2021
 Page 4

the McLoughlin Memorial Association (the “Association”), which submitted a letter on June 1, 2021 in opposition to the Application. She explained during the hearing that she was aware of the Association’s concerns and advised it to testify against the project in writing. She also explained that she pointed the Association to the applicable criteria on the notice of application.

Commissioner McGriff further stated during the September 1 hearing that she believed the Applicant’s motion to dismiss the BHNA’s appeal was “ironic and specious” before the movant (the Applicant) was able to testify in support of its motion, indicating a clear prejudgment of the Applicant’s motion.

Commissioner McGriff also offered significant extra-record factual testimony regarding speeding and her personal concerns with sight distance on Holmes Lane that she observed while taking care of the Holmes House, which refers to the 536 Holmes Lane property maintained by the Association. She also offered extra-record testimony regarding her wishes for a fence to be installed between any proposed development and Stafford Park, and discussed her personal concerns about the removal of trees near Stafford Park.

These statements, taken together, demonstrate that:

- Commissioner McGriff prejudged the Applicant’s motion to dismiss;
- Commissioner McGriff’s personal involvement with the Association was not only the basis of her attempt to introduce extra-record evidence in an on-the-record hearing, but also makes clear that she is unable to make an unbiased and impartial decision on the Application or the Appeals.

As such, and for the reasons set forth above, Commissioner McGriff should recuse herself from the Appeal proceedings and the Commission’s deliberation.

3. Summary of Improperly Submitted Evidence That Cannot Be Considered

In a quasi-judicial land use hearing, all parties are allowed an on-the-record hearing. An “on-the-record” hearing means that only evidence presented during the public comment period for the Application – “preserved” evidence – may be considered. Allowing new evidence that was not preserved imposes a different burden of proof, which prevents the parties from having the full and fair hearing on the merits to which they are entitled.

The Applicant set forth in its August 20 memorandum and its August 30 letter the evidence submitted by the BHNA and individuals that may not be considered because it was not preserved, and renews its objections to that evidence here. During the September 1 hearing and in ex parte communications following that hearing, additional new evidence was presented that

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was not preserved; that evidence, listed below, cannot be considered by the Commission because the record closed on June 4².

- Commissioner McGriff's comments and personal observations made during the September 1 hearing relating to speeding cars on Holmes Road.
- Commissioner McGriff's comments and personal observations made during the September 1 hearing relating to her knowledge that because of the uneven surfaces of Holmes Lane there is an "issue" with sight distance at the Rilance intersection, that additional sight distance should be required because "we all know" that people use that area as a cut-through, and her request to increase the sight distance to "make it better."
- Commissioner McGriff's comments during the September 1 hearing relating to the removal of trees adjacent to Stafford Park, her concern that the Park be protected from access, and her request that a fence be built to restrict access to the park.
- The BHNA's comments in a September 6 email string regarding there being no "barrier of a fence between the park and the development" and the project's "huge impact on this small park"; and its request to make certain trees "heritage trees."
- Commissioner McGriff's comments during the September 1 hearing relating to there being a sewer/sanitary moratorium in the area in the past.
- The BHNA's comments made during the September 1 hearing relating to Singer Creek Park and the City Parks Department's approval of only a small area of access near Linn for public use as relates to stormwater.
- The BHNA's September 14 comments (by way of letter from Ms. Karla Laws) regarding the "ethics of the appeal," certain community members' "concern and disgust" with the appeal proceedings, the impact of the development on "not only Barclay Hills but Rivercrest, McLoughlin, and traffic intersecting to Molalla Ave.," and whether the Commission may by its own motion review the action of a hearings officer under ORS 227.180.
- Ms. Catherine Pieslewicz's September 14 email comments regarding access to Singer and Stafford Parks, the proposed development's private streets/drive alleys, and concerns relating to the Applicant and its representatives.

Regardless, even if the new evidence above is considered by the Commission, the Applicant has addressed it in its Application materials and in its testimony during the September 1 hearing. For

² The BHNA's and individuals' comments regarding the Planning Department's and the City's procedures and processes are not relevant to the merits of either Appeal and as such are not discussed here. The Applicant has objected to such comments and renews those objections here. Such comments cannot be considered by the Commission.

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example, the Applicant's traffic study showed that the proposed development will not impact traffic, and that the street system was adequate to safely support the additional traffic from the proposed development, in conformance with the City's requirements for traffic operations and the relevant intersections. The City's own traffic engineer concurred with this assessment. Moreover, speeding cars are not relevant to any approval criteria applicable to the Application.

As to sight distance, the Applicant's traffic study analyzed sight distance in excess of 400 feet, to accommodate a 35 MPH zone. While the speed limit in this area is actually 25 MPH, the City's traffic engineer concluded that the proposed sight distance was significantly more than adequate to accommodate a 25 MPH zone and, in fact, is sufficient site distance for cars going at least 10 MPH over the posted speed limit. Further, the Director imposed two conditions of approval requiring the Applicant to show sight distance at various time points to confirm that it was in fact adequate.

The Applicant addressed tree preservation in its application materials. Specifically, the Applicant stated that it will mitigate tree removal through replanting and/or cash-in-lieu pursuant to OCMC 17.41.060 and OCMC 17.41.120, respectively. Moreover, removal of trees is explicitly allowed by the Code, and preservation is required only "to the extent practicable" and even then, only outside of the "construction area." OCMC 17.41.010; OCMC 17.41.060.

As to the discussion of a lack of "barrier" fence between Stafford Park and the proposed development and the BHNA's concern that the proposed development will have a "huge impact" on the park (and similarly, Commissioner McGriff's concerns regarding access to the park), such concerns are purely speculative because they are not supported by any evidence that the proposed development could or will adversely impact the park.³ Regardless, they are not relevant to any applicable approval criteria. Indeed, there is no requirement in the approval criteria that the Applicant build a fence between its development and the Park. Finally, while not a "fence" per se, the Director imposed conditions of approval requiring appropriate landscape buffers (as required by the Code) between Stafford Park and the residential-zoned parcel adjacent to it.

As to the sewer/sanitary/stormwater issues brought up, as Ms. Richter stated during the hearing, the Application materials submitted show that the current infrastructure is adequate to support the proposed development. Further, conditions have been imposed to ensure that the proposed development, when constructed and occupied, will continue to meet the City's standards.

As to the BHNA's and Ms. Pieslewicz's comments in their September 14 correspondence, the facts presented in that correspondence were not raised during the public comment period, and as such, the Commission must reject them. Moreover, even if raised during the public comment period, they are not relevant to any applicable approval criteria, and cannot be considered for that

³ The Commission can, in fact, find that the proposed development will have a positive impact on the abutting parks because (1) the Applicant has proposed to make a financial contribution to Stafford Park and Singer Park to allow the City to purchase and install play equipment, and (2) the proposed development will increase the number of people using the parks for their intended purpose.

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separate reason. Also, while ORS 227.180 allows the Commission to make its own motion to call-up and review a decision of a hearings officer, such a motion may only be made in lieu of an appeal, and the time for the Commission to make such a motion has passed. Finally, as to Ms. Pieslewicz's concerns relating to the party submitting the Application, the Code provides that land use permit applications may be initiated by "the record property owner or contract purchaser." OCMC 17.50.060. The Applicant has submitted the Application consistent with the City's Code, and has authorization from the current property owners (as well as the contract purchaser) to submit the Application on their behalf, as shown on the land use and appeal applications submitted. Regardless, this issue was not brought up during the public comment period, and is not related to any approval criteria, and as such cannot be considered.

4. The Applicant's Constitutional Challenge to Condition 3

The Applicant provided a memorandum dated August 31, 2021 explaining why Condition 3, as it applies to the remaining single-family home property 545 Holmes Lane, is unconstitutional. Stated simply, the Applicant proposes to provide full frontage improvements along both the existing extent of 535 Holmes Lane and the portion of 545 Holmes Lane being acquired for development. In other words, the Applicant has already agreed to provide full frontage improvements along Holmes Lane where Holmes Lane abuts the proposed new dwellings and street access. The remaining portion of 545 Holmes Lane will remain a separate single-family home and is not proposed to be developed—it is the additional frontage improvements along this existing home to which the Applicant objects.

In so doing, the Applicant cited two Oregon Court of Appeals cases, *Hill v. City of Portland*, 293 Or App 283, 290 (2018) and *Brown v. City of Medford*, 251 Or App 42, 53 (2012). *Hill* essentially says that City policies requiring frontage improvements are not enough to demonstrate that those improvements have an essential nexus to an interest that would allow a local government to deny the application. *Hill* explains, rather, that the City must identify some kind of street system impact caused by a development that would require frontage improvements. It is simply impossible for the City to demonstrate that a property that is not going to be developed—what remains of 545 Holmes Lane after the lot line is adjusted—will have impacts on the street system requiring frontage improvements. Similarly, *Brown* explains that applicants need not improve frontages to roads they do not propose to access.

Staff made no effort to explain how its frontage improvement requirement at 545 Holmes Lane is constitutional under *Hill* or *Brown*. Instead, Staff offers a somewhat convoluted argument that requiring "46% of the new homes responsible for only 25% of the required frontage would be roughly proportional." Putting aside that this statement is conclusory, it is not clear how this argument supports Condition 3. "New homes" do not pay for frontage improvements—the developer does. Furthermore, *Hill* makes clear that it is irrelevant as a constitutional matter whether new owners would benefit from a proposed frontage improvement.

Again, the sole questions in the constitutional analysis in this case are as follows. First, do the frontage improvement requirements for 545 Holmes Lane have an "essential nexus" to the

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existing single-family home located there, given that it is not proposed to be redeveloped? Second, if there is a nexus, is the requirement for frontage improvements in front of this existing home “roughly proportional” to the impacts of its continued occupation? *Hill, Brown*, logic, and common sense provide that there is no nexus to frontage improvement requirements for property that is not being developed *in fact*.⁴ What is more, such requirements cannot be roughly proportional to the traffic impact of continued occupation of 545 Holmes Lane because there is no new traffic impact.

To be sure, there will be new traffic generated by the proposed development, but the entire frontage of the land actually being physically developed with new residential uses will have frontage improvements; this includes 535 Holmes Lane and the land transferred from 545 Holmes Lane to 535 Holmes Lane. However, the City cannot make the constitutional case for Condition 3 with respect to the remaining, undeveloped extent of 545 Holmes Lane because it will not generate any new trips over what it does currently.

The order by which the property lines are adjusted is utterly irrelevant in this context, but at any rate, OCMC 17.50.010 encourages consolidation of related applications. In this vein, Staff’s argument that the Applicant’s willingness to consolidate its LLA and Site Plan/Design Review (as recommended by staff and the OCMC) is the key basis upon which the City can extract otherwise-unconstitutional frontage improvements, is self-serving at best.

The Commission should note that, during the hearing, the Applicant reserved its rights under ORS 197.796 to challenge Condition 3 in Clackamas County Circuit Court should the City not amend Condition 3 to clarify that it does not apply to the remainder of 545 Holmes Lane after approval of the proposed LLA. In such an action, the burden will be on the City to demonstrate the constitutionality of the exaction.

5. The September 1 and 15 Hearings

The September 1 hearing was the first evidentiary hearing for the above-referenced Appeals. That hearing included all argument and testimony on the Applicant-Appellant’s Motion to Dismiss BHNA’s Appeal, as well as the Commission’s decision on that Motion; the Applicant-Appellant’s argument and testimony on its own Appeal; and BHNA’s argument and testimony on its Appeal. Thus, the September 15 continued Appeal hearing should consist only of (1) testimony from individuals with standing to provide testimony on either Appeal (which individuals were identified in Exhibit A to the Applicant’s August 31 Letter⁵) – which testimony

⁴ Note that the Nolan/Dollan/Koontz unconstitutional conditions doctrine does not turn on particular definitions; it looks to the *physical impacts* of property development, regardless of what the City considers to be “development” for regulatory purposes.

⁵ During the September 1 hearing, the Commission decided that Mr. Donnelly’s June 4 comments were submitted on behalf of BHNA rather than on his personal behalf. And Mr. Donnelly did not file his own appeal of the Application. As such, Mr. Donnelly should be precluded from providing testimony as an “individual” during the continued hearing on September 15, especially given the testimony he provided on behalf of BHNA during the September 1 hearing.

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cannot, by law, include new evidence or arguments not preserved during the open record period that closed on June 4; and (2) rebuttal from the Applicant-Appellant and BHNA.

Further, no party is entitled to an automatic continuance of the second evidentiary hearing set for September 15; nor is any party entitled to an open record period. If the Commission grants such a request by anyone other than the Applicant, the 120-day period, which ends on October 11, 2021, cannot be extended.

Finally, the Applicant has not extended the 120-day period, nor did it request a continuance of the September 1 hearing.

6. **Conclusion**

The Applicant appreciates the Commission's consideration of its Application and Appeal, and respectfully requests that the Commission reject the BHNA's appeal of the Director's decision approving the Application and approve the Application without condition of approval A.3 requiring right-of-way dedication and improvements on a lot that is not being developed and remains used only for a single-family dwelling. The Applicant hopes that it can build the approved development that will add to the City's housing supply and that is consistent with the applicable zoning and development standards.

Best regards,



Erin M. Forbes

EMF/jmhi
Enclosures

cc: Ms. Laura Terway (*via email*)
Ms. Carrie Richter (*via email*)
Mr. Scott Miller (*via email*)
Mr. Steve Miller (*via email*)
Mr. Jim McCartan (*via email*)
Mr. Neil Fernando (*via email*)
Mr. Eric Evans (*via email*)
Mr. Michael C. Robinson (*via email*)
Mr. Garrett H. Stephenson (*via email*)

PDX\138228\266548\GST\31735702.1

Laura Terway

From: Forbes, Erin M. <EForbes@SCHWABE.com>
Sent: Wednesday, September 1, 2021 3:28 PM
To: Laura Terway
Cc: 'crichter@batemanseidel.com'; Robinson, Michael C.; Stephenson, Garrett H.; Hicks, Jane M.; 'Steve Miller'; 'Scott Miller'; 'Jim McCartan'; 'eric@emeriodesign.com'; 'Neil Fernando'
Subject: AP-21-00004 and -00005 [IWOV-pdx.FID4713335]
Attachments: Barclay Hills Neighborhood Association Bylaws - Revised 2016-07-14.PDF

Dear Laura:

Please provide this email to the City Commission and place it in the official Planning Department file for the application.

The Applicant-Appellant respectfully requests that the City Commission take official notice of the BHNA's bylaws, attached. ORS 40.090 includes in its definition of "law judicially noticed" the following:

- "[p]ublic and private official acts of the legislative, executive and judicial departments of this state";
- "[r]egulations, ordinances and similar legislative enactments issued by or under the authority of the United States, any federally recognized American Indian tribal government or any state, territory or possession of the United States"; and
- "[a]n ordinance, comprehensive plan or enactment of any county or incorporated city in this state, or a right derived therefrom."

ORS 40.090(2), ORS 40.090(4), ORS 40.090(7). Bylaws of an officially recognized neighborhood association such as the BHNA are the governing document of a City-recognized organization. Oregon City, by way of its Comprehensive Plan, recognizes neighborhood associations as the "vehicle for neighborhood-based input to meet the requirements of the Land Conservation and Development Commission (LCDC) Statewide Planning Goal 1, Citizen Involvement." Comp. Plan at p. 7 (Goal 1, Policy 1.1.1). Further, Oregon City, by way of its Comprehensive Plan, recognizes neighborhood association bylaws as the official document that "governs the groups' formation and operations." *Id.* (Goal 1.2, Policy 1.2.1). Thus, BHNA's bylaws should be noticed by the Commission as an "official act" of the State of Oregon, City of Oregon City; or, alternatively, as a "legislative enactment issued . . . under the authority of . . . any state . . . of the United States"; or, alternatively, as a right derived from the Oregon City Comprehensive Plan. *See Blatt v. City of Portland*, 21 Or LUBA 337, 341, *aff'd* 109 Or App 259 (1991), *rev den*, 314 Or 727 (1992); *see also McLaughlin & Ordway v. Douglas County*, LUBA No. 2020-0004 (Apr. 13, 2021).

As we have previously stated, the BHNA has the burden to demonstrate that the meeting at which a vote was taken to approve the request for fee waiver was "duly announced" as required by the Code. The BHNA's appeal materials do not include such evidence. According to the BHNA's bylaws, a special meeting requires 7-days written notice to the Steering committee and / or general membership. *See* Bylaws at Art. VII, Sec. 6. BHNA provided no evidence that the required written notice of the May 20 Special Meeting was sent out as required by its bylaws. Further, the BHNA's bylaws require that "Official actions(s) taken by the BHNA must be on record and part of the minutes of each meeting. The minutes shall include a record of attendance and the results of any vote(s) taken." Bylaws at Art. X, Sec. 2. The May 20 Special Meeting minutes (or the May 11 regular meeting minutes) do not discuss a vote to request a fee waiver, and no other meeting minutes were submitted by the BHNA; as such, it can only be assumed that no such vote was taken.

Best regards,

Erin

Erin M. Forbes

Of Counsel

Direct: 503-796-2054

eforbes@schwabe.com

Pronouns: she, her, hers

Schwabe Williamson & Wyatt



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Article I. Name and Purpose

Section 1 The name of this Association shall be the Barclay Hills Neighborhood Association (BHNA)

Section 2 The purpose of the BHNA will be exclusively social and civic; to promote, coordinate and implement all aspects of community planning through neighborhood participation and advice to the City Commission, the Planning Commission and other planning and advisory bodies; to provide a vehicle for maximum citizen participation in promoting the livability and environment of the neighborhood; to participate together in their mutual interest and to promote and coordinate communication among its members and between neighborhood and City government, all which is not for profit.

This association shall be nonpartisan and will assist in the dissemination of information on all matters affecting the growth, development, and livability of the above described neighborhood.

Section 3 The BHNA shall comply with all applicable Federal, State, and local laws and regulations.

Article II Boundaries and Membership

Section 1 The area served by the BHNA shall include the following boundaries:
As designated by the Oregon City neighborhood Association map of October 2009.

Section 2 All persons who reside, own property, or operate a business, in the area described above in Article II, Section 1 shall be considered as members.

Section 3 There will be no dues or other requirements imposed which would in any way prevent any person who meets the description above in Article II Section 2 from becoming or remaining a member of the BHNA. Contributions, contracts, grants or paid advertisements in any neighborhood newsletter may be used as sources of association income.

Section 4 The privileges and responsibilities of membership are:

- To participate in a civil manner related to all business conducted by the BHNA.
- To attend meetings and speak from the floor on any issue which is being considered by the BHNA.
- To vote (if of voting age, see Article VIII Section 1) on motions placed before the general membership at regular or specific meetings, including participation in the election of officers and to run for any office of the BHNA.
- To serve on committees of the BHNA.

Section 5 Any and all organized efforts to raise funds for the BHNA shall be approved by the Steering Committee and ratified by majority vote of the General Membership.

Article III Accountability and Grievances

- Section 1 The BHNA shall be accountable to the people in the neighborhood, defined by the above boundaries in Article II, Section 1. The association shall provide notification to the neighborhood of meetings, elections, action taken on issues, and other pertinent events as specified in these bylaws.
- Section 2 The BHNA and its elected officers shall be responsible for seeking the views of the residents affected by proposed policies or actions before adopting any recommendations, through a regular orderly process.
- Section 3 Dissenting views on any issue considered by the neighborhood association shall, upon written request by any member, be transmitted along with any recommendations submitted for governmental review. Resolution of any grievances concerning the activities, policies or recommendations of the association shall be determined by majority vote of the members present at the association's meeting during which the grievance is scheduled for resolution. Both dissenting views and grievances shall be noted in the minutes.
- Section 4 The names, addresses and telephone numbers of the chief officers shall be filed with the appropriate governmental agencies responsible for notifying neighborhood associations of matters which affect them, and the association shall undertake to keep the listing correct.

Article IV Officers

- Section 1 Officers shall be elected at the annual meeting for terms of two years and shall perform the following duties:
- a. **CHAIR** – Presides at all general meetings of the membership and meetings of the Steering Committee; prepares the agenda for the general membership and special meetings, shall be an ex-officio member of all committees except the Nominating Committee; perform such other duties as shall be delegated by the Steering Committee. The Chair may appoint members to serve on special projects (e.g. The South Fork Water Board Citizen Advisory Committee, the Oregon City Rate Review Committee, Transportation Advisory Committee, and other committees of the City of Oregon City and other jurisdictions such as Tri-Met, Metro, C.I.C)
 - b. **VICE-CHAIR** – Performs the duties of the Chair in his or her absence; and performs other duties as shall be delegated by the Steering Committee.
 - c. **SECRETARY** – Records minutes and keeps records of attendance of all general meetings and meetings of the Steering Committee, provides copies of the minutes to each member at the general meeting or in the Associations Newsletter, keeps records of attendance of all general and Steering Committee meetings. Coordinates and maintains files of all Association-related correspondence on behalf of the general membership, the Steering Committee and the standing committees. Maintains accurate and up-to-date files of all correspondence and minutes and stores them at the Secretary's home address. The Secretary also provides that copies are on file with City of Oregon City (see Article X Section 2. Secretary and Treasurer functions may be combined.

- d. **TREASURER** – Prepares and presents an annual balanced operations budget for approval by the membership at the annual meeting. Accounts for the receipt of contributions and other sources of funding. Disburses approved expenditures. Authorizes payment of bills within the limits of the approved budget as directed by the Steering Committee. Makes available an up-to-date financial statement at all steering committee and membership meetings.

Section 2 Authorized Signers – All officers will be authorized as co-signers on expenditures and payment vouchers, all of which require two signatures. If officers are of the same household, they shall not be co-signers on the same voucher.

Article V Steering Committee and Quorum

Section 1 There shall be a steering committee composed of the four elected officers currently serving, the immediate past chair of the BHNA and a minimum of two (2) and maximum of four (4) members elected at large. During the first year the steering committee shall be comprised of a minimum of five (5) members.

Section 2 Members-at-large shall be elected by the membership at the annual meeting of the BHNA.

Section 3 Any member of the Steering Committee who misses two (2) consecutive meetings shall be deemed to have vacated his/her position. Any steering committee member who misses four (4) meetings in one year, will be contacted to determine his/her continued interest.

Section 4 When a vacancy occurs, the Steering Committee may make a temporary appointment to serve until the next general election.

Section 5 The duties of the Steering Committee shall be to:

- a. Coordinate all activities of the association by acting as its spokesperson through review, discussion and by referring issues for a vote by the membership. Members of the Steering Committee shall make regular reports to the membership at general meetings, concerning all of the Steering Committee activities.
- b. Investigate thoroughly and keep the membership informed about issues or concerns to the association and neighborhood.
- c. Recruit members to serve on standing committees.
- d. Facilitate the above purposes by each member-at-large of the Steering Committee acting as chairman for one or more of the following standing committees (once the committee (s) become activated):
 - 1. Transportation, Automobile, Bicycle and Traffic Committee
 - 2. Government, budgets, ballot measures and election issues, candidate fair or forum (representing all sides of the issues)
 - 3. Comprehensive Planning and Land Use
 - 4. Crime Prevention/Safety (Neighborhood Watch, Block Homes, and street lighting)
 - 5. Energy Conservation and Resource Efficiency
 - 6. Neighborhood History Committee
 - 7. Housing and Care Facilities

8. Membership and Neighborhood Activities
9. Newsletter and Publicity Committee
10. Pedestrian and handicapped barriers
11. Parks and Recreation, Landscape and Trees Committee
12. Neighborhood Assets (individuals, social organizations, churches, schools, etc)
13. Programs and Speakers

Section 6 A majority of the elected Steering Committee present at any regularly scheduled meeting of the Steering Committee shall constitute a quorum. Decisions shall be made by a majority vote.

Article VI Committees

Section 1 Committees shall have responsibilities such as their names indicate and as may be assigned to them by the Steering Committee. Each committee shall develop a statement of organization and purpose to be approved by the general membership.

Section 2 Special committees may be created by the Steering Committee, or by vote of the membership, as needed to expedite the work of the BHNA. Members of standing committees shall elect their own Committee Chair and Vice Chair. Any member of the BHNA may serve on standing or special committees. Members of the standing committees shall be appointed by the Steering Committee.

Section 3 The Standing Committee Chair may appoint subcommittees or work groups to assist the committee in its responsibilities, provided however that the chair of any such subcommittee or work group is a member of the Standing Committee.

Section 4 A majority of the committee members present shall constitute a quorum. Committee action shall be by a majority of those present and voting.

Section 5 Committees shall make recommendations to the Steering Committee for action. Committees shall not have the power to act on behalf of the Association without specific authorization from the general membership or Steering Committee.

Section 6 The Comprehensive Planning and Land Use Committee shall have the authority to act on behalf of the BHNA between steering and general membership meetings. All actions by the Comprehensive Planning and Land Use Committee shall be presented at the following general membership meeting.

Article VII Meetings

Section 1 The Annual General Membership meeting for the election of officers and approval of the budget shall be held on the **second Tuesday of November** at a place determined by the Steering Committee.

- Section 2 General Membership meetings shall be held at least four (4) and up to six (6) times a year. They shall be held on the **second Tuesday** of odd months (**January, March, May, July, September and November**) at a place determined by the Steering Committee.
- Section 3 A quorum for any general membership of steering committee meeting of the BHNA shall be comprised of those members in attendance. Unless otherwise specified in these bylaws, decisions, with the exception of amendments to the bylaws, shall be made by a majority vote of those members present at any meeting.
- Section 4 The Chair shall prepare the agenda for general and special meetings of the membership subject to the approval of the Steering Committee. Any person may add an item to the agenda by submitting the item in writing to the Chair at least seven (7) days in advance of the membership meeting. Any member of the BHNA may make a motion to add an item to the Steering, General or Special meeting agendas. That motion requires a second and majority vote.
- Section 5 Meetings of the Steering Committee shall be held as scheduled by the Steering Committee.
- Section 6 Special meetings may be called by the Chair or by members (any three (3) members for a meeting of the Steering Committee and any ten (10) members for a meeting of the membership) provided the Steering Committee or general membership (as appropriate) is notified of the special meeting in writing at least seven (7) days in advance of the meeting.
- Section 7 All meetings of the Association shall be open to the public.

Article VIII Elections

- Section 1 Members 18 years of age (voting age) and older shall be able to vote in all regular and special elections of officers.
- Section 2 Any member 18 years of age or older, may run for any vacant office by simply declaring his or her intention to do so. Any member may be nominated for any vacant office by any other member of the Association.
- Section 3 A Nominating Committee may be elected at the regular meeting of the general membership prior to the election. Members of the Nominating Committee are not barred from becoming nominees for office themselves. The Nominating Committee shall nominate at least one candidate for each office. Before making its report, the Nominating Committee will contact each person whom it wishes to nominate. The Nominating Committee is automatically discharged when its report is formally presented to the membership.
- Section 4 Regular elections of officers shall be held at the annual **November** meeting. Special election may be held at any regular meeting, for the purpose of filling vacant positions, provided the membership is notified of the special election in writing, at least seven (7) days in advance of the meeting.

Section 5 A vote by proxy, an absentee vote, a vote by mail and a secret ballot of the members in private after which only the result is announced to the public will not be allowed.

Article IX Conflict of Interest

Section 1 A conflict of interest exists for a member whenever the member holds a personal financial interest which will be impacted by the action or inaction of the BHNA on a proposal before the membership or Steering Committee. A personal financial interest shall include a financial interest held by the member or by members of their immediate family. (Examples of personal financial interest would include: ownership of property, the use of control which is being considered by the BHNA; plans to purchase property, the use or control of which is under discussion by the BHNA, etc.

Section 2 Whenever a member determines that he or she has conflict of interest relating to an item under discussion, they must inform the body (membership or Steering Committee) hearing the proposal that a conflict of interest exists. Having done so, they may still exercise their vote.

Article X Public Meetings/Public Records Requirements

Section 1 The BHNA shall abide by all Oregon Statutes relative to public meetings and public records.

Section 2 Official action(s) taken by the BHNA must be on record and part of the minutes of each meeting. The minutes shall include a record of attendance and the results of any vote (s) taken. A summary of dissenting views should be transmitted along with any recommendation made by the BHNA to the City.

Article XI Non-Discrimination

Section 1 The BHNA must not discriminate against individuals or groups on the basis of race, religion, color, sex, sexual orientation, age, disability, national origin, income, or political affiliation in any of its policies, recommendations or actions.

Article XII Parliamentary Authority and Amendments

Section 1 The most current addition of the Scott Foresman Roberts Rules of Order, Newly Revised, shall govern the procedures of the Association when the procedure is not otherwise covered by these by-laws.

Section 2 These bylaws may be amended by a two-thirds (2/3) vote of those members present and voting at any regular meeting of the Association, provided that notice of the proposed amendments shall have been read at the previous regular meeting, and the membership is notified of the intent to amend the bylaws in writing at least thirty (30) days in advance of the meeting.

August 31, 2021

Erin M. Forbes

Admitted in Oregon, Illinois and
Washington, D.C.

T: 503-796-2054

eforbes@schwabe.com

VIA E-MAIL

Ms. Rachel Lyles Smith, Mayor
Oregon City City Commission
Oregon City City Hall
625 C Street
Oregon City, OR 97045

RE: Appeal Nos. AP-21-00004 and AP-21-00005

Dear Mayor Lyles Smith and City Commission Members:

This firm represents the Applicant in File No. GLUA-21-00002 / SP-21-00001 & LL-21-00002 (the “Application”), who is also the Appellant in Appeal No. AP-21-00005 of the same file (the “Applicant”). By way of this Letter, the Applicant addresses its objections to the proposed hearing procedure and certain written and oral testimony; and provides additional written testimony in support of its Appeal and in opposition to BHNA’s appeal. No new evidence is presented in this Letter.

1. Objection to Staff’s Proposed Hearing Procedure

The Applicant objects to Staff’s proposed appeals process, which provides “5 minutes for representatives of a recognized neighborhood association, government agency, or other incorporated public interest organization” and “3 minutes to individuals.” Under OCMC 17.50.190.D, “only those persons or recognized neighborhood associations who submitted comments in writing before the expiration of the comment period have standing to appeal.” Further, under OCMC 17.50.120.E.6, “for appeal hearings, only those persons who participated either orally or in writing in the decision or review will be allowed to participate either orally or in writing on the appeal.” No representatives from any recognized neighborhood association other than potentially BHNA¹ participated orally or in writing in the decision or review; nor did any government agency; nor did any other incorporated public interest organization². See

¹ The Applicant’s position is that the BHNA did not submit comments during the public comment period. See Applicant’s Motion to Dismiss.

² The document entitled “Exhibit 3: Public Comments” that is part of the Appeal packet includes four “Land Use Application Transmittal” sheets that appear to have been sent back to the Planning Department unsigned. However, none of those sheets include any substantive comments on the Application, and the identity of the entity submitting the form is not apparent. As such, these entities should not be allowed to comment during the appeal hearing.

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Exhibit A. As such, the 5 minutes allotted to “representatives of a recognized neighborhood association, government agency, or other incorporated public interest organization” should be removed from the hearing procedure’s proposed process.

As to “individuals,” according to OCMC 17.50.120.E.6, only those who submitted public comments during the public comment period have standing to testify during an appeal hearing. Those individuals are listed in Exhibit A, parts 1 and 2.

Allowing parties who do not have standing would harm the Applicant’s substantial procedural rights because such persons, as non-parties, have not presented their arguments on appeal, thereby preventing the Applicant from being able to prepare an adequate response.

The Applicant also objects to an allowance in the hearing proceedings for BHNA to provide “rebuttal” to Applicant’s appeal arguments, because BHNA is not a party in the appeal filed by the Applicant, which appeal is limited to the question of frontage improvements on 545 Holmes Lane, as required by Condition 3. To our knowledge, the BHNA never sought to intervene in the Applicant’s appeal and did not offer any evidence or argument concerning Condition 3’s applicability to 545 Holmes Lane. And, as a general matter, parties challenging a land use decision are not allowed “rebuttal”; only the Applicant is entitled to oral rebuttal because the Applicant has the burden of proof. Allowing any rebuttal by the BHNA prejudices the Applicant’s substantial rights because it potentially allows the BHNA to raise issues without the Applicant being able to respond.

For these reason, the Commission should order the Appeal hearing as follows:

- 15 Minutes for Applicant
- 15 Minutes for BHNA (only if BHNA’s appeal is not dismissed)
- 5 Minute Applicant Rebuttal

2. Written Comments from Jim and Ardith Hall and Karla Laws must be excluded from the record.

This Appeal hearing is on the record, and the factual record closed on June 4. Jim and Ardith Hall submitted comments on August 20. Karla Laws submitted an email to Laura Terway on August 24 in response to the Applicant’s Motion to Dismiss. Ms. Laws’ August 24 email provided new evidence and argument regarding the application. Therefore, the Hall comments submitted on August 20 and Ms. Laws’ comments submitted on August 24 must be excluded from the record and may not be considered by the Commission in this appeal.

Moreover, neither the Halls nor Ms. Laws have standing to testify at the hearing on this Appeal. Neither the Halls nor Ms. Laws were recipients of the Notice of Appeal sent by the City, which was sent to “the applicant if different from the appellant, the property owner(s) of the subject site, all persons who testified either orally or in writing before the hearing body and all persons that requested in writing to be notified.” OCMC 17.50.120.C. *See also* Exhibit A (list of recipients). The Halls did not submit comments until after the record was closed, as explained

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above. Ms. Laws did not substantively comment on the Application during the public comment period. The Commission, therefore, cannot allow the Halls or Ms. Laws to testify during the hearing.

3. The Commission Should Grant the Applicant's Appeal

Condition 3 requires street frontage improvement on the frontage of what City Staff have called “the development’s frontage,” which staff interprets to include both 535 Holmes Lane, the site where the proposed homes and related improvements will be constructed, and 545 Holmes Lane, which is an existing home. As explained in the Applicant’s Appeal Statement, no development will take place on 545 Holmes Lane. That property is not even controlled by the Applicant. Its involvement in the Application is purely to transfer a portion of its owner’s property to the Applicant’s project site at 535 Holmes Lane.

A. 545 Holmes Lane is not being “developed” as that term is defined in the OCMC.

There is no dispute that the Applicant will provide half-street improvements along the property being developed for the proposed residential use. There is also no dispute that the land transferred to that property from the original extent of 545 Holmes Lane will be subject to the required frontage improvements. The question presented in the Applicant’s appeal is whether the City may require frontage improvements in front of the existing house and yard on the *remaining* property addressed on 545 Holmes Lane, which is not proposed to undergo any development or even any ground disturbing activities.

“Development” means a building or grading operation, making a material change in the use or appearance of a structure or land, 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. OCMC 17.04.300. “Development site” means any lot or lots on any part of which development is taking place. OCMC 17.04.305.

Contrary to the conclusions in the Staff Report, there are no “material changes in the use or appearance of a structure or land.” While it is true that the land *acquired* from the neighbor is being developed, as noted above, the Applicant has already accepted a condition requiring frontage improvements on that land. What *remains* of 545 Holmes Lane is not being “developed,” either as a practical matter or under the City’s definition, because it is not being changed from its predevelopment condition, and certainly not in a way that is “material.” Indeed, the only change in the land now constituting 545 Holmes Lane is the removal of a small corner of an existing accessory structure, the vast majority of which is on land acquired for the Project.

Finally, it is worth considering that the City went out of the way to include “partitioning or subdividing” land in the codified definition of “development.” Partitions and subdivisions also change the boundaries of land, but the City nonetheless excluded lot line adjustments from the definition of “development.” We think that distinction matters and demonstrates that the City

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never intended to require frontage improvements on property that is only subject to a property line adjustment. See ORS 174.010 (“[i]n the construction of a statute, the office of the judge is simply to ascertain and declare what is [...] contained therein, not to insert what has been omitted, or to omit what has been inserted”).

B. Condition 3 is unconstitutional.

Requiring a landowner to convey its private property rights in exchange for development approval is a takings (unconstitutional condition) unless there is an “essential nexus” between the condition and the government interest. *Nollan v. California Coastal Com.*, 483 U.S. 825, 836-37 (1987). Additionally, to withstand a legal challenge, the condition must be “roughly proportional” to the expected impacts caused by the proposed development. *Dolan v. City of Tigard*, 512 U.S. 374, 391-395 (1994). The *Nollan* and *Dolan* takings analysis must be done on a case-by-case basis, and the City carries the burden of demonstrating in the first instance that any exaction has a nexus to and is roughly proportional to the nature and degree of the projected impacts of the project. The City is required to make an “individualized determination” and “some effort to quantify” evidence in the findings to support a conclusion of rough proportionality. *Dolan*, 512 U.S. at 391. The *Nollan/Dolan* analysis applies to requirements to pay money or make public improvements in addition to requirements to dedicate property. *Koontz v. St. Johns River Water Management District*, 570 U.S. 595 (2013).

There is no demonstration in the record that a requirement for frontage improvements along 545 Holmes Lane has a nexus to any governmental interest other than the City’s general policies calling for certain types of street cross sections. However, such policies do not constitute the required nexus; rather, a local government must show that “the proposed project’s impacts, either alone or in combination with other construction, are ones that ‘substantially impede’ the interest identified by the government.” *Hill v. City of Portland*, 293 Or App 283, 290 (2018). As there is no proposed development on 545 Holmes Lane that could lead to more traffic (which could theoretically justify the impacts sought to be addressed by frontage improvements), there is simply no nexus between the Application and the requirement for frontage improvements for 545 Holmes Lane. It is also worth noting that the facts in this case essentially mirror those in *Hill v. City of Portland*, in which the Oregon Court of Appeals held that local governments may not impose frontage improvements solely on the basis of street design standards.

Despite *Hill*’s requirement that Condition 3 be tied to an actual potential impact from 545 Holmes Lane, the Staff Report points to no evidence that any activities on 545 Holmes Lane will lead to a capacity problem in the City’s transportation system. Instead, the Staff Report asserts that the City’s policies require frontage improvements along all “development” sites. While the Applicant contests any suggestion that 545 Holmes Lane is part of a “development” or is itself a “development site,” even if it were, the policies cited in the staff report are insufficient to establish the required nexus under *Hill*. Similarly, the fact that frontage improvements would further the City’s transportation planning goals, such as by providing better sidewalk connectivity, is simply irrelevant to the nexus question. *Brown v. City of Medford*, 251 Or App 42, 53 (2012).

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Finally, there is nothing in the record or the staff report even approaching a showing that the half-street improvements in front of the existing house at 545 Holmes Lane are “roughly proportional” to the impacts of the existing single-family use of that lot. There is also no evidence that the only physical change to that property – removal of a portion of an accessory structure – will have any impact on the City’s transportation system.

* * *

For the above reasons, the Commission should grant the Applicant’s appeal.

4. BHNA’s Appeal, If Not Dismissed, Should Be Denied

BHNA’s appeal consists of several complaints either (a) not related to the Application in any way, (b) not preserved by comments made during the public comment period, and (c) not related to any relevant approval criteria.

A. Issues not related to the Application

The following are issues brought up by BHNA on appeal that do not relate substantively to the Application. Such issues are inappropriate for consideration on appeal because they are simply complaints about the City’s Planning Department and its processes.

- Any arguments that the Property should not be zoned R-2;
- All issues relating to the City’s Planning Staff and Staff’s (the Director’s) decision making processes and review of the Application;
- Planning Staff members’ visits to the proposed development site and relative distance of proposed development site to the Planning Department office;
- Questions posed relating to whether street design can change from the Applicant’s original drawings and whether a new traffic report would be required if that were to occur;
- Whether other property owners on Holmes Lane will be required to improve the street;
- Engineering responsibility / hypothetical change in engineer; and
- Oregon City Planning Department’s “checks and balances.”

B. Issues not preserved

The following are issues brought up by BHNA on appeal that were not preserved during the public comment period, and as such, cannot be considered on appeal. See OCMC 17.50.190.D.1

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("Review by the city commission shall be on the record, limited to the issues raised in the comments and no new evidence shall be considered.").

- Discussion of letter to Christian Nauer, Archaeologist, Confederated Tribes of Warm Springs (categorized by BHNA as "new information as of Aug. 5, 2021");
- Runoff into the Willamette River from proposed collection ponds and new evidence regarding DEQ's discussion of a hypothetical "toxic algae blooms" and "potential for an environmental disaster";
- Applicant's offer to help improve Stafford Park with proposed financial contribution for use to purchase a play structure or similar amenity;
- Issues relating to description of subject property's topography;
- Creation or replacement of more than 5,000 square feet of impervious surface;
- Water quality & flow control requirements;
- Stormwater conveyance system connection;
- Grading of Units 19-27;
- Engineered drainage plan and / or drainage report;
- Applicant's request to modify the standards or OCMC Chapter 16 relating to Holmes Lane;
- Continuation of Rilance from Holmes Lane to Mountainview Street;
- Making Mountainview Street a through street and no longer a dead-end street;
- Structure to be demolished at 535 Holmes Lane and any required permits;
- Hours of construction;
- Landscaping behind the retaining wall proposed behind Units 21-24 / next to Singer Creek Park;
- Applicant's lot line adjustment application;
- Trash management for the proposed development; and
- Any and all comments relating to the Replinger & Associates letters.

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C. Issues not related to approval criteria

The following are issues brought up by BHNA on appeal that are not related to any applicable approval criteria for the Application, and as such, cannot be considered on appeal.

- Rezoning of 535 and 545 Holmes Lane to R-6, and whether the available infrastructure is adequate to support current R-2 zoning in the area;
- Continuation of Rilance as public right-of-way or public street;
- Posting of notice signs on development property;
- Street improvements outside of the area of the proposed development;
- General condition of Holmes Lane;
- Amount of time given to developer for letters of concern;
- Assistance provided to the Applicant by the Planning Department; and
- City's response time to letters of concern submitted on the Application.

5. Conditions of Approval

State law requires a local government to allow an applicant to propose conditions of approval that would make its application consistent with the comprehensive plan and applicable regulations. ORS 197.522(3). That local government is required to approve the needed housing application if the conditions of approval are consistent with the comprehensive plan and applicable approval criteria. ORS 197.522(2).

Here, Applicant accepts all but a single condition of approval proposed by the Director in her July 22 decision. For all but the appealed condition, the Director has imposed reasonable conditions consistent with the comprehensive plan and applicable approval criteria, and compliance with those conditions is required before the City will issue any public improvement or building permits for construction on the proposed development. The Commission cannot deny a needed housing application such as the Applicant's on the basis of its approval being conditioned as it is. ORS 197.522(2).

To the extent BHNA objects that the Applicant did not preserve its ground for appeal, Applicant's appeal of a condition of approval is wholly appropriate under *Olson Memorial Clinic v. Clackamas County*, 21 Or LUBA 418, 421 n.1 (Or LUBA 1991). In *Olson*, LUBA held that an *applicant* may appeal a condition of approval where the local government did not disclose its intent to impose that condition until the final written decision issued. That is exactly the case here, as it would be for any appeal of a condition of approval on an application undergoing the City's Type II review process. Type II decisions in Oregon City do not offer an applicant the

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opportunity to discuss proposed conditions of approval with Planning Staff prior to a decision being issued because the Staff Report setting forth those conditions is also the Director's decision. As such, appeal is the only route for an applicant subject to a Type II review proceeding to object to conditions and propose reasonable ones as allowed by ORS 197.522(3).

Best regards,



Erin M. Forbes

EMF/jmhi
Enclosures

cc: Ms. Laura Terway (*via email*) (*w/enclosures*)
Mr. Scott Miller (*via email*) (*w/enclosures*)
Mr. Steve Miller (*via email*) (*w/enclosures*)
Mr. Jim McCartan (*via email*) (*w/enclosures*)
Mr. Neil Fernando (*via email*) (*w/enclosures*)
Mr. Eric Evans (*via email*) (*w/enclosures*)
Mr. Michael C. Robinson (*via email*) (*w/enclosures*)
Mr. Garrett H. Stephenson (*via email*) (*w/enclosures*)

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Exhibit A

1. List of those who submitted public comment on the Application by June 4:

- James Donnelly
- Gene Sloodmans
- Timothy Keene
- Mark and DeAnn Beals
- McLoughlin Memorial Association
- Nancy Nelson
- Terry and Nancy Lingmann
- Aaron Wolf
- Four unnamed entities who returned the “land use application transmittal” form to the Planning Department
- Replinger & Associates

2. List of those who received notice of appeal (those *not* on this list may not testify orally or in writing on the appeal per OCMC 17.50.120.E.6):

- Chris Streeter (property owner)
- Orvetta Herndon (property owner)
- Emerio Design (applicant)
- McLoughlin Memorial Association
- Nancy Nelson
- Aaron Wolf
- Timothy Keene
- Mark and DeAnn Beals
- Terry and Nancy Lingmann
- James Donnelly

- Gene Sloodmans

3. List of those who first submitted substantive comments for the first time after appeals were filed (may not testify during appeal hearing):

- Karla Laws (Aug. 24 email)
- Jim and Ardith Hall (Aug. 20 letter)

August 20, 2021

Erin M. Forbes

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VIA E-MAIL

Ms. Rachel Lyles Smith, Mayor
Oregon City City Commission
Oregon City City Hall
625 C Street
Oregon City, OR 97045

RE: Motion to Dismiss Appeal No. AP-21-00004 (Appeal by Barclay Hills
Neighborhood Association of File No. GLUA-21-00002 / SP-21-00001 & LL-21-
00002)

Dear Mayor Lyles Smith and City Commission Members:

This firm represents the Applicant in File No. GLUA-21-00002 / SP-21-00001 & LL-21-00002 (the “Application”), who is also the Appellant in Appeal No. AP-21-00005 of the same file (the “Applicant”). The Applicant respectfully moves to dismiss the above-referenced appeal filed by the Barclay Hills Neighborhood Association (“BHNA”) for the following reasons. *First*, BHNA failed to meet the jurisdictional requirement of submitting an appeal fee and did not properly obtain a fee waiver. *Second*, even if BHNA properly obtained a fee waiver, the procedure set forth in OCMC 17.50.290.C regarding fee waivers is subjective, and as such cannot be applied to an application for needed housing under ORS 197.307(4) or a subsequent appeal. *Third*, BHNA does not have standing to appeal, and even if it did, it did not include the required statement of standing with its appeal materials. These issues are set forth in detail below. This motion does not contain new evidence and the upcoming appeal hearing is on the record. As such, the Appellant BHNA cannot submit new evidence to cure its jurisdictional deficiency.

1. Relevant Facts

The Applicant submitted its Application for Site Plan and Design Review and Lot Line Adjustment with the City of Oregon City (the “City”) on January 11, 2021. The first public notice on the Application was mailed on May 10, 2021, and a revised public notice was mailed on May 21, 2021.

During the comment period, public comments were submitted, in relevant part, by Mr. Jim Donnelly on his own behalf; by Ms. Karla Laws – “shar[ing]” electronically the comments

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submitted by Mr. Donnelly “on his behalf”; and by Mr. Aaron Wolf in his personal capacity.¹ None of those public comments were submitted by or on behalf of the BHNA – the only mention of BHNA in those comments appears in Ms. Laws’ email signature block.²

The comment period for the Application closed on June 7, 2021. The Type II Staff Report and Notice of Decision with Conditions of Approval was issued on July 22, 2021. BHNA, via submission made by Mr. Donnelly as a “representative of the Barclay Hills Neighborhood Association,” submitted an appeal on August 5, 2021.³

2. BHNA Failed to Meet Jurisdictional Requirements for Appeal

When filing a notice of appeal, “[t]he appropriate appeal fee” is required to be included with the notice of appeal. OCMC 17.50.190.C.5.⁴ “Failure to include the appeal fee . . . within [the] appeal period is deemed to be a jurisdictional defect and will result in the automatic rejection of any appeal so filed.” *Id.* Where a local government’s filing requirements for local appeals are “jurisdictional,” failure to satisfy such requirements deprives the local government of jurisdiction to hear the appeal. *Tipton v. Coos County*, 29 Or LUBA 474, 477 (1995), *aff’d* 137 Or App 633 (1995); *see also DLCD v. Wasco County*, 25 Or LUBA 529 (1993). BHNA did not submit the required fee with its notice, but instead requested a fee waiver. However, Mr. Donnelly’s handwritten request for such a waiver on the appeal form, without more, is insufficient to obtain such a waiver for BHNA.

The Code provides that “[i]f a city-recognized neighborhood association with standing to appeal has voted to request a fee waiver pursuant to OCMC 17.50.290.C⁵, no appeal fee shall be required for an appeal filed by that association.” OCMC 17.50.190.C.5.⁶ OCMC 17.50.290.C provides in relevant part that “[a]ppel fees shall not be charged for an appeal filed by a city-recognized neighborhood association, so long as the appeal has been officially approved by the general membership or board of the neighborhood association at a duly announced meeting.”

With its appeal materials, BHNA provided two documents entitled “Barclay Hills Neighborhood Association (BHNA) Minutes” dated May 11, 2021 and May 20, 2021.⁷ However, these documents do not provide evidence showing (a) that the meetings were “duly announced”; (b) that the “general membership or board” of BHNA approved the appeal; or (c) that it voted to request a fee waiver.

As to whether the meetings were “duly announced,” both Minutes documents state that BHNA’s meetings take place on “2nd Tuesdays.” While the May 11 meeting did take place on the second Tuesday of the month, there is no evidence in the record that the meeting was “duly announced.”

¹ Staff Report Exhibits at pp. 1-15, 27-73.

² Staff Report Exhibits at pp. 28, 73.

³ Appeal No. AP-21-00004 at p. 1.

⁴ OCMC 17.50.190 is attached as Exhibit 1.

⁵ OCMC 17.50.290 is attached as Exhibit 2.

⁶ BHNA’s standing, or lack thereof, is discussed in Section 4 below.

⁷ BHNA’s Meeting Minutes can be found in Appeal No. AP-21-00004 at pp. 23-25.

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The May 20 meeting – which was a “special meeting” regarding “LUBA 535 & 545 Holmes” – did not take place on a “second Tuesday,” and there is no evidence in the record or otherwise that it was “duly announced.” Not even the May 11 Minutes document mentions the May 20 meeting (the next meeting listed was to take place June 8, 2021).

As to the required votes to approve the appeal and to request a fee waiver, the only votes that were taken at the May 11 and May 20 meetings were “to support land use comment and appeal by the neighbors” regarding two different land use applications (one being the subject Application), and to “support neighborhood comments of Jim Donnelly [sic] and a land use appeal at 535 & 545 Holmes Lane,” respectively. There is no record of those who were in attendance at the May 11 meeting, nor is there record of the number of votes that were taken – only that a motion was made and seconded, and that no one opposed. It appears that five BHNA members were in attendance at the May 20 meeting, though it is unclear whether that accounts for the “general membership” or whether those in attendance were members of the “board.” The meeting minutes submitted make clear that a vote to request a fee waiver was not taken at all. And, if the required votes were taken at a later meeting, the minutes for that meeting should have been provided with the appeal materials.

Regardless, such votes could not have been properly taken. The May 11 and May 20 meetings took place *before* the City issued its decision on the Application, *before* BHNA (or any of its members) submitted any public comments, and *before* the public comment period closed. As such, BHNA could not have properly voted to file an appeal, much less voted to request a fee waiver, because there was not at that time a decision BHNA could have appealed.

Finally, even if BHNA had provided proper evidence of a vote to request a fee waiver, BHNA was also required to submit, “[i]n lieu of the appeal fee, . . . a duly adopted resolution of the general membership or board approving the request for fee waiver.” OCMC 17.50.190.C.5. No such resolution was provided.

Because BHNA failed to provide evidence showing it meets the requirements for a fee waiver, failed to provide the required duly adopted resolution approving the request for fee waiver, and did not pay the required appeal fee with its appeal, the City is required to automatically reject BHNA’s appeal, and must do so now. *Id.*; *Tipton*, 29 Or LUBA at 477.

3. OCMC 17.50.290.C Cannot Be Applied to Needed Housing Applications

Notwithstanding the above, the City cannot apply the fee waiver provisions set forth in OCMC 17.50.290.C to an appeal of a needed housing application such as the Applicant’s. ORS 197.307(4) requires local governments to “adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing, including needed housing.” Needed housing means “all housing on land zoned for residential use or mixed residential and commercial use that is determined to meet the need shown for housing within an urban growth boundary at price ranges and rent levels that are affordable to households within the county with a variety of incomes, including but not limited to households with low incomes, very low incomes and extremely low incomes, as those terms are defined by the United States Department

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of Housing and Urban Development under 42 U.S.C. 1437a.” ORS 197.303(a). Needed housing includes “[a]ttached and detached single-family housing and multiple family housing for both owner and renter occupancy.” ORS 197.303(1)(a).

The subject Application falls under the definition of “needed housing” because (a) it is on land zoned for residential use that is within an urban growth boundary, and (b) it will consist of attached and/or detached single-family housing for owner and/or renter occupancy.

Procedures are clear and objective “if they do not impose ‘subjective, value-laden analyses that are designed to balance or mitigate impacts.’” *Warren v. Washington County*, LUBA No. 2018-089, *Slip Op.* at p. 21 (Or LUBA 2018) (citing *Rogue Valley Assoc. of Realtors v. City of Ashland*, 35 Or LUBA 139, 158 (1998), *aff’d* 158 Or App 1, 970 P.2d 685, *rev den* 328 Or 549 (1999)).

OCMC 17.50.290.C includes a procedure that allows the planning division to “waive all or any portion of an application fee if, *in the opinion of the director*, a particular application shall be resubmitted because of an error made by the city. Appeal fees may be waived, wholly or in part, by the city commission, *if the city commission finds that, considering fairness to the applicant and to opposing parties*, a full or partial waiver of the appeal fee is warranted.” (Emphasis added.) A procedure that allows the “opinion of the director” to be considered is wholly subjective, as is a procedure that allows the city commission to consider “fairness.”

The requirement that an appeal be “officially approved by the general membership or board of the neighborhood association at a duly announced meeting” is also subjective because neither the Code nor the City define “officially approved,” “general membership,” or “duly announced meeting.” As such, this procedure allows for discretion, which is improper under the needed housing rules.

Thus, the procedures allowing fee waivers for appeals cannot be applied to BHNA’s appeal of the subject Application. For this additional reason, BHNA’s failure to submit the required appeal fee merits dismissal of its appeal.

4. BHNA Does Not Have Standing to File an Appeal

Finally, the Code provides that Type II decisions made by the Community Development Director are “appealable to the city commission, by any party who submitted comments in writing before the expiration of the comment period.” OCMC 17.50.030.B⁸; *see also* OCMC 17.50.190.D.1. As explained above, BHNA did not submit comments during the public comment period. While three members of BHNA, including the chair and co-chair, submitted comments during the public comment period, none of them were submitted on behalf of BHNA.⁹ The BHNA chair

⁸ OCMC 17.50.030 is attached as Exhibit 3.

⁹ Jim Donnelly submitted paper comments on June 4 on his own behalf and made no mention of BHNA. (See Staff Report Exhibits at pp. 1-15.) Karla Laws, chair of BHNA, shared via email the comments submitted by Mr. Donnelly “on behalf of” Mr. Donnelly – and did not state in her submission emails that the comments made by Mr. Donnelly were made on behalf of BHNA. (See *id.* at p. 28-72.) Ms. Laws’ additional June 4, 1:02 p.m. email also

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only re-submitted Mr. Donnelly's comments, and in doing so, she made no mention of doing so on behalf of BHNA. As such, BHNA does not have standing to appeal, and its appeal should be dismissed on this ground alone.

Further, BHNA failed to provide the required "statement of how [it] has an interest in the matter *and* standing to appeal." OCMC 17.50.190.C.3 (emphasis added). Nor could BHNA have provided such a statement, because as explained above, BHNA did not have standing to appeal. "For Type II decisions, only those persons or recognized neighborhood associations who submitted comments in writing before the expiration of the comment period have standing to appeal a community development director decision." OCMC 17.50.190.D.1. BHNA submitted no comments during the public comment period. And Mr. Donnelly, who submitted comments on his own behalf, did not file the appeal on his own behalf; rather, he filed it on behalf of the BHNA. For this separate reason, BHNA's appeal should be dismissed.

5. Conclusion

For the reasons set forth above, BHNA's appeal should be dismissed.

Best regards,



Erin M. Forbes

EMF/jmhi
 Enclosures

cc: Ms. Laura Terway (*via email*) (*w/enclosures*)
 Mr. Scott Miller (*via email*) (*w/enclosures*)
 Mr. Steve Miller (*via email*) (*w/enclosures*)
 Mr. Jim McCartan (*via email*) (*w/enclosures*)
 Mr. Neil Fernando (*via email*) (*w/enclosures*)
 Mr. Eric Evans (*via email*) (*w/enclosures*)
 Mr. Michael C. Robinson (*via email*) (*w/enclosures*)
 Mr. Garrett H. Stephenson (*via email*) (*w/enclosures*)

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makes no mention of comments being submitted on behalf of BHNA. (*See id.* at p. 73.) Aaron Wolf, vice-chair of BHNA, submitted comments on his own behalf rather than on behalf of BHNA. (*See id.* at p. 27.)

17.50.190 - Appeals.

Appeals of any non-final decisions by the city shall comply with the requirements of this section.

- A. Type I decisions by the community development director are not appealable to any other decision-maker within the city.
- B. A notice of appeal of any Type II, III or IV decision shall be received in writing by the planning division within fourteen calendar days from the date notice of the challenged decision is provided to those entitled to notice. Late filing of any appeal shall be deemed a jurisdictional defect and will result in the automatic rejection of any appeal so filed.
- C. The following shall be included as part of the notice of appeal:
 - 1. The planning file number and date the decision to be appealed was rendered;
 - 2. The name, mailing address and daytime telephone number for each appellant;
 - 3. A statement of how each appellant has an interest in the matter and standing to appeal;
 - 4. A statement of the specific grounds for the appeal;
 - 5. The appropriate appeal fee. Failure to include the appeal fee, with the exception of actual attorney fees, within appeal period is deemed to be a jurisdictional defect and will result in the automatic rejection of any appeal so filed. If a city-recognized neighborhood association with standing to appeal has voted to request a fee waiver pursuant to OCMC 17.50.290.C, no appeal fee shall be required for an appeal filed by that association. In lieu of the appeal fee, the neighborhood association shall provide a duly adopted resolution of the general membership or board approving the request for fee waiver.
- D. Standing to Appeal. The following rules prescribe who has standing to appeal:
 - 1. For Type II decisions, only those persons or recognized neighborhood associations who submitted comments in writing before the expiration of the comment period have standing to appeal a community development director decision. Review by the city commission shall be on the record, limited to the issues raised in the comments and no new evidence shall be considered.
 - 2. For Type III and IV decisions, only those persons or recognized neighborhood associations who have participated either orally or in writing have standing to appeal the decision of the planning commission or historic review board, as applicable. Grounds for appeal are limited to those issues raised either orally or in writing before the close of the public record. No new evidence shall be allowed.
- E. Notice of the Appeal Hearing. The planning division shall mail notice of the appeal hearing to all parties who participated either orally or in writing and provided their mailing address before the close of the public record in accordance with OCMC 17.50.090.B and post notice on the city website. Notice of the appeal hearing shall contain the following information:
 - 1. The file number and date of the decision being appealed;

2. The time, date and location of the public hearing;
 3. The name of the applicant, owner and appellant (if different);
 4. The street address or other easily understood location of the subject property;
 5. A description of the permit requested and the applicant's development proposal;
 6. A brief summary of the decision being appealed and the grounds for appeal listed in the notice of appeal;
 7. A statement that the appeal hearing is confined to the issues raised in the notice of appeal;
 8. A general explanation of the requirements for participation and the city's hearing procedures.
- F. Appeal Hearing—Scope of Review. Appeal hearings shall comply with the procedural requirements of OCMC 17.50.120. Appeal hearings shall be conducted by the city commission. The decision shall be on the record and the issues under consideration shall be limited to those listed in the notice of appeal.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.50.290 - Fees.

Item 3a.

The city may adopt by resolution, and revise from time to time, a schedule of fees for applications and appeals. Fees shall be based upon the city's actual or average cost of processing the application or conducting the appeal process. The only exception shall be the appeal fee for a Type II decision, which shall be limited by ORS 227.175.10.b. The requirements of this section shall govern the payment, refund and reimbursement of fees.

- A. Payment. All fees shall be due and payable at the time the application or appeal is submitted. No application or appeal shall be completed without the proper fee being paid.
- B. Refunds. Fees will only be refunded as provided in this subsection:
 - 1. When a fee is paid for an application which is later found to not be required, the city shall refund the fee.
 - 2. Errors. When an error is made in calculating a fee, overpayment will be refunded.
 - 3. Refund upon Withdrawal of an Application. In the event an applicant withdraws an application, the planning department shall refund the unused portion of the fee. In this case, the planning department will deduct from the fee the city's actual costs incurred in processing the application prior to withdrawal.
- C. Fee Waivers. The planning division may waive all or any portion of an application fee if, in the opinion of the director, a particular application shall be resubmitted because of an error made by the city. Appeal fees may be waived, wholly or in part, by the city commission, if the city commission finds that, considering fairness to the applicant and to opposing parties, a full or partial waiver of the appeal fee is warranted. Appeal fees shall not be charged for an appeal filed by a city-recognized neighborhood association, so long as the appeal has been officially approved by the general membership or board of the neighborhood association at a duly announced meeting.
- D. Major Projects. The fees for a major project shall be the city's actual costs, which shall include, but not be limited to, the actual costs for staff time, as well as any consultants, including contract planners, attorneys and engineers. The costs of major projects will not be included in any average used to establish other fees under this section.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.50.030 - Summary of the city's decision-making processes.

The following decision-making processes chart shall control the city's review of the indicated permits:

Table 17.50.030
Permit Approval Process

Permit Type	I	II	III	IV	Expedited Land Division
Annexation				X	
Compatibility review for communication facilities	X				
Compatibility review for the Willamette River Greenway Overlay District			X		
Code interpretation			X		
Master plan/planned unit development—General development plan			X		
Master plan/planned unit development—General development plan amendment	X	X	X		
Conditional use (excluding shelters)			X		
Conditional use for a shelter				X	
Detailed development plan ¹	X	X	X		
Extension	X				

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Final plat	X				
Geologic hazards		X			
Historic review	X		X		
Lot line adjustment and abandonment	X				
Manufactured home park review (new or modification)		X			
Placement of a single manufactured home on existing space or lot within a park	X				
Minor partition		X			
Nonconforming use, structure and lots review	X	X			
Plan or code amendment				X	
Revocation				X	
Site plan and design review	X	X			
Subdivision		X			X
Variance		X	X		
Zone change				X	
Natural resource overlay district exemption	X				

Natural resource overlay district review		X	X		
Live/work dwelling review		X			
Cluster housing development review		X			
Residential design standards review for single-family attached, single-family detached, duplexes, 3—4 plexes, internal conversions and accessory dwelling units	X				
Modification of residential design standards		X			

¹ If any provision or element of the master plan/planned unit development requires a deferred Type III procedure, the detailed development plan shall be processed through a Type III procedure.

A. Type I decisions do not require interpretation or the exercise of policy or legal judgment in evaluating approval criteria. Because no discretion is involved, Type I decisions do not qualify as a land use, or limited land use, decision. The decision-making process requires no notice to any party other than the applicant. The community development director's decision is final and not appealable by any party through the normal city land use process.

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, by any party who submitted comments in writing before the expiration of the

comment period. Review by the city commission shall be on the record pursuant to OCMC 17.50.190 under ORS 197.195(5). The city commission decision is the city's final decision and is subject to review by the land use board of appeals (LUBA) within twenty-one days of when it becomes final.

- C. Type III decisions involve the greatest amount of discretion and evaluation of subjective approval standards, yet are not required to be heard by the city commission, except upon appeal. In the event that any decision is not classified, it shall be treated as a Type III decision. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and the planning commission or the historic review board hearing is published and mailed to the applicant, recognized neighborhood association(s) and property owners within three hundred feet. Notice shall be issued at least twenty days pre-hearing, and the staff report shall be available at least seven days pre-hearing. At the evidentiary hearing held before the planning commission or the historic review board, all issues are addressed. The decision of the planning commission or historic review board is appealable to the city commission, on the record pursuant to OCMC 17.50.190. The city commission decision on appeal from is the city's final decision and is subject to review by LUBA within twenty-one days of when it becomes final, unless otherwise provided by state law.
- D. Type IV decisions include only quasi-judicial plan amendments and zone changes. These applications involve the greatest amount of discretion and evaluation of subjective approval standards and shall be heard by the city commission for final action. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and planning commission hearing is published and mailed to the applicant, recognized neighborhood association(s) and property owners within three hundred feet. Notice shall be issued at least twenty days pre-hearing, and the staff report shall be available at least seven days pre-hearing. At the evidentiary hearing held before the planning commission, all issues are addressed. If the planning commission denies the application, any party with standing (i.e., anyone who appeared before the planning commission either in person or in writing within the comment period) may appeal the planning commission denial to the city commission. If the planning commission denies the application and no appeal has been received within fourteen days of the issuance of the final decision, then the action of the planning commission becomes the final decision of the city. If the planning commission votes to approve the application, that decision is forwarded as a recommendation to the city commission for final consideration. In either case, any review by the city commission is on the record and only issues raised before the planning commission may be raised before the city commission. The city commission decision is the city's final decision and is subject to review by LUBA within twenty-one days of when it becomes final.
- E. The expedited land division (ELD) process is set forth in ORS 197.360 to 197.380. To qualify for this type of process, the development shall meet the basic criteria in ORS 197.360(1)(a) or (b).

While the decision-making process is controlled by state law, the approval criteria are found in this code. The community development director has twenty-one days within which to determine whether an application is complete. Once deemed complete, the community development director has sixty-three days within which to issue a decision. Notice of application and opportunity to comment is mailed to the applicant, recognized neighborhood association and property owners within one hundred feet of the subject site. The community development director will accept written comments on the application for fourteen days and then issues a decision. State law prohibits a hearing. Any party who submitted comments may call for an appeal of the community development director's decision before a hearings referee. The referee need not hold a hearing; the only requirement is that the determination be based on the evidentiary record established by the community development director and that the process be "fair." The referee applies the city's approval standards, and has forty-two days within which to issue a decision on the appeal. The referee is charged with the general objective to identify means by which the application can satisfy the applicable requirements without reducing density. The referee's decision is appealable only to the court of appeals pursuant to ORS 197.375(8) and 36.355(1).

- F. Decisions, completeness reviews, appeals, and notices in this chapter shall be calculated according to OCMC 1.04.070 and shall be based on calendar days, not business days.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

Memorandum

VIA E-MAIL

To: Ms. Rachel Lyles Smith, Mayor, and the Oregon City City Commission
From: Erin M. Forbes
Date: August 20, 2021
Subject: Analysis of BHNA's Grounds for Appeal
File No.: 138228-266548

This memorandum sets forth the Barclay Hills Neighborhood Association's ("BHNA") grounds for its appeal of File No. GLUA-21-00002 (the "Application"), which was submitted by Emerio Design (the "Applicant"), and analyzes the following for each ground:

1. Whether the issue raised was preserved (i.e., whether it was submitted during the public comment period); and
2. If preserved, whether the issue raised is part of an applicable approval criteria, and
 - a. If so, whether the criterion is clear and objective (if not, it cannot be applied to the Application), and
 - i. If so, whether the Application met the standard.

The Application is a "needed housing" application under ORS 197.303(1). Notably, the City has not taken exception to ORS 197.303, and the City's population exceeds 2,500. Further, there is not a clear and objective path available to the Applicant under OCMC Title 17 as required by ORS 197.307(6). Therefore, ORS 197.307(4) applies.

Further, under ORS 197.522(2), the City is *required* to approve an application for "a permit, authorization or other approval necessary for the subdivision or partitioning of, or construction on, any land for needed housing that is consistent with the comprehensive plan and applicable approval criteria." Moreover, under ORS 197.522(3), the Applicant is allowed to "propose conditions of approval on needed housing applications that would make the application consistent with the plan and applicable regulations."

Finally, OCMC 17.62.090 requires that 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.

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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.”

As shown below, BHNA has requested, for example, an entirely new traffic study. Such study would be unreasonably financially burdensome on the Applicant and the cost of this proposed needed housing development, especially when the Director and the City’s contracted, independent traffic engineer has reviewed and provided insight and proposed conditions of approval – which were incorporated into the July 22 Decision – on the Applicant’s traffic report.

As another example, BHNA has requested that the Commission require a rezone of the subject property back to the R-6 zoning it previously had. Such a requirement would be similarly unduly financially burdensome on the Applicant. Furthermore, “conditioning the current request for land use approval on relinquishment of a right granted in a prior land use decision is improper where there is no . . . connection” between the right to be relinquished (here, the entitlement to R-2 zoning) and the planning interest to be served. *Olson Memorial Clinic v. Clackamas County*, 21 Or LUBA 418, 421 (Or LUBA 1991). LUBA has held that it is improper for a local government to impose a condition of approval where the local government did not indicate an intent to impose the disputed condition of approval until the final written decision was issued because in such cases, petitioner is not given an opportunity below to raise issues concerning the propriety of imposing the disputed condition. *Id.* at 421 n.1.

The Commission is required to consider such costs as they would impact the development and construction of needed housing, and should do so here. The Commission also may not impose any conditions of approval without first giving the Applicant the opportunity to raise issues concerning the propriety of imposing that condition. *Id.* at 421.

1. **Introduction**

BHNA’s Appeal No. AP-21-00004 (the “Appeal”) appears to have multiple parts:

- Oregon City Appel form, with hand-written fee waiver request, dated Aug. 5, 2021 (p. 1)
- Hand-written grounds for appeal, which includes:
 - o Cover sheet (p. 2)
 - o “New information” as of Aug. 5, 2021, including a hand-written memorandum, a copy of a letter dated Oct. 31, 2019 to Diliانا Vassileva from Shane P. James (SHPO Archaeologist) regarding a 46 unit townhouse development at 535-545 Holmes Lane, and a portion of an email thread showing only the email signature block of Christian Nauer and an email from Diliانا Vassileva to undisclosed recipients (pp. 3-5)
 - o Hand-written grounds for appeal (pp. 6-15)

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- A typed document entitled “Letter of Concerns” dated Aug. 2, 2021 from BHNA to Oregon City Commissioners regarding the July 22, 2021 decision, and including an Oregon City zoning map and a marked-up version of Applicant’s site plan (pp. 16-19)
- An exhibit showing an aerial view of the subject property with sewer lines shown in red lines as noted in handwriting, with the date 8/4/2021 (p. 20)
- An undated, unsigned, typed document commenting on portions of “letter the fourth page from the end of The Staff Report from Replinger and Associates LLC addressed to Mr. Pete Walter”; notably this document does not identify the author (pp. 21-22)
- BHNA Meeting Minutes dated May 11, 2021 (p. 23)
- A sign-in page for the “BHNA Special Meeting: LUBA 535 & 545 Holmes” dated May 20, 2021 (p. 24)
- BHNA Meeting Minutes dated May 20, 2021 (p. 25)
- An undated page with several signatures and hand-written (in print) names (p. 26)
- Excerpts from the City of Oregon City’s Stormwater Master Plan dated July 2019 (pp. 27-32)
- A copy of Mr. James Donnelly’s “Concerns Letter” that he submitted on June 4, 2021 regarding the “535, 545 Development Holmes Lane” (pp. 33-47)

It is the Applicant’s position that BHNA’s grounds for appeal are limited to those grounds set forth on pages 2-20. These documents were submitted after the July 22 decision was issued. The remaining documents submitted appear to be either exhibits to the Appeal or courtesy copies of prior correspondence.

The undated, unsigned document found at pages 21-22 of the Appeal materials is presumably a letter submitted to the City after the July 22 decision issued since it is commenting on an exhibit to the decision. However, the Applicant’s position on this document is that, because it is undated and unsigned, it cannot be attributed to BHNA solely based on its inclusion with its Appeal materials. Moreover, it was not submitted prior to the close of the public comment period, so even if the Commission includes this as part of BHNA’s grounds for appeal, they were not preserved because they are comments to the City transportation planning consultant’s (Replinger & Associates) comments, which were not made public until July 22, after the comment period had closed. To the extent the Commission decides otherwise, Applicant has addressed these comments below in Section 3.

Mr. Donnelly’s June 4, 2021 “Concerns Letter” also cannot be part of BHNA’s grounds for appeal. The Applicant’s position is that the June 4 letter was included as an exhibit to the

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Appeal, as a courtesy to the Commission, rather than as part of BHNA's grounds for appeal. To the extent the Commission decides otherwise, Applicant has addressed these comments below in Section 4.

2. BHNA's Grounds For Appeal

A. Letter to Christian Nauer, Archaeologist, Confederated Tribes of Warm Springs

BHNA argues:

New information as of Aug. 5th 2021, 8:56 AM. This has just come to my attention. I contacted Christian Nauer, MS on Monday Aug. 2nd and left a message concerning the development at 545, 535 Holmes Lane in Oregon City. Christian Nauer called me back Thurs Aug. 5th at 8:56 AM. Christian Nauer has no record of receiving any letter from Oregon City or sending a return letter. Christian Nauer was supposed to receive the results of a special survey for the Confederated Tribes of Warm Springs OR. He did not! I sent Christian Nauer copies of two letters that are part of the Planning Dept. decision of approval pending appeal. He did not recognize either letter.

Please see two attached Letters from Oregon City Planning Dept. to Christian Nauer Archaeologist Confederated Tribes of Warm Springs and the Letter from Christian Nauer of the Confederated Tribes Warm Springs to Oregon City Planning.

Christian Nauer has no such copies sent or received until I sent him copies.

(Appeal at pp. 3-5.)

ANALYSIS:

BHNA admits that this is a new argument. As such, it was not preserved below, and cannot be considered on appeal. Of note, in its Appeal materials, BHNA attached an October 31, 2019 letter from Shane P. James to Ms. Dilia Vassileva, City of Oregon City Planning (Appeal p. 4); and a June 23, 2020 email from Dilia Vassileva to an unknown recipient, presumably to "selected Tribes and SHPO" (Appeal p. 5). The top portion of that email has Mr. Nauer's signature block on it, but it appears that a portion of the email thread was omitted. (*Id.*) The Warm Springs Recommendation shows that Mr. Nauer did in fact respond to Ms. Vassileva's June 23, 2020 email, and that his response was omitted from BHNA's Appeal materials. (See Staff Report Exhibits at pp. 85-88.)

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B. The Property at the Proposed Development Should Be Rezoned

BHNA argues:

The property at the proposed development should be rezoned back to what it was R-6. This development is to [sic] big, to [sic] high, to [sic] close to Singer Creek, to [sic] much of an impact on traffic, and traffic safety. This is a unique property and there can be an exceptions [sic] to the current zoning of that property.

(Appeal at p. 6.)

ANALYSIS:

Mr. Donnelly's June 4 Letter included the following statement: "535, and 545 should be rezoned as it was prior to 2004." (Staff Report Exhibits at p. 14; *see also* Appeal at p. 46.)

Whether the Property should be rezoned is not part of any applicable approval criteria. Moreover, "conditioning the current request for land use approval on relinquishment of a right granted in a prior land use decision is improper where there is no . . . connection" between the right to be relinquished (here, the entitlement to R-2 zoning) and the planning interest to be served. *Olson*, 21 Or LUBA at 421. Further, a rezone would be overly financially burdensome, contrary to OCMC 17.62.090.B. As such, this ground cannot be considered.

C. Lack of Infrastructure to Support R2 Zoning

BHNA argues:

Oregon Web Maps/Oregon City Zoning

This map indicated that: Along Mt. View St. heading west from the Oregon City Water reservoir to the dead end of Mt. View St. is all zoned R2 High Density, including both side of Stafford Park. Most of the existing houses in that area are either on City Sewer that is on a Pump or Septic System. As a concerned neighborhood this does Not appear to be Adequate infrastructure for R2 zoning.

We understand that Oregon City needs to meet the states requirement of infill in existing neighborhoods. But shouldn't the zoning fit the neighborhood and the current infrastructure?

If the zoning can't be changed to a lower density and remains at the R2 zoning, the infrastructure or plans to develop the R2 infrastructure should be in place before or during the development.

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Summary Requests:

The Barclay Hills Neighborhood Association would like all Oregon City Departments that have been or would be involved in verifying the current infrastructure is able to support the proposed development. We request that a written verification from head of each department.

We would like to know in written form, who is responsible for any and all problems that would arise from this proposal? Take for example: sewage backups, low water pressure, fire, life and safety issues, which would include emergency egress, not only for the new development but for the entire neighborhood.

(Appeal at p. 17.)

ANALYSIS:

Mr. Donnelly's June 4 Letter included the following statement: "535, and 545 should be rezoned as it was prior to 2004." (Staff Report Exhibits at p. 14; *see also* Appeal at p. 46.)

As discussed above, whether the Property should be rezoned is not part of any applicable approval criteria. Nor is there a requirement in any applicable approval criteria that the proposed development, the Applicant, or the City confirm that "infrastructure" for the current zoning be in place before or during the development. Moreover, "conditioning the current request for land use approval on relinquishment of a right granted in a prior land use decision is improper where there is no . . . connection" between the right to be relinquished (here, the entitlement to R-2 zoning) and the planning interest to be served. *Olson*, 21 Or LUBA at 421. Further, a rezone would be overly financially burdensome, contrary to OCMC 17.62.090.B. As such, this ground cannot be considered.

Generally, "infrastructure" issues relate to the requirement of OCMC 17.62.050.E. In its July 22 Decision relating to OCMC 17.62.050.E, the Director referred to its findings for OCMC 16.12.095 relating to minimum improvements – public facilities and services (including improvements to sewer, stormwater drainage, transportation system, water system, etc.). The Director found that all relevant standards of OCMC 16.12.095 were met, or could be met as conditioned.

Local governments may impose conditions of approval on an application for needed housing to ensure that all criteria and standards are met. ORS 197.522(3). If such conditions are imposed, the local government is required to approve the needed housing application. ORS 197.522(2). The Commission should find that these criteria are met, or can be met through the conditions imposed, which the Applicant has not appealed, and deny the Appeal on these grounds.

Alternatively, these standards of OCMC 16.12.095 are largely subjective. For example, they require that an applicant provide "adequate" access to their developments; connect the drainage

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system to the “appropriate” downstream storm drainage system and design drainage facilities “in accordance with” City drainage master plan requirements; and allow for future connection of neighboring undeveloped properties that are “suitably zoned for future development” to a sanitary sewer system and water system. OCMC 17.62.050.E is also subjective, as it requires “adequate” public water and sanitary sewer facilities “sufficient” to serve the proposed development. Subjective criteria cannot be applied to a needed housing application such as this.

D. Environmental Concerns

(1) Collection Ponds & Singer Creek

BHNA argues:

I contacted DEQ in regards to the Location of the street water collection pond and Singer Creek. This semipermeable membran [sic] will let chemicals such as pesticides, herbicides, oil, grease leach into Singer Creek. This will flow unchecked non filtered into the Willamette River. This will create and promote toxic algae blooms. DEQ stated the potential for an environmental disaster is very high in that location. Two local Oregon City approved collector ponds have failed. One is on Maggie Place and Mountain View Street less than ¼ mile from the proposed development. The failure affected Mountain View, Cedar Lane, Stafford Park, and ran into Singer Creek. The other failed collection pond is at Newell Creek.

The two failed collection ponds also had city approved engineered drainage plans, drainage reports, design flow calculations, and were supposed to meet public works stormwater and grading design standards.

Question: Does this mean the stormwater standards are inadequate? Page 31 # 13.12.080, Page 2 [condition] # 12, Page 3 [condition] # 14, 15 Page 3 [condition] # 16, Page 30 #2 allowed to discharge into the Willamette River?

(Appeal at pp. 6-7).

ANALYSIS:

Mr. Donnelly’s June 4 Letter included the following statement: “Singer Creek and Water Collection pond. Will water from the new pond drain into Singer Creek? Is it street run off? Street run off contains oil and chemicals from cars, and pesticides, herbicides from new homes. Will there be mosquito prevention with large new pond? Construction that close to Singer Creek will inevitable [sic] contaminate the creek with mud.” (Staff Report Exhibits at p. 14; *see also* Appeal at p. 46.)

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Mr. Donnelly's original comments discussed a portion, but not all, of this ground for appeal. No comments were made during the public comment period (by Mr. Donnelly or anyone else) regarding water flowing into the Willamette River. As such, that portion of this ground cannot be considered. Nor were comments made during the public comment period regarding "environmental disaster" – the evidence provided on appeal from DEQ and regarding the "two failed collection ponds" is new evidence and cannot be considered. Nor did any commenter during the comment period challenge the adequacy of the stormwater standards.

To the extent BHNA's references to the Conditions of Approval Nos. 12, 14, 15, 16 be considered grounds for appeal, no comments were made during the public comment period regarding engineering plans and drainage reports; regarding erosion and sediment control; or regarding the 1200-C permit. BHNA's reference to "Page 30 # 2" is too vague to be considered a ground for appeal – page 30 of the July 22 Decision contains two items labeled "2."

Further, local governments may impose conditions of approval on an application for needed housing to ensure that all criteria and standards are met. ORS 197.522(3). If such conditions are imposed, the local government is required to approve the needed housing application. ORS 197.522(2). The Commission should find that these criteria are met, or can be met through the conditions imposed, which the Applicant has not appealed, and deny the Appeal on these grounds.

The only portion of BHNA's ground regarding collection ponds that can be considered is that regarding chemicals leaching into Singer Creek.

OCMC 13.12.080, which governs submittal requirements relating to stormwater and water quality, does not contain approval criteria that must be met by the Application, but it is incorporated by OCMC 17.62.050.J. The Director found that the Application met the requirements of OCMC 13.12.080 as conditioned.

Further, as discussed in more detail below, the July 22 Decision conditioned approval on Applicant's submission of a final stormwater management plan. Local governments may impose conditions of approval on an application for needed housing to ensure that all criteria and standards are met. ORS 197.522(3). If such conditions are imposed, the local government is required to approve the needed housing application. ORS 197.522(2). The Commission should find that these criteria are met, or can be met through the conditions imposed, which the Applicant has not appealed, and deny the Appeal on these grounds.

BHNA's grounds for appeal relating to stormwater may relate to the requirements of OCMC 17.62.050.E. In its July 22 Decision relating to OCMC 17.62.050.E, the Director referred to its findings for OCMC 16.12.095 relating to minimum improvements – public facilities and services (including improvements to sewer, stormwater drainage, transportation system, water system, etc.). To the extent the Commission finds these sections relevant to this ground for appeal, the Director found that all relevant standards of OCMC 16.12.095 were met, or could be met as conditioned.

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Alternatively, these standards of OCMC 16.12.095 are largely subjective. For example, they require that an applicant connect the drainage system to the “appropriate” downstream storm drainage system and design drainage facilities “in accordance with” City drainage master plan requirements; and allow for future connection of neighboring undeveloped properties that are “suitably zoned for future development” to a sanitary sewer system and water system. OCMC 17.62.050.E is also subjective, as it requires “adequate” public water and sanitary sewer facilities “sufficient” to serve the proposed development. Subjective criteria cannot be applied to a needed housing application such as this.

(2) Stafford Park

BHNA argues:

Page 8 The applicant is taking advantage of the city to enhance Stafford Park.

Question: Is this a bribe? To give the city money or inhance [sic] recreational opportunities to sell condos?

(Appeal at p. 7).

ANALYSIS:

No comments were made during the public comment period objecting to Applicant’s request to work with the City to enhance Stafford City Park by providing a proportionate financial contribution to the City so the City can purchase a play structure or similar amenity. One comment – made by Aaron Wolf, vice chair of BHNA, in his personal capacity – was submitted *in support* of the Applicant’s proposed financial contribution. Mr. Wolf stated in his June 4 letter, “I know the developer has offered to help improve the nearby Singer Creek and Stafford parks, and the City should take them up on that offer while engaging the community better in determining what those updates might be.” (Staff Report Exhibits at p. 27.) As such, this ground cannot be considered on appeal.

(3) Buffer Zone

BHNA argues:

Page 9 Plans do not reflect 10’ buffer zone between 567 and proposed development.

(Appeal at p. 7).

ANALYSIS:

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Mr. Donnelly's June 4 Letter included the following statement: "Item #3 Multi-family residential development abuts a parcel zoned R-6. There shall be a landscaped yard of ten feet on the side abutting the adjacent zone in order to provide a buffer area. See next page. [Photo omitted.] Picture taken from R-6 property, pointing at R-2 development property line. Picture shows 3 feet from surveyors bench mark between fence post and metal fence post. Developers drawing shows a fire lane at this point. Clearly not a 10' buffer." (Staff Report Exhibits at pp. 8-11; *see also* Appeal at p. 40.) As such, this ground was preserved below.

The requirement set forth in OCMC 17.12.040, note 1, requiring a 10 foot buffer area if a multi-family residential development abuts a parcel zoned R-6, is clear and objective.

The July 22 Decision requires the Applicant to submit revised plans showing the 10 foot wide landscape buffer. (*See* July 22 Decision at pp. 70-71). Local governments may impose conditions of approval on an application for needed housing to ensure that all criteria and standards are met. ORS 197.522(3). If such conditions are imposed, the local government is required to approve the needed housing application. ORS 197.522(2). The Commission should find that these criteria are met, or can be met through the conditions imposed, which the Applicant has not appealed, and deny the Appeal on these grounds.

(4) Stormwater

BHNA argues:

Page 6 I1. Flat topography not true. Property slopes to the north. Sewer on Mountain View is nonexistent for that reason. All runoff from storms will flood Mountain View Street and the property on that street.

(Appeal at p. 12.)

ANALYSIS:

No comments were made regarding the issue of the topography of the subject property or the issue of stormwater runoff flooding Mountainview Street during the public comment period. As such, this ground for appeal was not preserved, and cannot be considered on appeal.

Regardless, the topography of the subject property is not part of any applicable approval criteria; as such, any alleged mistakes in the description of the subject property cannot be considered on appeal.

BHNA further argues:

Chapter 13.12 Stormwater Management.

13.12.050 OCMC 17.47

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Sediment Control, Question does this apply to Singer Creek, preventing sediment, mud from entering the Creek. This will be a privately owned and maintained stormwater facility.

Question: what guarantee does the city have that no unfiltered stormwater will not contaminate the Singer Creek headwater?

(Appeal at p. 13).

ANALYSIS:

Mr. Donnelly's June 4 Letter included concerns relating to water, street runoff, and mud running into Singer Creek. (Staff Report Exhibits at p. 14; *see also* Appeal at p. 46.) As such, this ground for appeal was preserved.

However, OCMC 13.12.050, which is incorporated into the site plan and design review criteria by OCMC 17.62.050.J, has no approval criteria; rather, sets out activities that make certain stormwater management requirements applicable to an application. Even if the argument had been preserved, it is not proper to consider this on appeal.

Further, the Director found that the requirements relating to stormwater management apply to the Application, and imposed conditions of approval on the Applicant relating to same. Local governments may impose conditions of approval on an application for needed housing to ensure that all criteria and standards are met. ORS 197.522(3). If such conditions are imposed, the local government is required to approve the needed housing application. ORS 197.522(2). The Commission should find that these criteria are met, or can be met through the conditions imposed, which the Applicant has not appealed, and deny the Appeal on these grounds.

BHNA's grounds for appeal relating to stormwater may relate to the requirements of OCMC 17.62.050.E. In its July 22 Decision, the Director referred to its findings for OCMC 16.12.095 relating to minimum improvements – public facilities and services (including improvements to sewer, stormwater drainage, etc.). To the extent the Commission finds these sections relevant to this ground for appeal, the Director found that all relevant standards of OCMC 16.12.095 were met, or could be met as conditioned.

Alternatively, these standards of OCMC 16.12.095 are largely subjective. For example, they require that an applicant connect the drainage system to the “appropriate” downstream storm drainage system and design drainage facilities “in accordance with” City drainage master plan requirements; and allow for future connection of neighboring undeveloped properties that are “suitably zoned for future development” to a sanitary sewer system and water system. OCMC 17.62.050.E is also subjective, as it requires “adequate” public water and sanitary sewer facilities “sufficient” to serve the proposed development. Subjective criteria cannot be applied to a needed housing application such as this.

BHNA further argues:

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B.2. development will create or replace more than 5000 sq. ft.

(Appeal at p. 13).

ANALYSIS:

No comments were made during the public comment period regarding the proposed development's creating or replacing more than 5000 square feet of impervious surface. As such, this ground for appeal was not preserved, and cannot be considered on appeal.

Further, the Director found that the requirements relating to stormwater management based on the impervious surface apply to the Application. Regardless, as discussed above OCMC 13.12.050.B.2 is not an approval criterion; rather, sets out activities that make certain stormwater management requirements applicable to an application. Even if the argument had been preserved, it is not proper to consider this on appeal.

BHNA further argues:

C.1 will be allowed to discharge to the Willamette River. As defined in OCMC 17.42

C.2. Exempt from water quality and flow control.

Question: why are they exempt from water quality? Won't the potentially contaminated water effect the creek and Willamette River?"

(Appeal at p. 13).

ANALYSIS:

No comments were made during the public comment period regarding water flowing into the Willamette River. As such, this ground for appeal was not preserved, and cannot be considered on appeal.

Regardless, BHNA's above ground for appeal appears to be disputing the Director's finding that no exemptions to the requirement to provide a stormwater management plan apply to the Applicant. The Director found that the Applicant was *not* exempt from water quality and flow control requirements. Even if this ground had been preserved, the Commission should disregard it because it is based on a misunderstanding of the July 22 Decision.

BHNA further argues:

Chapter 13.12 Finding Applicable

"Connections to a public stormwater conveyance system is required to serve this development."

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Question: Where is the **Stormwater Conveyance System Connection** on
or at Mt. View St.?

(Appeal at p. 16.)

ANALYSIS:

No comments were made regarding this issue during the public comment period. As such, this ground for appeal was not preserved, and cannot be considered on appeal.

Regardless, the Director found that the stormwater conveyance requirements of Chapter 13.12 apply to the Application, and conditioned approval on the Applicant's submittal of a finalized stormwater conveyance plan (among other stormwater management plans). Local governments may impose conditions of approval on an application for needed housing to ensure that all criteria and standards are met. ORS 197.522(3). If such conditions are imposed, the local government is required to approve the needed housing application. ORS 197.522(2). The Commission should find that these criteria are met, or can be met through the conditions imposed, which the Applicant has not appealed, and deny the Appeal on these grounds.

BHNA's grounds for appeal relating to stormwater may relate to the requirements of OCMC 17.62.050.J. In its July 22 Decision, the Director referred to its findings for OCMC Chapter 13.12 relating to stormwater management. To the extent the Commission finds these sections relevant to this ground for appeal, the Director found that all relevant standards of OCMC Chapter 13.12 were met, or could be met as conditioned.

Alternatively, the approval criteria found in OCMC Chapter 13.12 are largely subjective. For example, OCMC 13.12.090 requires that an applicant's storm drainage design include provisions to "adequately control runoff" and that operation and maintenance procedures are proposed that ensure the stormwater facilities will be "properly operated and maintained." Subjective criteria cannot be applied to a needed housing application such as this.

BHNA further argues:

Chapter 13.12.140 Finding Applicable

"Development has not proposed any roadside stormwater facilities which may receive stormwater runoff from public right-of-way."

Question: Is not the proposed continuation of Reliance St. a public right-of-way? Or public street?

(Appeal at p. 16.)

ANALYSIS:

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No comments were made regarding this issue during the public comment period. As such, this ground for appeal was not preserved, and cannot be considered on appeal.

Further, BHNA's statement that Staff found Chapter 13.12.140 to be "applicable" is incorrect – the Director found this section not applicable. Regardless, whether the continuation of Reliance Street is a public right-of-way or a public street is not party of any applicable approval criteria that can be applied to the Application. For this additional reason, this ground cannot be considered on appeal.

BHNA further argues:

Oregon City Web Maps/Contours Map states: The elevation continuation of Reliance St. through the proposed development starting at Holmes Lane (470ft.) going north and ending at Mt. View St. (466 ft.) has an approximately four feet of drop elevation between Holmes to Mt. View.

This is our understanding that stormwater runoff collected on the proposed Reliance St. continuation will end up on Mt. View St. that currently has **No Stormwater Conveyance System Connection.**

(Appeal at p. 16.)

ANALYSIS:

No comments were made regarding this issue during the public comment period. As such, this ground for appeal was not preserved, and cannot be considered on appeal.

BHNA's concerns regarding stormwater runoff on Mountainview Street as related to the Application are discussed above.

BHNA further argues:

Oregon City Web Maps/Contours Map states: At northwest corner of proposed development where Units 19-27 the elevation is 450 ft. The proposed retention pond elevation is 458-460 ft.

Question: How are those units going to get grade for stormwater/rain drain into pond?

(Appeal at p. 16.)

ANALYSIS:

The issue of grading of Units 19-27 as related to "stormwater/rain drain into pond" was not brought up by any commenter during the public comment period. As such, this ground for appeal was not preserved, and cannot be considered on appeal.

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(5) Issues with “Staff Determination”

BHNA argues:

On page 31 E The staff has determined that it is possible, likely and reasonable that applicant can meet this standard [OCMC 13.12.090.E relating to approval criteria for engineered drainage plans and drainage report] through conditions of approval.

Question: Based on what? What staff member? A developer the City has never worked with before?

(Appeal at p. 7.)

ANALYSIS:

As an initial point, BHNA’s ground for appeal above appears to be related to an issue with the City “staff” and its review and decision making processes. However, it is addressed in this section relating to “Environmental” concerns because it is in connection with a specific development standard (OCMC 13.12.090.E).

To the extent BHNA is objecting to Applicant’s engineered drainage plan and/or drainage report, no comments were submitted during the public comment period on this issue. As such it has not been properly preserved, and this ground cannot be considered on appeal.

Regardless, the Director’s decision making process is not an approval criteria and this issue is not one that can be considered on appeal.

Further, OCMC 13.12.090 relates to stormwater management plans, which are not required in final form for land use applications; the Applicant submitted preliminary stormwater plans and stated that it would submit a final stormwater management plan with the civil plans upon gaining land use approval.

In its July 22 Decision, the Director referred to its findings for OCMC Chapter 13.12 relating to stormwater management when addressing requirements for site plan review in OCMC 17.62.050.J. To the extent the Commission finds these sections relevant to this ground for appeal, the Director found that all relevant standards of OCMC Chapter 13.12 were met, or could be met as conditioned. Local governments may impose conditions of approval on an application for needed housing to ensure that all criteria and standards are met. ORS 197.522(3). If such conditions are imposed, the local government is required to approve the needed housing application. ORS 197.522(2). The Director properly conditioned approval on Applicant’s submission of final stormwater plans.

Alternatively, the approval criteria found in OCMC Chapter 13.12 are largely subjective. For example, OCMC 13.12.090 requires that an applicant’s storm drainage design include provisions

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to “adequately control runoff” and that operation and maintenance procedures are proposed that ensure the stormwater facilities will be “properly operated and maintained.” Subjective criteria cannot be applied to a needed housing application such as this.

BHNA further argues:

Page 31 13.12.090, OCMC 13.12.020

E. Plans have not been fully reviewed.

Question: How has staff determined that it is possible and reasonable.
Can meet this standard.

Question: Where is the documentation for this item?

(Appeal at p. 13.)

ANALYSIS:

BHNA in its Appeal does not discuss any substantive issues relating to approval criteria or standards set forth in OCMC 13.12.090¹. Rather, BHNA complains about City Staff’s (the Director’s) decision making process. The Director’s decision making process is not an approval criteria and this issue is not one that can be considered on appeal.

BHNA further argues:

Page 33 13.12.145 Private stormwater; 13.12.170 DEQ Permits.

Staff has determined? Again what staff member? Based on what documentation? None shown! This is an opinion, not documentation.

Question: Is this the opinion of one staff member? Are they qualified? The entire staff?

Staff has determined is used repeatedly throughout this report. No documentation to support this ‘opinion.’ No changes shown to support this decision.

I asked if any staff members had been to the proposed development. The answer was No! This development is less than ½ mile from the planning dept. office.

¹ OCMC 13.12.020, mentioned by BHNA in its Appeal materials, is not applicable to this Application, and was not discussed by Applicant or Staff. We are unable to decipher which section of the Code was intended to be listed here.

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Signs were not posted on site address properly hidden in trees and grass. I had to call planning to enforce proper sign placement. Signs should be placed on both lots. They are not.

(Appeal at p. 8.)

ANALYSIS:

As an initial point, BHNA's ground for appeal above appear to be related to an issue with the City "staff" and its review and decision making processes. However, it is addressed in this section relating to "Environmental" concerns because it is in connection with a specific development standard (OCMC 13.12.145 and OCMC 13.12.170).

BHNA in its Appeal does not discuss any substantive issues relating to approval criteria or standards set forth in OCMC 13.12.145 or OCMC 13.12.170. Rather, BHNA complains about City Staff's (the Director's) decision making process. The Director's decision making process is not an approval criteria and this issue is not one that can be considered on appeal.

BHNA also appeals on the basis that apparently no staff members had visited the proposed development, and that signs were not posted on the site properly because they were "hidden in trees and grass." These issues were not brought up in any written comments made during the public comment period. The July 22 Decision mentions a "complaint about the visibility of the Holmes Lane notice due to vegetation," and notes that the sign was relocated on May 26, 2021. To the extent the notice location issue was preserved, it was resolved by Staff. The remaining issues were not preserved and cannot be considered on appeal. Regardless, they are also not approval criteria for the proposed development. For this additional reason, they cannot be considered on appeal.

E. Traffic Concerns

(1) Street Design 16.12.015

BHNA argues:

Connection to Holmes Lane, Mountain View. The street system shall assure an adequate traffic circulation system.

(Appeal at p. 9.)

ANALYSIS:

Mr. Donnelly's June 4 Letter states "[t]he addition of the proposed new street connecting Holmes Lane with Mountain View St. is unsafe and a danger to Residents living on those streets." (Staff Report Exhibits at p. 2; *see also* Appeal at p. 34.) This ground, while very broad, was arguably preserved, and can be considered on appeal on that basis.

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The requirement that “the street system assure an adequate traffic circulation system” is found in OCMC 16.12.015, which is incorporated by OCMC 17.62.050.J. The Director found that the Application met this standard as proposed.

Alternatively, OCMC 16.12.015 is not clear and objective. In relevant part, it reads “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.” OCMC 16.12.015. The requirement to assure an “adequate” traffic circulation system is subjective because “adequate” is undefined and leaves room for discretion by the decision maker. Further, “considering the terrain,” is also subjective and the criterion gives no guidance regarding what exactly about the terrain is to be considered, and how it should be applied once considered. As such, it cannot be applied to this needed housing application.

BHNA further argues:

The connection to Mountain View. Mountain View is no wider than an alley. Two cars passing each other is dangerous. The increased traffic flow of 120 cars or more is unsafe on Mountain View.

(Appeal at p. 9; *see also* Appeal at p. 16 (“Proposed site plan indicates there will be 120 cars added to the Holmes Ln. and to Mt. View St.”))

ANALYSIS:

Mr. Donnelly’s June 4 Letter does not discuss the connection to Mountainview Street or safety issues relating to Mountainview Street. It is unclear whether “the connection to Mountain View” discussed in this ground is the same as “The addition of the proposed new street connecting Holmes Lane with Mountain View St. is unsafe and a danger to Residents living on those streets” as stated in Mr. Donnelly’s June 4 Letter. (*See* Staff Report Exhibits at p. 2; *see also* Appeal at p. 34.) However, Mr. Timothy Keene stated in his comment, “Mountainview Street is currently not used by many vehicles Adding up to 120 vehicles suddenly on this same stretch of road with no traffic light will make this turn, and the overall intersection, incredibly crowded and lead to even more back-up and difficulty in turning off of Mountainview onto Molalla. . . . [This street] now . . . may not be wide enough to accommodate 2 cars going by each other.” (Staff Report Exhibits at p. 17; *see also, e.g., id.* at p. 20.) As such, this ground was preserved, and can be considered on appeal.

However, it is unclear to which specific approval criterion this issue relates. To the extent it relates to OCMC 16.12.015 requiring that “the street system assure an adequate traffic circulation system,” the Director found that the Application met this criterion as proposed.

Alternatively, that criterion is subjective, as explained above, and cannot be applied to this needed housing application.

BHNA further argues:

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Page 37 16.12.013 B. Applicant may request modification to the standards of this chapter. D. Street design change.

Question: Will or can street design change from original drawings? Would this involve a new traffic report?

(Appeal at p. 14.)

ANALYSIS:

This ground for appeal does not appear to complain about any specific aspect of the Applicant's proposed development. Rather, it questions whether the street design can change from original drawings and whether a new traffic report would be involved. No public comments were submitted during the public comment period regarding the Applicant's request to modify the standards of Chapter 16 relating to Holmes Lane. As such, this issue was not preserved, and cannot be considered on appeal.

BHNA further argues:

Page 43 OCMC 13.34.090.A Proposed street design for Holmes Lane does not meet City Code for a collector road. Holmes Lane will be modified due to high voltage power lines.

16.12.013 applicant to install improvements.

Question: will anyone else on Holmes Lane be required to also due [sic] improvements?

(Appeal at p. 14.)

ANALYSIS:

This ground for appeal does not appear to be a complaint, but rather requests information about whether "anyone else on Holmes Lane [will] be required to also [do] improvements" as the Applicant has proposed doing. To the extent this can be considered a ground for appeal, the issue was not brought up during the public comment period and thus cannot be considered on appeal. Further, requirements the City may impose on other property owners on Holmes Lane are not relevant to this Application.

BHNA further argues:

Page 48 16.12.026 Alleys. An alley "fire lane" is proposed along the property line of Stafford Park and 567 Holmes Lane.

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Question: Will parking be allowed on Alley “fire lane”? Will occupants of development be allowed to use and park overnight in the Stafford Park parking lot?

(Appeal at pp. 14-15.)

ANALYSIS:

Mr. Donnelly’s June 4 Letter states “There will not be enough parking for the number of residents living in the new 60-unit project. No parking allowed in the fire lanes. No resident parking in Stafford Park.” (Staff Report Exhibits at p. 12; *see also* Appeal at p. 44.) As parking and the “fire lane” were brought up during the public comment period, this ground has arguably been preserved.

OCMC 16.12.026 relates to alleys. No alleys were proposed with the proposed development, and as such the Applicant did not address this approval criterion, and the Director agreed that the criterion was not applicable. This criterion is not applicable to the Application and as such, this ground for appeal should not be considered.

BHNA further argues:

The proposed site plan indicates there will be curbs and gutters and repaved to the center of Mt. View St. only directly in front of the development, leaving the rest of Mt. View St. in its existing under developed condition.

(Appeal at p. 16.)

ANALYSIS:

The lack of sidewalks on Mountainview Street, which arguably relates to its “underdeveloped condition,” was brought up in Mr. Timothy Keene’s letter during the public comment period. (Staff Report Exhibits at p. 17 (discussing need for “more developed sidewalks on Mountainview”).) This ground for appeal was arguably preserved, though no comments were made during the public comment period regarding curbs, gutters, or repaving of this street.

However, even if the Commission agrees this ground was preserved, improvements outside of the area of the proposed development are not relevant to this Appeal or to the Application in general. As such, this ground for appeal cannot be considered.

BHNA further argues:

Proposed Site Plan also indicates the continuation of Reliance St. from Holmes Ln. to Mt. View St. making Mt. View St. a through street and no longer a dead-end street.

(Appeal at p. 16.)

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ANALYSIS:

No comments were made regarding this issue during the public comment period. As such, this ground for appeal was not preserved, and cannot be considered on appeal.

BHNA further argues:

Our observation is: the current condition of Holmes Ln. road surface has only been “Chipped and Sealed” and was Not repaved. There are signs of the “Chip and Sealed” surface peeling off.

(Appeal at p. 17.)

ANALYSIS:

The McLoughlin Memorial Association commented in a letter dated June 1, 2021 that Holmes Lane has “a substandard pavement surface.” (Staff Report Exhibits at p. 23.) As such, this issue was preserved.

However, the general condition of Holmes Lane is not applicable to the Application. OCMC 12.04.100 and OCMC 16.12.029, both regarding excavations and restoration of pavement, are the Code provisions most applicable to this issue. OCMC Chapter 12.04 and Chapter 16.12 are incorporated by OCMC 17.62.050.J. The Director found that OCMC 12.04.100 was met by the Application as proposed, and that OCMC 16.12.029 was met by the Application as conditioned.

Alternatively, these criteria are subjective because they require the “person making the excavation to restore the pavement *in accordance with* the City of Oregon City Public Works Pavement Cut Standard” OCMC 12.04.100 (emphasis added). Whether the restoration is “in accordance with” any standard allows for discretion by the reviewer. As such, these criteria could not be applied to this needed housing application. Regardless, the Applicant understands there may be in the future a requirement to restore any pavement subject to these provisions.

BHNA further argues:

Our observation of Mt. View St. from Cedar Lane to the dead end does Not have any curbs, gutters or sidewalks. Current road condition narrows to one lane. Pavement condition is poor, with pot-holes.

(Appeal at p. 17.)

ANALYSIS:

As discussed above, the lack of sidewalks on Mountainview Street was brought up in Mr. Timothy Keene’s letter during the public comment period. (Staff Report Exhibits at p. 17 (discussing need for “more developed sidewalks on Mountainview”).) This ground for appeal

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was arguably preserved, though no comments were made during the public comment period regarding curbs, gutters, or pavement condition on this street.

However, even if the Commission agrees this ground was preserved, improvements outside of the area of the proposed development are not relevant to this Appeal or to the Application in general. As such, this ground for appeal cannot be considered.

(2) Traffic Report

BHNA argues:

The Traffic Report was not changed. But it was approved with incorrect speed limits, and incorrect dates. The date was changed to 2020. The report was from 2017, 2019. Speeding is a big problem on Holmes Lane. That is not on the traffic report. Accidents reported are only from police reports. There are many accidents that are not reported. Traffic report has no information about Linn and Holmes Lane. Report only covers East of Rilance Lane and Holmes Lane. The Traffic Report is skewed to help the developer, not the citizens who live and will be effected by the increase in traffic.

Traffic Report in regaurds [sic] to letter from Riplinger & Associates. It is addressed to Laura Terway. The letter "one persons opinion" states that speed limits don't matter. Has no bearing on traffic.

I request a New Traffic Report. A current 2021 Report. Done by a neutral third party, unbiased, with correct data.

I again request a speed monitoring device on Holmes Lane. In addition to the new traffic report. People go 60 MPH on Holmes Lane. Traffic speed does have an impact on traffic safety.

Question: why does traffic speed have no bearing on the traffic report letter? Should the police stop giving speeding tickets on Holmes Lane?

The traffic report letter is negligent, and irresponsible. It is biased in favor of the new development.

(Appeal at p. 10.)

ANALYSIS:

Mr. Donnelly addressed issues relating to the Traffic Report submitted by the Applicant in his June 4 Letter. (Staff Report Exhibits at pp. 2-4; *see also* Appeal at pp. 34-36.) Specifically, Mr. Donnelly commented:

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“The report is full of mistakes and is inaccurate. Wrong speed limits for Holmes Lane, and Molalla Ave. Mountain View Street is not two lanes.

The addition of the proposed new street connecting Holmes Lane with Mountain View St. is unsafe and a danger to Residents living on those streets. Page 8 refers to Holmes Lane again being a 35 MPH street. It is not. The findings of the report are from 2018, not 2020. Page 11 peak hour rate only includes 18 cars in the am, and 34 cars in the pm. This number is half of the total units = 60, and does not include other traffic. The view from proposed road, and Holmes Lane is at a low point, difficult to see cars coming from the east on Holmes Lane. Cars not visible until they are at the west end of Stafford Park. Cars constantly speed on Holmes Lane. I spoke with an officer parked at the New China Restaurant he was giving speeding tickets. He said cars driving down Holmes Lane go as fast as 60 MPH.

*I request a speed monitor device on Holmes Lane to get a realistic idea of actual speeds.

To sum up. The traffic impact study is based on the wrong speed limits, old data, an extremely low amount of traffic, and no knowledge of the high number of cars speeding on Holmes Lane.”

(*Id.*) Mr. Mark Beals and Ms. DeAnn Beals submitted a letter on May 28, 2021 discussing their concern that the Applicant’s traffic report did not include “additional traffic from Mountain View traveling through the proposed Rilance Ln. to Holmes Ln.” and that “NO survey was done on Mountain View St.” (Staff Report Exhibits at 20.) Ms. Nancy Nelson also commented that “a study on street use of Linn Avenue and Molalla Avenue should be conducted.” (*Id.* at p. 24.)

As such, it appears BHNA’s grounds for appeal regarding (1) the traffic report is “biased in favor of the new development”; (2) unreported traffic accidents; and (3) the Riplinger & Associates report (which was not part of the Application, but submitted as a comment at the request of the planning Staff as part of its review of the Application) were not preserved because they were not brought up during the public comment period.

The preserved grounds appear to relate to requirements set forth in OCMC 16.12.033, which, as discussed above, is incorporated by OCMC 17.62.050.J. Applicant either met those criteria or was required to comply with conditions set forth in the report submitted by Replinger & Associates, who was hired by planning Staff to review the Applicant’s traffic report. As discussed above, local governments may impose conditions of approval on an application for needed housing to ensure that all criteria and standards are met. ORS 197.522(3). If such conditions are imposed, the local government is required to approve the needed housing application. ORS 197.522(2). The Commission should find that these criteria are met, and deny the Appeal on these grounds.

F. Tree Retention

BHNA argues:

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Tree retention OCMC 17.41 and Table 17.41.060-1.

Pete Walker told me James Donnelly that all existing trees are clearly marked on the drawings with a circle. The developer has not indicated current tree locations. There are [sic] a large tree line along the Stafford Park, and 567 Holmes Lane of mature trees. Plans show all trees removed along that property line. That is not tree retention. OCMC 17.41.130. That is tree elimination.

(Appeal at p. 11.)

ANALYSIS:

Mr. Donnelly raised these arguments in his June 4 letter. (Staff Report Exhibits at pp. 4-5; see also Appeal at pp. 36-37.) As such, they have been preserved for appeal.

As to the requirements of OCMC 17.41, Table 17.41.060-1, and OCMC 17.41.130, which are incorporated by OCMC 17.62.050.J, the Director found that those requirements could be met with conditions, including requiring the Applicant to submit a revised tree retention, removal and replanting or mitigation plan in accordance with these portions of the Code, and requiring the Applicant to include provisions to protect trees proposed to be retained. As discussed above, local governments may impose conditions of approval on an application for needed housing to ensure that all criteria and standards are met. ORS 197.522(3). If such conditions are imposed, the local government is required to approve the needed housing application. ORS 197.522(2). The Commission should find that these criteria are met, and deny the Appeal on these grounds.

BHNA further argues:

OCMC 17.52.060C. Page 4 [condition] E. The 10 foot wide required landscape area between 567 Holmes Lane, and 545 Holmes Lane will reduce parking at the development. Existing trees shall remain. Not shown in drawings.

There should also be a 10 foot wide landscaped area between 545 Holmes Lane and Stafford Park. Drawings show tree line removed. Not tree retention.

(Appeal at p. 11.)

ANALYSIS:

BHNA mis-interprets OCMC 17.52.060.C – it does not include a requirement that “existing trees shall remain,” and Condition e on page 4 of the July 22 Decision allows applicant to utilize existing trees to comply with the landscaping standards of OCMC 17.52.060.C. Regardless, no comments were made regarding the issue of reduced parking due to the 10 foot wide landscape

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area between 567 and 545 Holmes Lane during the public comment period. As such, this ground for appeal was not preserved, and cannot be considered on appeal. Moreover, this complaint also appears to conflict with BHNA's request that the Commission *require* the landscaped buffer area between these two properties.

As to the 10 foot wide landscaped area between 545 Holmes Lane and Stafford Park and the retention of trees in that area, Mr. Donnelly's June 4 Letter included the following complaint: "Please note the row of trees on the property line of northeast corner of proposed development and northwest corner of Stafford Park. No mention of these trees on drawing." (Staff Report Exhibits at p. 5; *see also* Appeal at p. 37.) As such, this issue was preserved for appeal.

However, as discussed above, the Director imposed conditions of approval requiring the Applicant to submit a revised tree retention, removal and replanting or mitigation plan in accordance with the Code, and requiring the Applicant to include provisions to protect trees proposed to be retained. Local governments may impose conditions of approval on an application for needed housing to ensure that all criteria and standards are met. ORS 197.522(3). If such conditions are imposed, the local government is required to approve the needed housing application. ORS 197.522(2). The Commission should find that the criteria relating to tree retention are met, and deny the Appeal on these grounds.

G. Construction Permit Issues

BHNA argues:

Page 5 [condition] #38

Structure to be demolished at 535 Holmes Lane. Permits required are not noted. Lead base paint permit, and a [sic] asbestos abatement permit.

Page 5 [condition] #45

Hours of construction not noted.

(Appeal at p. 12.)

ANALYSIS:

No comments were made regarding these issues during the public comment period. As such, this ground for appeal was not preserved, and cannot be considered on appeal.

H. Site Plan

BHNA argues:

Proposed Site Plan Page 9:

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Stated that behind proposed Units 21-24 indicated that there would be a retaining wall next to the Singer Creek Park.

Question: How is the area behind the retaining wall next to the park going to be landscaped not only for visual but to keep the area from becoming a Homeless Camp?

(Appeal at p. 16.)

ANALYSIS:

No comments were made regarding this issue during the public comment period. As such, this ground for appeal was not preserved, and cannot be considered on appeal.

I. Lot Line Adjustment

BHNA argues:

Page 7 #2. Lot line adjustment at 545 Holmes Lane. The property at 545 Holmes Lane existing house should change back to R-6. Property should not qualify for OCMC 17.04.780 lot line adjustment should keep 545 Holmes Lane under .5 Acres and revert to R-6.

(Appeal at p. 12.)

ANALYSIS:

No comments were made regarding the lot line adjustment issue during the public comment period. As such, this ground for appeal was not preserved, and cannot be considered on appeal.

The zone change issues are addressed above.

J. Engineering Responsibility

BHNA argues:

13.12.110 Engineering Responsibility, Drainage

City Planning has determined that this is not applicable? Section 16.12.014

*This is applicable if the engineer is changed at any time.

City Planning should be concerned about who will be held liable in the event of an engineering change.

(Appeal at p. 14.)

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ANALYSIS:

No comments were made regarding this issue during the public comment period. As such, this ground for appeal was not preserved, and cannot be considered on appeal.

K. Trash Management

BHNA argues:

Question: How will the Trash be Managed for these 60 Units? Will there be trash enclosures? Or will there be 180 trash cans (60x3) on the streets?

(Appeal at p. 16.)

ANALYSIS:

No comments were made regarding this issue during the public comment period. As such, this ground for appeal was not preserved, and cannot be considered on appeal.

L. Letters of Concern / Time for Response by Public

BHNA argues:

Why was developer given so much time for the letters of concern. The citizens had 14 days to comply. Pete Walker said all letters of concern would be addressed by the end of June. No response from Oregon City Planning until July 22nd. Why is the developer given more time and received help from Oregon City Planning? This is unfair to the citizens of Oregon City. What checks and balances does Oregon City Planning have? It seems Oregon City Planning can make up their own rules and answer to no one. How is this Possible?

(Appeal at p. 15.)

ANALYSIS:

No comments were made regarding this issue during the public comment period. As such, this ground for appeal was not preserved, and cannot be considered on appeal.

3. Undated, Unsigned Letter Regarding Replinger & Associates Comments on Applicant's Traffic Study

As discussed above, the author of this letter is unknown. For purposes of this memorandum, we assume it was drafted and submitted by BHNA on or after July 22 when the Replinger & Associates comments on the Applicant's traffic report were made available to the public.

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BHNA argues (quoting excerpts from the letter submitted by Replinger and Associates first and then providing “findings” in bold):

Study Area The focus of the impact study was limited Holmes Lane and Rilance Lane plus Holmes Lane and Molalla Ave.

We find the study extremely limited in scope. The information in the Dec. 2020 study, in fact, is insufficient to determine the Traffic Impact of the proposed project.

Traffic Counts The counts used were from 2017 and adjusted 1% per year to reflect growth.

Oregon City does a traffic count every three years. We reviewed the traffic count for north bound Molalla Ave. at the Holmes land intersection. We researched the city’s accrual traffic counts for 2017 information referenced along with the 2014. Based on this data the traffic count increased at a rate of 1.36% per year for a total increase of 4.8% in three years. Which would indicate the total traffic count had increased by then 4.8% in 2020.

There is no traffic count data regarding the intersection of Rilance Lane and the proposed new street. Rilance Lane is a dead and [sic] roadway with 19 homes that starts and ends at Holmes Lane.

We determined the Traffic Impact Study, in fact, failed to provide complete and accurate information as to the traffic count at the two locations. The absents [sic] of factual data makes conclusions draw [sic] from not valid.

Trip Distribution. The assumption was made that the majority of traffic from the proposed 60 unit development would use Holmes Lane to and from the site.

This is and [sic] assumption and not supported by any facts.

The site provides access to both Holmes Lane and Mountainview St. There is a 32 unit apartment complex at 581 Holmes Lane. It is located four lots east of the site. The complex also connects with Mountainview. Since the time it was built traffic from this complex has and currently uses both Holmes Lane and Mountainview going to and from Molalla Ave.

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We find that as there is no evidence to support the statement in the letter, is not valid but misleading as to the Traffic Impact of the proposed development.

(Appeal at pp. 21-22.)

ANALYSIS:

No comments were made regarding this issue during the public comment period. Further, the letters submitted by Replinger & Associates were requested by the Planning Department as part of its review of the Application; they are not part of the Application. As such, this ground for appeal was not preserved, and cannot be considered on appeal.

Regardless, the “insufficiency” of the Applicant’s traffic report is discussed above.

The information submitted regarding Oregon City’s “traffic count every three years” is new evidence and was not preserved during the public comment period. It cannot be considered on appeal.

The author’s opinion on “there is no evidence to support the statement [regarding trip distribution] in the letter” is not grounds for appeal, and was not preserved during the public comment period. It also cannot be considered on appeal.

BHNA further argues:

There is a letter the fourth page from the end of the Staff Report from Replinger and Associates LLC addressed to Mr. Pete Walter. The letter states it is response to a request made by Mr. Walter. Neither this letter or any documentation of the request in Oregon City planning department for the proposed development.

Had I not read the entire planning department release, I would never have known about this letter. We have the right to appeal, however, do not have full access to all the information the planning department has to prepare our appeal.

(Appeal at p. 21.)

ANALYSIS:

No comments were made regarding this issue during the public comment period. Further, the letters submitted by Replinger & Associates were requested by the Planning Department as part of its review of the Application; they are not part of the Application. As such, this ground for appeal was not preserved, and cannot be considered on appeal.

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4. **James Donnelly's June 4, 2021 Comments on the Application**

As discussed above, the Applicant's position is that Mr. Donnelly's June 4 comments submitted during the public comment period (a) cannot be attributed to BHNA because they were not submitted on behalf of BHNA (*see also* Applicant's Motion to Dismiss dated Aug. 20, 2021), and (b) are not grounds for appeal because they were merely attached to BHNA's appeal as a courtesy copy. Mr. Donnelly's June 4 comments are addressed below, nonetheless.

To the extent the Commission takes the position that these issues are independent grounds of appeal submitted by BHNA, each ground was preserved since Mr. Donnelly submitted these comments during the public comment period. (See Staff Report Exhibits at pp. 1-15.)

Item #1 Traffic Impact Study

The report is full of mistakes and is inaccurate. Wrong speed limits for Holmes Lane, and Molalla Ave. Mountain View Street is not two lanes.

The addition of the proposed new street connecting Holmes Lane with Mountain View St. is unsafe and a danger to Residents living on those streets. Page 8 refers to Holmes Lane again being a 35 MPH street. It is not. The findings of the report are from 2018, not 2020. Page 11 peak hour rate only includes 18 cars in the am, and 34 cars in the pm. This number is half of the total units = 60, and does not include other traffic. The view from proposed road, and Holmes Lane is at a low point, difficult to see cars coming from the east on Holmes Lane. Cars not visible until they are at the west end of Stafford Park. Cars constantly speed on Holmes Lane. I spoke with an officer parked at the New China Restaurant he was giving speeding tickets. He said cars driving down Holmes Lane go as fast as 60 MPH.

*I request a speed monitor device on Holmes Lane to get a realistic idea of actual speeds. [Code sections attached omitted.]

To sum up. The traffic impact study is based on the wrong speed limits, old data, an extremely low amount of traffic, and no knowledge of the high number of cars speeding on Holmes Lane.

*This Traffic Impact Study should be thrown out.

(Appeal at pp. 34-36.)

ANALYSIS:

These issues appear to relate to requirements set forth in OCMC 16.12.033, which, as discussed above, is incorporated by OCMC 17.62.050.J. Applicant either met those criteria or was required to comply with conditions set forth in the report submitted by Replinger & Associates,

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who was hired by planning Staff to review the Applicant's traffic report. As discussed above, local governments may impose conditions of approval on an application for needed housing to ensure that all criteria and standards are met. ORS 197.522(3). If such conditions are imposed, the local government is required to approve the needed housing application. ORS 197.522(2). The Commission should find that these criteria are met, or can be met through the conditions imposed, which the Applicant has not appealed, and deny the Appeal on these grounds.

Item #2 Trees

Speaking with Pete Walter he said all trees to be removed will have an X on them. Nowhere on the drawings does it show any trees to be removed with an X. Picture is Stafford Park, taken from Mountain View. [Photo omitted.]

Please note the row of trees on the property line of northeast corner of proposed development and northwest corner of Stafford Park. No mention of these trees on drawing.

Picture taken from Mountain View St. looking south. [Photo omitted.] This is northeast side of proposed development. You can very clearly see the mature trees.

*Why are these trees being removed?

Please see notes on next two pages. [Notes (vicinity map and site plan with notes) omitted.]

(Appeal at pp. 36-38)

ANALYSIS:

Much of this issue appears to relate to the requirements of OCMC 17.41, Table 17.41.060-1, and OCMC 17.41.130, which are incorporated by OCMC 17.62.050.J, the Director found that those requirements could be met with conditions, including requiring the Applicant to submit a revised tree retention, removal and replanting or mitigation plan in accordance with these portions of the Code, and requiring the Applicant to include provisions to protect trees proposed to be retained. As discussed above, local governments may impose conditions of approval on an application for needed housing to ensure that all criteria and standards are met. ORS 197.522(3). If such conditions are imposed, the local government is required to approve the needed housing application. ORS 197.522(2). The Commission should find that these criteria are met, or can be met through the conditions imposed, which the Applicant has not appealed, and deny the Appeal on these grounds.

Item #3 Multi-family residential development abuts a parcel zoned R-6

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There shall be a landscaped yard of ten feet on the side abutting the adjacent zone in order to provide a buffer area.

See next page.

Picture taken from R-6 property, pointing at R-2 development property line.

Picture shows 3 feet from surveyors bench mark between fence post and metal fence post. Developers drawing shows a fire lane at this point. Clearly not a 10' buffer. [Photo omitted.]

(Appeal at pp. 40-43.)

ANALYSIS:

As discussed above, the requirement set forth in OCMC 17.12.040, note 1, requiring a 10 foot buffer area if a multi-family residential development abuts a parcel zoned R-6, is clear and objective.

The July 22 Decision requires the Applicant to submit revised plans showing the 10 foot wide landscape buffer. (See July 22 Decision at pp. 70-71). As discussed above, local governments may impose conditions of approval on an application for needed housing to ensure that all criteria and standards are met. ORS 197.522(3). If such conditions are imposed, the local government is required to approve the needed housing application. ORS 197.522(2). The Commission should find that these criteria are met, or can be met through the conditions imposed, which the Applicant has not appealed, and deny the Appeal on these grounds.

Item #4 Parking

There will not be enough parking for the number of residents living in the new 60-unit project. No parking allowed in the fire lanes. No resident parking in Stafford Park. No parking on Holmes Lane. No parking on Mountain View Street. Drawing shows cars parked on both sides of new road through project. Two cars cannot pass on new road with both sides full of parked cars. Overflow parking will be on Rilance St., Haley Ct., Belle Ct. This will cause parking problems for current residents.

See next page. [Figures omitted.]

(Appeal at pp. 44-45.)

ANALYSIS:

Mr. Donnelly ignores the Applicant's plans to include garages and driveways, where residents would be expected to park. (See July 22 Decision at p. 83.) The Director found that the Applicant's proposed 116 off-street parking spaces consisting of a combination of single car

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garages for each unit, driveways of at least 20 feet in length for units 14-60, and 9 spaces in the drive aisle exceed the minimum off-street parking requirement per Table 17.52.020. The Director also imposed a condition of approval to ensure compliance with parking standards. As discussed above, local governments may impose conditions of approval on an application for needed housing to ensure that all criteria and standards are met. ORS 197.522(3). If such conditions are imposed, the local government is required to approve the needed housing application. ORS 197.522(2). The Commission should find that these criteria are met, or can be met through the conditions imposed, which the Applicant has not appealed, and deny the Appeal on these grounds.

Item #5 *Singer Creek and Water Collection Pond*

Will water from the new pond drain into Singer Creek? Is it street runoff?
Street runoff contains oil and chemicals from cars, and pesticides,
herbicides, from new homes.

Will there be mosquito prevention with large new pond?

Construction that close to Singer Creek will inevitable contaminate the
creek with mud.

See next page. [Figure omitted.]

(Appeal at pp. 46-47)

ANALYSIS:

As discussed above, runoff into Singer Creek, the Director found that the stormwater conveyance requirements of Chapter 13.12 apply to the Application because they are incorporated into the site plan and design review standards of OCMC 17.62.050.J, and conditioned approval on the Applicant's submittal of a finalized stormwater conveyance plan (among other stormwater management plans). In fact, the Director found that all relevant standards of OCMC Chapter 13.12 were met, or could be met as conditioned.

Alternatively, the approval criteria found in OCMC Chapter 13.12 are largely subjective. For example, OCMC 13.12.090 requires that an applicant's storm drainage design include provisions to "adequately control runoff" and that operation and maintenance procedures are proposed that ensure the stormwater facilities will be "properly operated and maintained." Subjective criteria cannot be applied to a needed housing application such as this.

Mosquito prevention is not part of any approval criteria applicable to the proposed development. As such, this is not a proper ground for appeal, and the Commission should not consider it.

Item #6 *Distance from Property deemed Historic by the City of Oregon City*

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This development is across the street from the Rose Farm Museum. The Rose Farm Museum is the original capital of the Oregon Territory. On the corner of Rilance and Holmes Lane is another historic property. Next to the development is the historic Stafford Barn and W. B. Stafford house. Also the historic Stafford Park. This development would have a negative effect on the history of Oregon City, 535, and 545 should be rezoned as it was prior to 2004.

See next page. [Figure omitted.]

(Appeal at pp. 46-47.)

ANALYSIS:

As to the historic properties, the subject property is not within a historic district, and does not contain individual landmarks designated outside of a district. Staff found that the Application was not subject to historic review. Whether historic review is required depends upon whether the subject property is in a historic district; it is not.

As to rezoning, as discussed above, whether the Property should be rezoned is not part of any applicable approval criteria. Moreover, “conditioning the current request for land use approval on relinquishment of a right granted in a prior land use decision is improper where there is no . . . connection” between the right to be relinquished (here, the entitlement to R-2 zoning) and the planning interest to be served. *Olson*, 21 Or LUBA at 421. Further, a rezone would be overly financially burdensome, contrary to OCMC 17.62.090.B. As such, this ground cannot be considered.

EMF

cc: Mr. Michael C. Robinson

Mr. Garrett Stephenson

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CITY OF OREGON CITY

Community Development Department, 320 Warner Milne Road,
P.O. Box 3040, Oregon City, OR 97045, (503) 657-0891
www.ci.oregon-city.or.us

APPEAL OF A LAND USE DECISION

GLUA-21-00002:

FILE # **AP 21-00005** (of File #) **SP-21-00001** DATE: **8/5/2021**
LL-21-00002

NAME: **Steve Miller, Emerio Design, LLC** TELEPHONE #: **503-746-8812**

ADDRESS: **6445 SW Fallbrook Place, Suite 100, Beaverton, OR 97008**

ADDRESS OR PROPERTY DESCRIPTION (T/R/S) OF SUBJECT PROPERTY:

535 Holmes Ln., Oregon City, OR, 97045 (3-2E-06AA-05001) & 545 Holmes Ln., Oregon City, OR 97045 (3-2E-06AA-05100)

SUBJECT OF APPEAL: NOTICE OF DECISION DATE: **07/22/2021** For File #:

GLUA-21-00002: SP-21-00001 / LL 21-00002

The undersigned hereby appeal(s) the decision of the **Community Development Director**

concerning the subject case. The decision to approve ☒ deny ☐ the application was made at the meeting held on **July 22, 2021 (notice of decision only - no meeting held)**.

REASONS FOR APPEAL: Please include a statement identifying which approval criteria are violated by the decision and an explanation of how those criteria are violated, or stating how the decision is otherwise in violation of applicable law. Please see Chapter 17.50 of Oregon City Municipal Code for Administration & Procedures concerning Appeals.

See attached.

FILING FEE PAID: **\$250** DATE PAID: **8/5/2021** RECEIPT NO.: **202108050001**

DocuSigned by:

Chris Shuter

DocuSigned by:

Barb Stricker

DocuSigned by:

B398DF81F4C04E3...

Property Owner Signature

545 Holmes Lane, Oregon City, OR

Address

545 Holmes Lane, Oregon City, OR

Address

SIGNATURES REQUIRED IF APPLICABLE

DocuSigned by:

Shirley

DocuSigned by:

FA4E7B3C05884FA...

Signature

Contract Purchaser

Shirley

Applicant Signature

1327 Jay Court, West Linn, OR 97068

Address

____ Lessee ☒ Prospective Purchaser

6445 SW Fallbrook Pl. #100

Address

Beaverton, OR 97008

Property Owner Signature

Address

DocuSigned by:
Carl Herndon
EC2DAD3ECFB24F7...
Signature

535 Holmes Ln
Address

Signature

Address

August 5, 2021

Michael C. Robinson

Admitted in Oregon
T: 503-796-3756
C: 503-407-2578
mrobinson@schwabe.com

VIA E-MAIL

Ms. Laura Terway, Director
City of Oregon City Community Development Department
695 Warner-Parrott Road
PO Box 3040
Oregon City, OR 97045-0304

RE: Appeal of City of Oregon City (the “City”) File Nos. GLUA-21-00002/SP-21-00001/LL-21-00002 (the “Applications”), a Type II Decision, by the Applicant (the “Appellant”)

Dear Ms. Terway:

This office represents the Appellant in the above-referenced Applications. This letter and its enclosures constitute a jurisdictionally valid appeal because they satisfy the requirements of Oregon City Municipal Code (“OCMC”) 17.50.190, “Appeals.”

This letter references LL-21-00002, the lot line adjustment but does not include an appeal of LL-21-00002 because OCMC Table 17.50.030 expressly provides that lot line adjustments are Type I decisions. OCMC 17.50.030 provides that a Type I decision by the Community Development Director is final and not appealable. However, if the Oregon City City Commission (the “City Commission”) believes that the lot line adjustment is relevant to this appeal, the Applicant expressly reserves the right to raise the issues related to the property line adjustment contained in the appeal.

The requirements for a jurisdictionally valid appeal are set forth below. The attached “Statement for Specific Grounds for the Appeal” is attached as **Exhibit 1** to this letter and contains the specific grounds for the appeal as required by OCMC 17.50.190.C.4.

1. **OCMC 17.50.190.C.1.** The Planning file numbers are GLUA-21-00002/SP-21-00001/LL-21-00002 and the date the appealed decision was rendered was July 22, 2021.
2. **OCMC 17.50.190.C.2.** The Appellant’s name, mailing address and daytime phone numbers are Emerio Design, LLC, Attn: Steve Miller, 6445 SW Fallbrook Pl., Suite 100, Beaverton, Oregon 97008; 503-746-8812.
3. **OCMC 17.50.190.C.3.** A statement of the Appellant’s interest in the appeal and standing to appeal is that the Appellant is the Applicant and participated in writing in the Type II application process and is aggrieved and adversely affected

Ms. Laura Terway, Director
 August 5, 2021
 Page 2

by the Decision's Condition of Approval 3 requiring street frontage improvements on the non-development lot retaining the existing single-family dwelling on SW Holmes Lane and for other reasons as explained in the "Statement of Specific Grounds for the Appeal," attached as **Exhibit 1**.

4. **OCMC 17.50.190.C.4.** A statement of the specific grounds for the appeal is contained in **Exhibit 1**.
5. **OCMC 17.50.190.5.** The \$250.00 applicable appeal fee is included with the appeal as required by "*Planning Division Fee Schedule, January 1, 2021; Appeal-Administrative, \$250.00.*" Payment of the applicable appeal fee will be made immediately upon receipt of the City's invoice for the fee.

This appeal is timely filed with the appropriate appeal fee on August 5, 2021 within fourteen (14) calendar days from the date the notice of the challenged decision was provided to those entitled to notice on July 22, 2021, as calculated in OCMC 1.04.070, "Computation of Time."

The appeal of the Type II decision is heard "on the record" by the City Commission. OCMC 17.50.190.D.1 and F.

The 120-day period for a final decision by the City under ORS 227.178(1) ends on October 11, 2021. The Applicant does not waive its final written argument under ORS 197.763(6)(e). The final written argument is not subject to the limitations in ORS 227.178.

I am the Appellant's representative. Please send me all correspondence to or from the City regarding this appeal and all notices of public hearings.

Very truly yours,



Michael C. Robinson

MCR:jmhi

Enclosures: 1 – Statement of Specific Grounds for the Appeal
 2 – Completed and Signed Oregon City Appeal Form

cc: Mr. Steve Miller (*via email*) (w/enclosures)
 Ms. Erin Forbes (*via email*) (w/enclosures)

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**STATEMENT OF SPECIFIC GROUNDS FOR THE “ON THE RECORD” APPEAL
OF APPLICATION FILE NUMBERS GLUA-21-00002/SP-21-00001/LL-21-00002
(THE “DECISION”) FILED ON AUGUST 5, 2021 AND MEETING THE
REQUIREMENTS FOR A JURISDICTIONALLY VALID APPEAL AS REQUIRED
BY OREGON CITY MUNICIPAL CODE (THE “OCMC”) 17.50.190**

1. The Decision appealed is an approval for a Site Plan and Design Review (“SPDR”) application and a Lot Line Adjustment (“LLA”) application (together, the “Applications” and separately, the “Application”) for a 60-unit multi-family residential project in the High-Density Residential (“R-2”) Zone on the Property consisting of two lots located at 535 Holmes Lane and 545 Holmes Lane and containing 4.33 acres total.
2. The Lot Line Adjustment Application proposed an adjustment between two lots: the “Development Lot” (tax lot 05001 on the west with the address of 535 Holmes Lane) and the “Non-Development Lot” (tax lot 05100 on the east with the address of 545 Holmes Lane) (**Decision, Figure 2 at page 7**). The two lots are denominated as such in this Appeal because the Application showed development only on the Development Lot and no development but retention of the existing single-family dwelling with a large hedge on the street on the Non-Development Lot (**Decision, Figure 2 at page 7 and Figure 3 at page 9; Condition 38 at Decision page 5 allowing the dwelling to remain on the Non-Development Lot**).
3. The Appellant is filing the Appeal because Condition of Approval (“Condition”) 3 improperly requires street frontage improvements and right-of-way dedication can be applied to SW Holmes Lane on both lots where it can only lawfully be applied to the Development Lot. The street frontage improvements required by Condition 3 on both lots will require the removal of the large hedge on the Non-Development Lot, thus removing the privacy that the property owners now enjoy because of the hedge and adversely affecting their use and enjoyment of their single-family home, which is not proposed to be removed, without any *nexus* to development of the Non-Development Lot.
4. Condition 3 provides as follows:

“The development shall provide the following along the developments’ frontage of Holmes Lane on the development side of the centerline: 11’-12’-wide drive lane, 0.5’ curb, 5-foot-wide landscape strip, 6-foot-wide raised bike lane, 6-foot wide sidewalk, and a 0.5-foot-wide buffer. The development shall dedicate right-of-way (ROW) to achieve 29’ to 30’ of ROW. (DS)”

The Appellant does not object to the imposition of Condition 3 on the Development Lot.

5. The Appeal does not challenge the LLA decision since the Decision's fifty-three Conditions of Approval do not distinguish between the two Applications comprising the Application (only Condition 40, Decision at page 5, expressly attaches to the LLA decision) and Type I decisions are final and non-appealable. OCMC 17.50.030.A. If the City Commission believes that an appeal of the LLA is required for a jurisdictionally valid and effective appeal, this section identifies the specific grounds for the appeal as required by OCMC 17.50.190.C.5 and shall be treated as an appeal:
 - A. The LLA is a Type 1 decision. OCMC Table 17.50.030; 16.20.010. A Type I decision is not a land use or limited land use decision because it does not require the exercise of discretion. OCMC 17.50.030.A. Conditions of Approval requiring improvements associated with development are not provided for in a lot line adjustment decision because a new lot is not being created and "development," as defined in OCMC 17.04.300, is not proposed by a lot line adjustment. OCMC 16.20.
 - B. To the extent the LLA is required to be appealed, the City Commission must find that the Director erred and exceeded her authority under the OCMC and state law by imposing Condition 3 on the Non-Development Lot where no development, as defined in OCMC 17.04.300, is proposed by the Application and for which no legal or evidentiary basis supports the Condition as applied to that lot. The Decision contains no findings supporting Condition 3 on the Non-Development Lot. **Decision page 10, Figure 4** shows that the Applicant did not propose street frontage on the Non-Development Lot. No sidewalks about the lots (**Decision at Page 25**).
 - C. Condition 3 is ambiguous because it uses the word "development" to require the street frontage improvements on Holmes Lane and thus imposes the requirements on the Non-Development Lot without any findings demonstrating that the Non-Development Lot is required to be subject to the Condition. The removal of accessory structures on the Non-Development Lot is insufficient to justify street frontage improvements on that lot. The City Commission can interpret Condition 3 to apply only to the Development Lot.
 - D. The Director erred and exceeded her authority under the OCMC and state law by concurrently approving the Applications and thereby asserting that she had the authority to impose Condition 3 on the Non-Development Lot where it is clear that was not the Applicant's intention nor request and the result would have been different and Condition 3 not imposed on the Non-Development Lot had the Director properly treated the two Applications separately. The Decision at pages 63-65 concerning the LLA do not discuss sidewalks on the Non-Development Lot.
6. The SDR application is a "Limited Land Use Decision" as that term is defined in ORS 97.015(12)(a)(B) and is subject to the provisions in ORS 197.195(1). To the extent that the City may argue that a Plan provision applies to the SDR decision in

order to justify Condition 3 on the Non-Development Lot, the City must demonstrate that such Plan provision is properly incorporated into its land use regulations before it can be applied.

7. The SDR Application is a “Needed Housing” Application as defined in ORS 197.303(1)(a) because it proposes multiple family housing within the Portland Metropolitan Urban Growth Boundary (the “UGB”) (**Decision at page 7**). The City is subject to ORS 197.303 because its population exceeds 2,500 and it has not taken an exception to Needed Housing. ORS 197.303(5)(a); 197.303(6). These two facts are discernable from a review of the on-line version of the Oregon City Comprehensive Plan and do not constitute new evidence as the word “evidence” is defined in ORS 97.763(9)(b).
8. ORS 197.307(4) applies to the SDR Application because it proposes the development of housing, including Needed Housing. ORS 197.303(4) prohibits the application of subjective standards, conditions and procedures regulating development of housing.
 - A. Condition 3 is subjective because it applies to “development” yet fails to objectively apply only to the Development Lot. Condition 3 also resulted from a subjective procedure because the City used an approval procedure that allowed the imposition of a subjective condition which can be applied to just the Development Lot or both lots.
9. ORS 197.522 applies to the Application. The Applicant reserves its right to apply ORS 197.522(3).
10. The Decision contains no findings or evidence demonstrating that the City has met its burden of proof a *nexus* between Condition 3 and its application to the Non-Development Lot requiring street frontage improvements and right-of-way dedication where no development is proposed. Such evidence cannot be added to the record.
11. The OCMC provides no authority to apply Condition 3 to the Non-Development Lot.
12. The Decision contains other subjective conditions which may not be applied to the Application under ORS 197.307(4) including but not limited to Conditions 1, 5, 7, 9, 24, 27, 29, 37 and 41.
13. OCMC 16.12.011.A requires compliance for application types not including lot line adjustments.
14. The finding for OCMC 16.12.013.C (**Decision at page 38**) does not say that the Applicant proposed a sidewalk on the Non-Development Lot and the exhibits demonstrate this fact. The finding on OCMC 16.12.013.E refers to “the development’s frontage” (**Decision at Page 38**).

15. The Appellant will submit a legal memorandum without new evidence prior to the issuance of the Staff Report to the City Commission.

INVOICE (INV-00013474)
FOR CITY OF OREGON CITY

Item 3a.

BILLING CONTACT

Michael Robinson
Schwabe, Williamson & Wyatt
1211 SW Fifth AVE Suite 1900
Portland, OR 97204

STEVE MILLER
EMERIO DESIGN
6445 SW Fallbrook PL 100
Beaverton, OR 97008



INVOICE NUMBER	INVOICE DATE	INVOICE DUE DATE	INVOICE STATUS	INVOICE DESCRIPTION
INV-00013474	08/05/2021	08/15/2021	Due	NONE

REFERENCE NUMBER	FEE NAME	TOTAL
AP-21-00005	Appeal - Administrative	\$250.00
535 Holmes Ln Oregon City, OR 97045		SUB TOTAL \$250.00

REMITTANCE INFORMATION
City of Oregon City PO Box 3040 Oregon City, Oregon 97045

TOTAL **\$250.00**

RECEIPT (REC-014665-2021)
FOR CITY OF OREGON CITY

Item 3a.

BILLING CONTACT

Michael Robinson
Schwabe, Williamson & Wyatt
1211 Sw Fifth Ave, Suite 1900
Portland, Or 97204



Payment Date: 08/05/2021

Reference Number	Fee Name	Transaction Type	Payment Method	Amount Paid
AP-21-00005	Appeal - Administrative	Fee Payment	Credit Card	\$250.00
535 Holmes Ln Oregon City, OR 97045				SUB TOTAL
				\$250.00
				TOTAL
				\$250.00



OREGON CITY

Community Development – Planning

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August 25, 2021

To: Honorable Mayor Lyles Smith and City Commission

From: Laura Terway, AICP, Community Development Director
Carrie Richter, Deputy City Attorney

Re: Second Supplemental Staff Report – Holmes Lane Development Appeals

File #s: AP 21-00004 and AP-21-00005: Two appeals of the July 22, 2021 Community Development Director approval with conditions of Planning Files GLUA-21-00002: SP-21-00001 / LL-21-00002 for a Lot Line Adjustment and Site Plan and Design Review for a 60-unit multi-family project in a High-Density Residential District. Neighborhood Association fee waiver request associated with one appeal.

Executive Summary:

The application before the City Commission on appeal is a development affecting two residential-zoned lots including relocating the adjoining property line to reduce the size of one property and construct a 60-unit multi-family development on the remaining portion of the site. Although this proposal outwardly has the appearance of a subdivision with groupings of rowhouses, all of the units are proposed on one lot, so it was reviewed for compliance with applicable multi-family design standards.

Two separate applications appealing the approval were submitted. AP-21-00004 was submitted by the Barclay Hills Neighborhood Association (BHNA) on August 5, 2021. AP-21-00005 was submitted on August 5, 2021 by the Applicant/Representative Emerio Design ("Applicant"). A summary of the issues raised include:

AP-21-00004: Procedural and substantive challenges largely directed to alleged adverse impacts resulting from the proposed development.

AP-21-00005: Concern regarding condition of approval #3 related to Holmes Lane frontage improvements and that a number of the other conditions of approval are subjective and cannot be imposed as this development is for "needed housing."

This 2nd Supplementary Staff Report is offered to summarize and respond to some of the issues that were raised during the hearing on Sept 1.

Procedural Issues

The City Commission's review of this matter is limited exclusively to the facts contained in the record during the Planning Director's review. OCMC 17.50.190(F). Some of the oral testimony presented during the hearing did include new facts. Some examples of these new facts included:

- Personal experiences with speed limits, overall traffic circulation and site distance limitations along Holmes Lane
- History of R-6 zoning
- Comparison with other nearby development such as Haley Court
- Facts surrounding notice and engagement at BHNA neighborhood meeting

Although many of these new facts do not relate to any of the applicable approval criteria, it is important for the Commission to acknowledge these facts as new, expressly reject them from the record and not consider them as part of its deliberation.

The second issue relates to Commissioner impartiality. On two occasions during the proceeding, the Appellant / Applicant challenged Commissioner McGriff for bias. The first objection was in response to Commissioner McGriff's statement that challenging BHNA's appeal was "spurious" and the second came as a result of her involvement with the McLoughlin Memorial Association (MMA), an entity that submitted comments during the open record period. During the disclosure portion of the hearing, Commissioner McGriff disclosed that she had no hand in drafting the MMA comments. She indicated that she reviewed these comments for the first time as part of her review of the record in preparation for the hearing. Further, although Commissioner McGriff did express some personal experience with respect to existing Holmes Lane traffic patterns, during the disclosure portion of the hearing, she indicated her capacity and intent to make an unbiased decision based solely on the applicable approval criteria considering only the facts set forth in the record.

During the continued hearing, the Commissioners will, once again, be given an opportunity to disclose any ex parte contact occurring since the Sept 1 hearing and the public will be given the opportunity to question the Commissioners with respect to these disclosures.

Finally, BHNA representatives testified that some individuals did not receive mailed notice of the appeal hearing. Only those individuals who participated by submitting written comments in advance of the June 7 open record period were provided notice of the appeal as required by OCMC 17.50.190(E). With respect to initial mailed notice of the application, the notice boundaries are not coterminous with the neighborhood boundaries. Rather, OCMC 17.50.090(A) provides to properties within 300 feet of the subject property. The list of addresses of those property owners within this 300-foot radius that were provided notice is in the record as part of these proceedings.

Tribal Engagement

BHNA argued that the City failed to respond to concerns raised by representatives of the Confederated Tribes of the Warm Springs for an archeological survey in advance of development. First, this issue was not raised during the comment period and cannot be raised for the first time on appeal. If preserved, the City's only obligation was to provide notice of the application to the State Historic Preservation Office as well as tribal representatives per OCMC 17.62.040(G) before the application was deemed complete. The record reflects that on June 23, 2020, City staff did provide the requisite notice to tribal representatives within the required timeframe and it appears that Mr. Nauer, representative of the Confederated Tribes of the Warm Springs did provide a response which was forwarded to the applicant as required by code. There are state and federal laws that govern the discovery of archeological resources that will control when development occurs. No further obligations are imposed.

Intersection Sight Distance

During the hearing, there was some additional concern about the adequacy of sight distance at the new Ralence extension intersection of Holmes Lane. As explained during the hearing and as set forth in the

letter from John Replinger, the City's traffic engineer, the minimum required site distance is 280 feet, which is based on the 25 mph posted speed on Holmes Lane. Using 30 mph, which gives some allowance for the prevalence of speeding motorists, the intersection sight distance would be 335 feet, which the Applicant has indicated will be available. In fact, the Applicant's traffic study calculates site distance in excess of 400 feet. The application suggests that this is a greater degree of sight distance that the regulations require.

Stormwater Adequacy

BHNA raised concerns about environmental impacts resulting from stormwater running into Singer Creek. As noted in the staff report, all drainage, including that coming from the new roadway, will have to be retained on-site through storage and treatment facilities as dictated in the City's Stormwater and Grading Design Standards. These Standards ensure sufficient facility sizing, materials and construction methods necessary to protect nearby riparian areas. The topographic survey in the record reflects current conditions and does not take into account site grading alterations that may be required to adjust existing stormwater flows resulting from development.

Residential Buffering and Tree Removal

The buffer area requirements as specified in OCMC 17.12.040 Note 1, are clearly articulated and compliance with those buffer areas are specified in condition 25e, ensuring compliance. If adjustment of the fire lane or other development reconfiguration may be necessary in order to accommodate this condition but staff has no reason to believe that compliance with these, and other regulations, is not feasible based on the evidence in the record.

Nothing in the municipal code prohibits the removal of existing trees whether located within an identified landscaped buffer or not. Rather, OCMC 17.41.050 encourages tree preservation by requiring mitigation in the form of replacement trees or payment of a fee-in-lieu as a disincentive to removal.

Holmes Lane Improvements

During the hearing, the Applicant's representative argued that the pedestrian pathways internal to the development would be adequate to serve future residents making the Holmes Lane sidewalks and bike lanes unnecessary. Staff disagrees because: (1) they will provide access only to the adjacent park and provide no connectivity with the Molalla Ave commercial shopping area; (2) these connections are more likely to be used by those residents living near the path and not those further to the south or abutting Holmes Lane; and (3) the aerial photos evidence no existing pedestrian improvements within the park at the identified pathway connections essentially making the pathways unusable for those with strollers, wheelchairs and/or bicycles.

The Applicant's representative went on to explain that since there was no development of the remainder parcel – 545 Holmes Lane – the Takings Clause would prohibit the City from exacting improvements along that frontage. However, the application includes "development" on both parcels. In fact, the survey documentation suggests that 26 new homes or 46% of proposed residences will be placed on the 545 Holmes Lane property. These new homes on 545 Holmes will directly benefit from the Holmes-adjacent sidewalks and bicycle lanes. The site plan in the record at p 414 indicates that there is approximately 393 feet of total frontage for this development. As proposed, the Applicant has identified improving approximately 284 feet of frontage, leaving 99 feet unimproved. This is approximately 25% of the total development frontage in dispute. Holding 46% of the new homes responsible for only 25% of the required frontage would be roughly proportional. Whereas, the Applicant's approach would exempt 46% of these new homes, located on what is today 545 Holmes

Lane, from frontage improvements for which they will directly benefit would not. All of the new homes proposed by this development should share in the burden of frontage improvements to the same degree as they are benefited by it. Until such time as 545 Holmes Lane is a separate and legally distinct property from 535 Holmes Lane, there is no basis for treating this as anything other than a whole parcel subject to development.

Conclusion:

Based on the analysis and findings described above as well as in the initial Staff Report prepared for the Sept 1 hearing, staff recommends the City Commission deny AP-21-00004. With respect to AP-21-00005, staff recommends denying this appeal with respect to Condition No 3 and approve AP-21-00005 with respect to five other conditions of approval in order to address the concerns regarding their clear and objective nature.



OREGON CITY

Community Development – Planning

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August 25, 2021

To: Honorable Mayor Lyle-Smith and City Commission

From: Laura Terway, AICP, Community Development Director
Carrie Richter, Deputy City Attorney

Re: Supplemental Staff Report – Holmes Lane Development Appeals

File #s: AP 21-00004 and AP-21-00005: Two appeals of the July 22, 2021 Community Development Director approval with conditions of Planning Files GLUA-21-00002: SP-21-00001 / LL-21-00002 for a Lot Line Adjustment and Site Plan and Design Review for a 60-unit multi-family project in a High-Density Residential District. Neighborhood Association fee waiver request associated with one appeal.

Executive Summary:

The Community Development Director recently approved a Type II application for redevelopment on two adjoining properties, each presently developed with a single-family dwelling. The proposal includes relocating the adjoining property line to reduce the size of one property and construct a 60-unit multi-family development on the remaining portion of the site. Although this proposal outwardly has the appearance of a subdivision with groupings of rowhouses, all of the units are proposed on one lot, so it was reviewed for compliance with applicable multi-family design standards.

Two separate applications appealing the approval were submitted. AP-21-00004 was submitted by the Barclay Hills Neighborhood Association (BHNA) on August 5, 2021. AP-21-00005 was submitted on August 5, 2021 by the Applicant/Representative Emerio Design ("Applicant"). A summary of the issues raised include:

AP-21-00004: Procedural and substantive challenges largely directed to alleged adverse impacts resulting from the proposed development.

AP-21-00005: Concern regarding condition of approval #3 related to Holmes Lane frontage improvements and that a number of the other conditions of approval are subjective and cannot be imposed as this development is for "needed housing."

Preliminary Jurisdictional Issues

Before the Commission considers the merits of the two appeals, it must first resolve a request by the Applicant to dismiss the appeal filed by the BHNA. The Applicant raises two issues.

Question #1: Did BHNA properly obtain a fee waiver?

The first issue raised by the Applicant relates to the obligation to provide the requisite appeal fee or obtain a fee waiver. Oregon City Municipal Code (OCMC) 17.50.190(C)(5) provides that the failure to include the required appeal fee is “a jurisdictional defect” that requires automatic dismissal of an application. In lieu of submitting a filing fee, a city-recognized neighborhood association must have “voted to request a fee waiver pursuant to OCMC 17.50.290(C).” OCMC 17.50.290(C) provides, in relevant part:

...Appeal fees shall not be charged for an appeal filed by a city-recognized neighborhood association, so long as the appeal has been officially approved by the general membership or board of the neighborhood association at a duly announced meeting.

The Applicant argues that the record does not reflect whether the BHNA decision to appeal was “duly announced,” lacks explanation of whether it was the general membership or the board who made the decision, the numbers who participated in the vote or whether a request for a fee waiver was also considered. The Applicant also points out that these minutes authorizing an appeal occurred before the Community Development Director’s decision was issued. The Applicant argues that the failure to include all of these details in the resolution attached with the notice of appeal creates a jurisdictional defect that requires dismissal of BHNA’s appeal. Further, upon raising these procedural ambiguities, the Applicant objects to any evaluation of the same, arguing that they require the exercise of policy judgment, making OCMC 17.50.290(C) impermissible under the needed housing protections of ORS 197.307(4).

Rather than a resolution, BHNA included with its notice of appeal copies of its May 11 and 20 meeting minutes along with meeting sign-in sheets. The minutes reflect that at both meetings a unanimous vote was taken to file a “land use appeal.” The sign-in sheets do identify those in attendance, although there is no indication whether this was a general meeting or just a meeting of the Board. These meeting minutes do not identify how the meeting was noticed, nor do they reflect any discussion of requesting a fee waiver.

Although the details surrounding the neighborhood association’s decision to appeal are limited, the meeting minutes do indicate that a unanimous decision was made to appeal. The City’s regulations do not prescribe any specifics with respect to neighborhood meeting noticing, quorum obligations, timing for taking further actions or other obligations with respect to neighborhood governance. The City is not the arbiter of neighborhood procedures or activities and nothing in OCMC 17.50.290(C) suggests any intent to serve as such. Rather, OCMC 17.50.290(C) suggests that where there is unambiguous, written evidence that the neighborhood voted to appeal, the City will waive the fee. This is all that OCMC 17.50.290(C) requires. As a result, the Commission may find that, if BHNA has standing as discussed in greater detail below, the City has jurisdiction to consider BHNA appeal pursuant to the fee waiver.

If the Commission concludes that fee waiver prerequisites require: (1) an adopted resolution; (2) explanation that applicable notice requirements were followed; (3) that the vote included a fee waiver request; or (4) greater explanation of the character of the vote, the Commission must reject BHNA’s appeal. Unlike some other recent cases where the Commission has relied on a different provision within OCMC 17.50.190(C), which allows the Commission to waive appeal fees “considering fairness to the applicant and to opposing parties.” Such an approach would

require the exercise of policy judgment and run afoul of ORS 197.307(4), discussed in greater detail below.

Question #2: Does BHNA have standing to proceed with an appeal?

The Applicant goes on to argue that BHNA did not submit written comments during the Community Development Director's review and therefore it does not have standing to pursue this appeal. With respect to appeals of Type III decision, OCMC 17.50.190(D)(1) provides:

For Type II decisions, only those persons or recognized neighborhood associations who submitted comments in writing before the expiration of the comment period have standing to appeal a community development director decision.

In advance of the June 4 written submittal deadline, City staff received a multiple-page, hand-written submittal from Mr. James Donnelly. There is nothing on the face of the Donnelly hand-written testimony mentions BHNA. In addition, the City staff received 15 emails from Ms. Karla Laws, each one including a photograph of singular pages of the Donnelly testimony. The only difference between the Donnelly and the Laws testimony is Ms. Laws cover email. Quoted in full, this email states:

Here are comments from Jim Donnelly, owner of Historic Stafford House, concerning 535 & 545 Holmes. 1/15 pages. He gave me permission to share on his behalf. This is also at City Hall time stamped since your doors are locked at Planning (even tho Online says otherwise). Each page will be a separate email.

*Karla Laws
BHNA Chair*

Nothing on the face of Mr. Donnelly's comments indicates that they were submitted on behalf of the BHNA. Although Ms. Laws signature does reflect that she is the Chair of BHNA, there is no express indication that she was submitting Mr. Donnelly's comment on behalf of the neighborhood association. In fact, the email says that she has permission to submit these comments on "behalf" of Mr. Donnelly himself.

Notice of the proposed development was provided in accordance with the code on May 10, 2021 with a comment deadline of May 24, 2021. Due to the addition of new information by the applicant after the public notice was sent (consisting of slight revisions to the street facing facades of some of the units), a second public notice was provided on May 21, 2021 with a comment deadline of June 4, 2021. The Planning Division office was closed the last day of the public comment period. Though comments were able to be received via mail, email, and at other city facilities such as City Hall (in which one was submitted on that day and included within the record), the city has a practice of not ending a public comment period on a day the Planning Division office is closed. After hearing concern that the office was closed from the chair of the neighborhood association on June 4th, an email was sent to the chair and vice chair of the neighborhood association letting them know that the comment period would be extended to June 7th. In response to notice of the extension to the neighborhood association, an email was sent prior to the close of the comment period which stated:

Pete,

We should of had prior warning and this should be noted Online. This is disappointing! How can I serve my community as a volunteer if information is not forthcoming? Jim Donnelly had this dropped off and time stamped at City Hall. I have also scanned each page in an email (with his permission). Please make this process easier and more inviting for residents. Please update your information Online.

Sincerely,

Karla Laws

BHNA Chair

In the final email expressing dismay over the process, Ms Laws talks about the making the process easier for residents but again, makes no reference to BHNA participation. The website was updated to reflect the extension.

The Commission must decide whether Ms. Laws' statements are sufficient to establish that BHNA did, in fact, submit written comments. BHNA may argue that the May 11 and 20, 2021 meeting minutes, attached as part of the appeal, identifying support of Mr. Donnelly's written comments, are sufficient to establish the BHNA intent to adopt Mr. Donnelly's comments as its own. The problem is that these meeting minutes were not submitted while the record was open. These minutes may be considered by the Commission for the sole purpose of justifying the fee waiver request alone. The Commission cannot determine the parties' intent now by relying on extra-record evidence or testimony from these participants now after the record has formally closed. The OCMC 17.50.190(D)(1) language finds its roots in state law – ORS 197.195. There are no cases considering this question with respect to ORS 197.195, but there is a fairly recent case considering what it means to have "appeared" for purposes of LUBA standing under ORS 197.763. (Note that ORS 197.195(5) uses the same term "appeared" as triggering a right to receive notice of the decision so it is likely to be similarly construed.) In this case, *Conte v. City of Eugene*, the party's only participation in the local proceeding was inclusion within a list of 50 other named "endorsers" of the materials set forth in an opposition report. LUBA and the Court of Appeals both found that an "appearance" requires some "communicated desire to be treated as a participant in the process" that goes beyond including a name in a list. The emails from Ms Laws suggest that she was working to assist Mr. Donnelly in getting his objections submitted into the record. Nothing in these emails suggests that BHNA desired recognition as a participant in the process. There is no statement that BHNA formally endorsed Mr. Donnelly's testimony. For this reason, the City could interpret "submit written comments" as consistent with ORS 197.175 / ORS 197.763 usage and conclude that because there was no indication of intent to participate, BHNA does not have standing.

That said, the City Commission could also interpret "submit written comments" more broadly, providing more expansive participatory rights than state law requires. Ms Laws submitted written materials referencing the relevant file number and the signature block suggests that Ms Laws was acting in her capacity as the Chair of BHNA signaling BHNA's intent to participate through the submittal of Mr. Donnelly's comments on BHNA's behalf. In the follow-up email, Ms. Laws acknowledges that closed public buildings compromises her ability to "act as a volunteer" suggesting that it is in her voluntary capacity as BHNA chair that she submitted the email objection.

Although the Comprehensive Plan does not provide any substantive review criteria, the Commission might find Comprehensive Plan Goal 1.2 supportive of broadly interpreting the appeal requirements so

as to encourage neighborhood participation. It provides: “Ensure that citizens, neighborhood groups, and affected property owners are involved in all phases of the comprehensive planning program.” Interpreting “submitted written comments” to include even the most modest indication of connection with a neighborhood to confer standing on the association might be consistent with this general plan policy.

Necessary Background – Needed Housing Laws and Clear and Objective Obligations

As additional background that is relevant to both the procedural and substantive questions before the City Commission, some additional discussion explaining the needed housing laws may be helpful. Over the past few years, the Oregon legislature has clarified and amplified this general decision-making aimed at encouraging the provision of all-types of housing – not just low-income housing, particularly when it is located inside a city. ORS 197.303. These revisions in state law establish that local governments have very limited discretion when it comes to reviewing requests for housing that otherwise comply with clear and objective regulatory requirements. Most notably, ORS 197.303(4) provides:

(4) Except as provided in subsection (6) of this section, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing, including needed housing. The standards, conditions and procedures:

(b) May not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.¹

Approval standards, procedures and conditions are not clear and objective if they impose “subjective, value-laden analyses that are designed to balance or mitigate impacts of the development on (1) the property to be developed or (2) the adjoining properties or community.” *Rogue Valley Assoc. of Realtors v. City of Ashland*, 35 Or LUBA 139, 158 (1998), *aff’d*, 158 Or App 1, 970 P2d 685, *rev den*, 328 Or 594 (1999). The term “clear” means “easily understood” and “without obscurity or ambiguity,” and that the term “objective” means “existing independent of mind.” *Nieto v. City of Talent*, _ Or LUBA _ (LUBA No 2020-100, Mar 10, 2021)

The procedures applicable to site plan and design review for housing acknowledges the limited discretion allowed by state law. The Type II decision-making procedure is described in OCMC 17.50.030(B) in the following:

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.

¹ ORS 197.303(6) give local governments the option of approving development through a discretionary track – like master plan approval – but only in cases where a “clear and objective” option is available. The site plan and design review proposal at issue is subject to the “clear and objective” track.

In other words, the question is not whether housing is permitted at densities prescribed by the underlying zoning in the first instance but rather ensuring that the housing will be designed so as to comply with the clear and objective standards adopted by code. If those clear and objective code standards are satisfied then by definition, this application will safely and efficiently accommodate residents of the future development. If a criterion requires the exercise of policy judgment, it cannot be applied to this proposal.

The applicant has an obligation to show that the adopted zoning code criteria are satisfied. This is accomplished by providing development plans, transportation studies and an application narrative relying on analyses prepared by licensed professionals to provide these services. City staff reviews these materials to confirm that the applicable clear and objective standards are satisfied as explained in the decision which includes findings explaining how/why coupled with conditions of approval that will achieve compliance. If the criteria require the exercise of discretion, they would not apply to this application. Unlike other types of uses or reviews, when it comes to review of housing, state law also provides that if conditions of approval are identified that would result in satisfaction of the applicable standards, a city must approve the application with conditions rather than issue a denial. ORS 197.522(3).

These obligations provide an important backdrop for considering the issues raised by the Appellants in this case.

Response to Issues Raised in the BHNA Appeal

Should the Commission conclude that BHNA has standing and that its appeal was properly submitted, the Commission must move on to consider the merits of the BHNA appeal. The City Commission's review is limited to reviewing the application against the adopted approval criteria. To prevail, BHNA must show that this proposal fails to satisfy one or more of the criteria. The criteria are "clear and objective" meaning that they do not authorize any policy-making judgment with respect to application. Where there is a finding that a criterion is not met but a condition of approval would result in a development that satisfied the standards, the condition must be imposed.

OCMC 17.50.190(F) sets forth the following with respect to the City Commission's review on appeal: "The decision shall be on the record and the issues under consideration shall be limited to those listed in the notice of appeal." In discussing issues related to standing, OCMC 17.50.190(D)(1) provides:

1. For Type II decisions, only those persons or recognized neighborhood associations who submitted comments in writing before the expiration of the comment period have standing to appeal a community development director decision. Review by the city commission shall be on the record, limited to the issues raised in the comments and no new evidence shall be considered.

The notice of appeal filed by BHNA includes a long list of concerns, raised primarily in the form of questions keyed to various pages of the decision. BHNA does not explain or otherwise identify where in the record the allegation was preserved as part of the comments submitted below. The Applicant identified a number of issues raised in the BHNA notice of appeal which were not preserved below, and staff generally concurs. In general, the list of issues identified in the appeal which were identified during the review process and are appealable include:

- Rezoning the property
- Water, street runoff, mud and contaminates into Singer Creek
- Street system and associated transportation analysis
- Parking
- Stafford Park and historic resource protections
- Staff adequacy in its review

It will be up to the Commission to decide the extent to which Subsection (D)(1) applies to further restrict its scope of review “to those issues raised in the comments” beyond what is stated in Subsection (F). If the Commission’s review is to be limited to those issues raised below, the Commission may need to decide whether this limitation applies to all appeal party participants. The Commission may also consider the extent to which an appellant had reason to know of the issue during the time when the comment period was open. For example, the Applicant did not know the nature of the conditions to which they now object to at the time when the comment period was open. Whereas, BHNA did have an opportunity to review the complete application including the transportation study and make objections during the comment period. Again, this is a question of limiting the Commission’s review to only those issues that were raised below, to the extent participants had reason to know of them, and is separate from the requirement for closed record review. No new evidence or facts may be presented in the notice of appeal or in the written or oral testimony presented by any party as part of this appeal review.

As the number of issues are quite extensive, staff attempted to cluster the appeal issues by topic category rather than responding to them in the order presented.

Procedural Issues

The BHNA notice of appeal includes a number of procedural objections but there are no citations to any procedural regulations that BHNA believes were violated. The procedural challenges raised in the notice of appeal were not identified during the review, and cannot be considered on appeal. Regardless, staff provided an analysis addressing BHNA’s concerns.

BHNA objects to the location of the posted notice of the application claiming that it was obscured by trees. BHNA did not submit any objection to the notice posting as part of the original comment period and for this reason, this issue has been waived. If not waived, the City’s approach to posting was consistent with the requirements set forth in OCMC 17.50.100(B) which requires that the applicant post the City’s issued notice of the application and comment period every 600 feet of frontage of the site. A notice was posted along the Holmes Lane frontage as well as the Mountainview frontage. OCMC 17.50.100 indicates that “Notices shall be posted within ten feet of the street and shall be visible to pedestrians and motorists”.

The applicant signed an affidavit attesting to compliance with this and the requirements within the section. BHNA indicates that these signs were obscured by trees or grass. The finding for OCMC 17.50.100 within the staff report indicates that the sign was visible, though slightly obscured when staff visited the site:

The property was posted with land use notices on May 10, 2021 and again on May 21, 2021. The notices were posted within ten feet of the street and were visible to pedestrians and motorists. The initial location was chosen at the direction of staff so that it would be visible from the

intersection of Rilance Lane and Holmes Lane, however, the sign was slightly obscured by vegetation when viewed from the east. Though slightly obscured, the sign was visible to both pedestrians and motorists. Due to a complaint about the visibility of the Holmes Lane notice due to vegetation, staff relocated the notice on 5/26/2021, relocating it slightly further to the west.

Anyone wishing to comment on the application had 28 days² to do so. The obligation to provide a 14-day comment period is set forth in state law for these more limited discretion-type of land use reviews (ORS 197.195(3)(c)(A)) and the 14-day notice period is also reflected in OCMC 17.50.030(B). The notice provided a link to project page on the City's website and identifies a staff contact to raise questions and obtain copies of all application and appeal materials. Further, notice of the application was mailed to property owners and residences within 300' of the site and emailed to neighborhood association chairs, Citizen Involvement Committee, Natural Resources Committee, a series of departments and agencies, etc. The application materials along with all City created reports related to this project are public records and available for review by the public upon request or through a formal public records submittal. The noticing approach complied with the applicable provisions of the OCMC.

The appeal asserted that staff did not conduct a site visit, though nothing in the OCMC requires city staff to conduct a site visit or to otherwise guarantee utility and public service adequacy. However, there is evidence in the record that Planner Pete Walter did visit the site. The City's role is to review the application and determine whether what is submitted satisfies the applicable approval standards, or that compliance will be achieved by imposing conditions of approval. The applicable zoning regulations do not require the City warranty that any development will not contribute or result in sewage backups, low water pressure, fire, life and safety issues.

With respect to communication with representatives of the Confederated Tribes of the Warm Springs, this issue was not raised during the comment period and cannot be raised for the first time on appeal. If preserved, the City's only obligation was to provide notice of the application to the State Historic Preservation Office as well as tribal representatives per OCMC 17.62.040(G) before the application was deemed complete. The record reflects that on June 23, 2020, City staff did provide the requisite notice to tribal representatives within the required timeframe and it appears that Mr. Nauer, representative of the Confederated Tribes of the Warm Springs did provide a response which was forwarded to the applicant as required by code. No further obligations are imposed.

Zone Change and Density

The issues relating to zone change and density in the appeal were identified during the review and may be considered during the appeal. BHNA argues that the site should be rezoned to R-6, limiting the overall development density, to provide greater protection for nearby natural and historic resources. Under the "fixed goal post" rule, the City has an obligation to review an application against the standards and criteria in place when an application is filed per ORS 227.178(3)(a). The City cannot change the zoning now as a way to restrict this proposal. At the time that this application was filed, the

² This application was noticed for comment May 10, 2021 to close on May 24, 2021. However, after some slight building face revisions, the application was renoticed and the comment period was extended to June 4, 2021. As mentioned previously, after hearing concern that the office was closed from Karla Laws on June 4th (the last day of the comment period), an email was sent to the chair and vice chair of the neighborhood association letting them know that the comment period would be extended to June 7th and the website was updated accordingly.

property was zoned R-2, High Density Residential where multi-family development is allowed outright subject to Site Plan and Design Review, at the densities proposed. The City has no ability to change the zoning or otherwise limit the scale or density of what is proposed when it otherwise complies with the R-2 zoning requirements.

Traffic

The issues relating to traffic in the appeal were identified during the review and may be considered during the appeal. BHNA has raised a number of objections relating to the traffic impact analysis and review completed by city staff. BHNA argues that the street system is not “adequate” to accommodate the proposed traffic, particularly with respect to Mountainview Street width. Speeding on Holmes Lane was not taken into account, there are more traffic accidents than reported crash numbers indicate and that the traffic report is skewed in favor of the development. BHNA calls for a new traffic study to be completed by a “neutral” and “unbiased” “third-party.” The claims is that they do not identify any applicable approval criteria that are violated. With respect to transportation adequacy, OCMC 16.12.015(C) provides:

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.

Under the needed housing laws – ORS 197.307(4), the City is constrained by its ability to exercise policy judgment in determining whether the transportation system is “adequate” in the abstract. Rather, the City must rely on the adopted Transportation System Plan (TSP) which categorizes roadways throughout the City, along with the table at OCMC 16.12.016, which sets forth the minimum street improvements including right-of-way, street improvements, sidewalks and bikeways based on TSP category, as the basis for concluding that the road system can accommodate traffic resulting from this development.

In addition to satisfying these minimum road improvement obligations, the City requires an applicant to submit a Transportation Impact Study to determine that the most directly affected intersections have capacity to accommodate the proposed development. OCMC 16.12.033. The Applicant-submitted TIS, dated December 2020, was prepared under the direction of Dana Beckwith, PE of Global Transportation Engineering. The Applicant's TIS was reviewed by John Replinger, PE, of Replinger and Associates, the City's transportation planning consultant. BHNA does not explain why review by Mr. Replinger, a licensed and experienced professional in the field of transportation planning is not suitable to provide the necessary “unbiased” 3rd party evaluation of the demand placed on nearby intersections. Mr. Replinger concluded that with the development, the studied intersection will continue to meet the City's adopted performance standards. Director's decision p 54.

In a supplemental letter dated May 28, 2021, Mr. Replinger responded to a number of concerns that BHNA reasserts on appeal. Mr. Replinger found that a study area included with the TIS was appropriate to include the intersection of Holmes Lane at Rilance Lane and at Holmes Lane at Molalla Avenue. BHNA does not identify any legal standard that requires any widening beyond the minimum standards prescribed by the OCMC and Transportation System Plan and as adopted standards, the City must presume that they are adequate.

Conducting traffic counts in 2020, as BHNA advocates, would not be a reliable gauge of existing traffic generation due to significant traffic reductions resulting the COVID-19 pandemic. The staff report concurs with the comment and under the same logic, the TIA relied on road tube counts from 2017 and adjusted them upward to reflect traffic growth. Mr. Replinger concluded that this would provide a reasonable approach for determining the background traffic counts. BHNA objects to this approach but does not explain how it violates any of the applicable standards. BHNA does rely on new information which is not in the record and thus cannot be used to object to the rate of growth.

BHNA believes that traffic count data should have been provided at the intersection of Rilance Lane and the proposed new intersection. Figure 4 of the TIS does show estimated traffic volumes at Holmes Lane and Rilance Lane for base year conditions. Subsequent figures and Table 8 of the TIS show that Rilance Lane volumes from the existing development south of Holmes Lane were considered in the operational analysis for 2023 build-out conditions. The intersection was calculated to operate at LOS B and easily meets the city's operational standards (LOS D).

With respect to proposed trip generation, Mr. Replinger explains that the applicant relied on the ITE Manual for low-rise multi-family residential development as a basis for projecting new trips. The City relies on the ITE Manual to assess the impact of future traffic and there is no evidence in the record as to why the numbers are incorrect or studies/evidence of a different number should be used. It is important to point out that Mr. Replinger's letter also notes that assuming a trip generation at the level of single-family homes, as opposed to multi-family, the City's transportation infrastructure remains adequate to accommodate the additional traffic.

BHNA raises a number of concerns that Mountainview Lane is undersized to safely accommodate the development. The applicant proposes the dedication of additional right of way plus half-street improvements along Mountainview Street frontage to improve safety and capacity concerns and satisfies the City's minimum local street standard of 32 feet of right-of-way with a 16-foot shared space travel lane as specified in the Transportation System Plan. This shared space travel lane will be sufficient to accommodate two-way travel. These are the minimum widths prescribed by OCMC 16.12.016 and the City lacks regulatory authority to require additional dedication. Further, as Mr. Replinger explains, keeping Mountainview comparably narrow will help to reduce travel speeds and instead encourage travel on Holmes Lane.

Mr. Replinger commented that the TIS was "based on an analysis of existing traffic patterns and likely origins and destinations throughout the city." The TIA assumed that "all traffic to and from the site would use Holmes Lane" and this was done because it was the Mollalla / Holmes Lane intersection that was most likely to be found inadequate. That said, the TIA does acknowledge that some traffic may use Mountainview Street but the existing traffic light at the Holmes Lane / Molalla intersection as well as the ability to travel west on Holmes Lane makes it much more likely that future residents will prefer Holmes Lane over Mountainview Street. Mountainview dead ends just north of the site; it does not allow for

western travel towards Linn Avenue. Further, it is challenging for drivers, given the uncontrolled intersection with Molalla Avenue.

BHNA raises concerns about existing traffic speed and accidents undermining the adequacy of the City's transportation system. As noted above, adequacy is not an abstract concept and the City is constrained in this respect to clear and objective standards. The question is whether the City's existing transportation facilities have capacity to carry the proposed traffic generated from the future development. Although there is no objective standard for evaluating crash data, Mr. Replinger did review the crash information set forth in the TIS, based on police reports of the same, and noted that the level of reported crashes, which occur entirely at the Molalla / Homes Lane intersection, "are typical of signalized, urban intersections." No crashes were reported at the intersection of Holmes Lane and Rilance – where a majority of the vehicles from the proposed development will access the City's larger transportation network. BHNA's claim that the number of accidents exceeds information set forth in published police data is not supported by any detailed accident analysis, the OCMC does not impose any clear standard of accidents necessary for an intersection to be objectively deemed unsafe.

With respect to sight distance, BHNA objects that the posted speed limits are 25 mph rather than 35 mph as set forth in the Applicant's TIS. The Director's Decision responds to this point by explaining:

The engineer measure sight distance at the new access point on Mountainview Street and the new access at the intersection of Holmes Lane and Rilance Lane. The engineer indicated sight distance exceeds 400 feet at the access points. This exceeds the recommended sight distance associated with the posted speed for both Holmes Lane and Mountainview Street. The engineer incorrectly identified the posted speed for Holmes Lane as 35 mph rather than the correct 25. The error actually reduces the required sight distance so the misstatement of the speed is of no consequence. The engineer concludes sight distance is adequate and recommends no mitigation. Decision p 54.

Conditions of Approval 25b and 41 require compliance with the sight distance standards in OCMC 10.32.

BHNA objects to the pavement condition on Holmes Road and Mountainview Street. The Applicant shall be required to construct half-street improvements along the development frontage along both Holmes Road and Mountainview Street that will include half-street repaving. No additional repaving is required under the Code as part of this review.

Parking

The issues relating to parking were identified during the review and may be considered during the appeal. OCMC 17.52.020 identifies the minimum and maximum number of off-street parking that development may have. The findings for parking are as follows:

The proposal meets the definition of multifamily residential because it includes 5 or more units on one lot. Though the development extends across both sides of public roadway, the development is on a single lot. Pursuant to the minimum and maximum standards listed in Table 17.52.020, the minimum parking requirement is 1.00 off-street parking space per unit, and the maximum parking requirement is 2.50 off-street parking spaces per unit. Based on these requirements, the minimum off-street parking requirement for the Applicant's proposal is 60, and the maximum off-street parking requirement is 150.

The Applicant is proposing 116 off-street parking spaces consisting of a combination of single car garages for each unit, driveways of at least 20 feet in length for units 14-60, and 9 spaces in the drive aisle. In addition there are an additional 31 spaces within the public street (which do not have to be counted toward off-street parking). The Applicant's proposal exceeds the minimum off-street parking requirement for multi-family development per Table 17.52.020. The applicant may reduce the number of on or off-street parking provided as needed in order to accommodate for the revisions to allow for the enlarged landscaped buffer with the adjoining site.

The application included 116 parking stalls onsite, within the minimum and maximum identified in the Municipal Code requiring between 60 and 150 spaces. The applicant could not propose more than the maximum parking onsite without submittal of a parking adjustment or variance.

The applicant is required to revise the proposed design in order to comply with conditions of approval 25e and 25h which require an increased width in the landscaped buffer between the subject site and 567 Holmes Lane as well as between the subject site and Stafford Park. As the applicant has provided more than the minimum number of parking stalls, the finding acknowledges that the on-site parking, such as within the drive aisles (identified as private streets on the plan) may be removed to allow for the revised design.

BHNA identifies a concern that parking associated with the proposed development will utilize Stafford Park to accommodate the parking needs. In order to allow off-site parking at Stafford Park, the applicant is required to seek approval for off-site parking with the City (as it is city-owned property) as well as submit a request to approve the shared parking agreement to the Planning Division to assure the parking complies with the standards in OCMC 17.52. The proposal did not include such a request and thus utilization of parking on other properties is not authorized.

The appeal asserted those associated with the proposed development would park on the street throughout the neighborhood. Though the parking standards in the Municipal Code are designed to accommodate sufficient parking onsite, legal on-street parking stalls are available without restrictions.

The BHNA further identified a concern for parking in fire lanes. The private streets identified on the plans are drive aisles within the multi-family development. Condition of Approval #7 limits parking as identified by the Fire Department. As explained in greater detail below, staff is recommending an adjustment to this condition as it was set forth in the Director's decision to the following:

7. The development shall include whatever improvements, coupled with requisite access easement, identified by Clackamas Fire District No 1 as are necessary to accommodate emergency vehicles.

Natural Resources and Stormwater Runoff

Many of the stormwater and grading issues in the appeal were not identified during the review, and cannot be considered on appeal. Regardless, staff provided an analysis addressing BHNA's concerns. The issues relating to stormwater runoff into Singer Creek were identified during the review and may be considered during the appeal. BHNA has concerns about the applicant's response to handling development stormwater and the Director's review of that approach. BHNA asserts that the development is too close to Singer Creek and that stormwater runoff from development and internal

roadways will adversely affect Singer Creek and the Willamette River. None of the applicable land use regulations impose any sort of development moratorium on this property given its proximity to Singer Creek and the subject site is not within the Natural Resources Overlay District which surrounds Singer Creek. Further, there is no discretionary criteria allowing the City to consider adequacy of the Applicant's stormwater conveyance system. Rather, the relevant code provisions relating to stormwater are lengthy but the most directly relevant provision is OCMC 13.12.090. It provides:

13.12.090 - Approval criteria for engineered drainage plans and drainage report.

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

- A. The plan and report demonstrate how the proposed development and stormwater facilities will accomplish the purpose statements of this chapter.*
- B. The plan and report meet the requirements of the Public Works Stormwater and Grading Design Standards adopted by resolution under OCMC 13.12.020.*
- C. The storm drainage design within the proposed development includes provisions to adequately control runoff from all public and private streets and roof, footing, and area drains and ensures future extension of the current drainage system.*
- D. Streambank erosion protection is provided where stormwater, directly or indirectly, discharges to open channels or streams.*
- E. Specific operation and maintenance measures are proposed that ensure that the proposed stormwater quantity control facilities will be properly operated and maintained.*

The findings in response to this condition explain:

Finding: Complies with Condition. *The Applicant has provided a preliminary stormwater management report. The submitted preliminary stormwater report has been prepared in accordance with the above criteria and demonstrates that the proposed development includes provisions to adequately control runoff from all drive aisles and roof, footing, and area drains and ensures future extension of the current drainage system. However, the plans and report have not been fully reviewed and will need to be finalized once reviewed for compliance with requirements of the Public Works Stormwater and Grading Design Standards is completed. The applicant shall provide finalized engineered drainage plan(s), drainage report(s), and design flow calculation report(s) stamped and signed by a licensed engineer addressing all items from the Section 9.3 & 9.4 of the Public Works Stormwater and Grading Design Standards. Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.*

Condition of approval no 12 provides:

- 12. The applicant shall provide finalized engineered drainage plan(s), drainage report(s), and design flow calculation report(s) stamped and signed by a licensed*

engineer addressing all items from the Section 9.3 & 9.4 of the Public Works Stormwater and Grading Design Standards. (DS)

This project is not exempt from any of the City's discharge requirements but rather must comply with the Public Works Stormwater and Grading Design Standards. No alternative design proposals were proposed. The City's Public Works Stormwater and Grading Design Standards were adopted by the City Commission to prescribe detailed stormwater construction methods that must be used. These Standards comply with DEQ requirements and have been deemed sufficient to protect nearby instream flows. The City cannot change those standards now to impose any further requirements. What the findings explain is that City staff has reviewed the site plan including stormwater facilities and confirmed that it is reasonable to conclude based on this preliminary plan that the development can comply with these adopted drainage standards. If it turns out as part of the subsequent plan review that these standards cannot be satisfied, the development will have to change to meet these standards. Continued compliance with these standards after construction are available through City enforcement.

BHNA argues that the hours of construction are not identified but that issue was not raised below. OCMC 16.12.090(F) authorizes the City Engineer to establish hours of construction during the pre-construction meeting and Condition of Approval 45 acknowledges this obligation. These hours need not be set as part of the condition in order to comply with the code.

Historic Resource Impacts

The issues relating to historic resource impacts in the appeal were identified during the review and may be considered. With respect to historic structures or sites, neither of the properties within the subject site are within a historic district or contain individual historic landmarks designated outside of a district. Therefore, no additional historic-related protections apply to this review.

Tree Removal and Residential Buffering

The issues relating to tree removal and residential landscape buffering in the appeal were identified during the review and may be considered. OCMC 17.41 provides a schedule for trees that are outside of the construction area and are removed as part of a development proposal. It requires the submittal of a landscape plan completed by a certified arborist identifying trees proposed for removal and imposes mitigation in the form of replanting based on the condition and type of tree to be removed. These criteria do not prohibit tree removal but rather require mitigation in the form of tree replanting to serve as a disincentive to removal. The Director's decision did incorporate the comments by the public and observations by staff by acknowledging the plans submitted appear to include errors and need to be further revised. An excerpt from the Director's decision findings responding to OCMC 17.41.050 provides:

The Applicant proposes meeting the tree protection, preservation, removal and replanting standards through options 1 and 4 above. Except for the existing vegetation and trees to remain at 535 Holmes Lane after the lot line adjustment, the remainder of the existing trees are proposed to be removed to accommodate the proposed development. The Applicant is requesting to pay a cash-in-lieu of planting pursuant to OCMC 17.41.120. This option is only available if the applicant can demonstrate that the site cannot physically accommodate additional tree plantings. The applicant did not submit a tree retention, removal, and replanting

plan for review and further the plans submitted appear to not accurately reflect the existing conditions and the number of trees proposed to be removed. For example, the existing conditions plan indicates that an existing hedge will be protected, but the hedge is not identified on the plans and public comment was received regarding trees which did not appear on the existing conditions plan. Prior to issuance of a permit associated with the proposed development, the applicant shall submit a revised mitigation plan, which includes a calculation for the number of mitigation trees required in accordance with Table 17.41.060-1. The applicant will be allowed to pay a fee-in-lieu, or plant off-site any trees that cannot be accommodated onsite. The applicant can meet this standard by complying with the conditions of approval.

The decision recognized the code requirements and public comments and imposed a number of conditions of approval to provide revised plans:

21. Prior to issuance of a permit associated with the proposed development, the applicant shall submit a revised tree retention, removal and replanting or mitigation plan prepared in accordance with OCMC 17.41 and Table 17.41.060-1, which includes a calculation for the number of mitigation trees required in accordance with 17.41. The number of replacement trees required on the development site shall be calculated separately from, and in addition to required tree plantings. The city may accept fee-in-lieu of planting or off-site planting of trees for any mitigation trees that cannot be replanted on-site due to lack of available area. (P)

22. The revised tree retention, removal and replanting or mitigation plan shall include provisions to protect trees that are proposed to be retained throughout the construction process pursuant to OCMC 17.41.130. Prior to issuance of development permits the applicant shall submit documentation demonstrating compliance with the tree protection standards in OCMC 17.41.130. No permits for site grading or any construction shall be issued prior to submittal of documentation that tree protection fences and applicable signage have been installed properly. (P)

BHNA expressed concerns over the large tree line along the Stafford Park and a landscaped buffers. In addition, OCMC 17.12.040 requires:

- 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.*

The application does not include this 10' required buffer between the multi-family proposed on the new 545 Holmes Lane and the only adjacent property zoned R-10, R-8, or R-6 (567 Holmes Lane). A buffer is not needed between the proposed multi-family development and 545 Holmes Lane because 545 Holmes is zoned R-2. Further, a buffer is not required between 545 Holmes and the adjoining property at 567 Holmes because multi-family development is not proposed on 545 Holmes. The decision recognized the code requirements and public comments and as a result, the following condition of approval was imposed:

25e. A minimum of 10 foot wide landscaped area between the subject site and 567 Holmes Lane. Any changes to the existing design shall comply with the standards in the

Oregon City Municipal Code. The applicant may reduce the number of on or off-street parking provided or modify the building design or locations as needed in order to accommodate for the revisions. The 10' wide landscape buffer shall be planted in accordance with the perimeter parking lot landscaping standards in OCMC 17.52.060.C. Existing trees may be utilized for this standard.

In addition, a wider landscaped buffer was also conditioned between the subject site and Stafford Park as a part of the alternative landscaping plan. The width and plantings within the landscaping buffer between the proposed multi-family and the park was widened to match that the perimeter parking lot landscaping standards in OCMC 17.52.060.C, with encouragement for retention of the existing trees.

25h. The 3.5' landscape strip between the subject site and Stafford Park (tax lot 5200) shall be widened to 5 feet and planted in accordance with the perimeter parking lot landscaping standards in OCMC 17.52.060.C. Existing trees may be utilized for this standard.

Trees within this buffer area must be retained or, if they are to be removed, they must be mitigated pursuant to the tree replacement schedule set forth in OCMC 17.41. The condition encourages the retention of the existing trees.

Other Issues

BHNA raises a number of other issues that are not related to any of the applicable approval criteria and in with respect to some of these concerns, were not raised below. The City's land use review does not evaluate the relationship between the proposed development and the homeless and this issue was raised below. OCMC 17.62.085 does regulate the location of solid waste removal facilities for multi-family development which will be evaluated as part of the building permit review. Residential demolition permits and lead paint abatement are also not addressed in the applicable standards, though OCMC 17.62.050.D requires "All development shall maintain continuous compliance with applicable federal, state, and City standards" which the Applicant indicated compliance with.

Conclusion

As demonstrated in the Director's Decision as well as this report, staff did not identify any criteria identified by BHNA that were inappropriately applied in the staff decision. Staff recommends the City Commission deny AP-21-00004.

Response to Issues Raised in the Applicant's Appeal

Aside from the questions raised above regarding jurisdictional issues, the applicant identified two issues within their appeal.

Public Improvements along the Frontage of 545 Holmes Lane

The applicant's primary objection relates to Condition No 3 of the decision, which provides:

3. The development shall provide the following along the development's frontage of Holmes Lane on the development side of the centerline: 11'-12'-wide drive lane, 0.5' curb, 5-foot-wide landscape strip, 6-foot-wide raised bike lane, 6-foot-wide sidewalk,

and a 0.5-foot-wide buffer. The development shall dedicate right-of-way (ROW) to achieve 29' to 30' of ROW. (DS)

The applicant objects to the obligation to provide right-of-way improvements along the 545 Holmes Lane frontage arguing that all of the “development” will occur on the 535 Holmes Lane. This application includes a lot line adjustment to reduce the size of 545 Holmes Lane and giving the excess, vacant land to 535 Holmes Lane property to accommodate the new 60-unit development. The applicant argues that because the new construction will occur entirely on 535 Holmes Lane, it is the only lot subject to “development” and the improvement obligations imposed by Condition No 3 should be so limited. The applicant argues that full-frontage improvements were not justified because: (1) the lot line approval review is separate and distinct from the site plan approval that led to imposition of the condition; (2) the property line adjustment does not create any additional impacts that provide a nexus for the required improvements; and (3) the term “development” as used in the condition is ambiguous running afoul of the requirement that all conditions for needed housing must be clear and objective under ORS 197.307(4).

Condition No. 3, requiring certain right-of-way improvements, results from OCMC 16.12-015 and .016. These provisions provide, in relevant part:

16.12.015 - Street design—Generally.

“...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:

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.

16.12.016:

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.

These criteria along with Condition No 3 are to all keyed to the “development,” the “development site” and “frontage.” These terms are defined in OCMC 17.04 and provide:

17.04.300 - Development.

"Development" means a building or grading operation, making a material change in the use or appearance of a structure or land, 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.

17.04.305 - Development site.

"Development site" means any lot or lots on any part of which development is taking place.

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.

In multiple places, the applicant has asserted that this “development” includes 545 Holmes Lane. For example, the application opens with the following:

SITE

LOCATION: 535 and 545 Holmes Lane

Background Information: The subject site consists of two (2) tax lots totaling approximately 4.33 acres in size. Together the site area is generally square in shape with street frontage along both Holmes Lane and Mountain View Street. The site is currently developed with two single-family dwellings, one on each tax lot, as well as accessory structures on both tax lots. The site area is vegetated with a mix of trees, shrubs, and grass fields, and has a generally flat topography. In addition, the site area is bound by the Stafford City Park on both sides.

Similarly, the Transportation Impact Analysis describes the development as:

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CONCLUSIONS AND RECOMMENDATIONS

The Mountainview Townhomes Subdivision will be located at 535 and 545 Holmes Lane in Oregon City, Oregon. The site fronts Mountainview Street to the north and Holmes Lane to the south. The site will consist of 60 multifamily housing units. The development will replace two single-family homes.

A “development site” includes “any part” of a lot where “development” is proposed. The OCMC does not distinguish between “development” and “non-development” lots as the applicant argues. ORS 227.175 and OCMC 17.50.010 allow an applicant “to elect to consolidate applications.” The applicant elected to proceed with consolidated review and cannot seek bifurcation now as a basis to limit its improvement obligations. If the applicant wants to bifurcate this review as a means to avoid street frontage improvements on 545 Holmes Lane, it may withdraw its application and proceed with a bifurcated review. The applicant has proposed a singular “development” on a singular “development site” and the conditions respond to reviewing a consolidated proposal against the applicable criteria.

Further, although no new structures are proposed for the reconfigured 545 Holmes Lane lot, removing accessory structures and altering the dimensions of the lot itself will change its appearance resulting in “development” as that term is defined. Locating new dwellings on vacant land that is currently included on the 545 Holmes Lane lot also has the effect of changing its appearance. Therefore, the lot line adjustment, assuming that it can be considered separate from the site plan and design review would qualify as “development” when changes to the appearance of the land are similarly considered.

The applicant claims that there is no nexus for imposing frontage improvements on 545 Holmes Lane because no “development” is proposed. However, as noted above, the City views both lots within the “development site” where the “development” will occur. 545 Holmes Lane frontage provides vehicular and pedestrian connectivity to Stafford Park and Molalla Avenue. The TSP not only designates Holmes Lane a collector which calls for the provision of sidewalks generally, TSP project W67 calls for the completion of sidewalk gaps on the north side of the street. The applicant’s traffic study assumes that this development will generate a total of 420 new weekday total trips. As the City’s Traffic Engineering consultant explains most of the traffic generated from this development, made possible solely because of the lot line adjustment, will use Holmes Lane for access due to the presence of a traffic signal at Molalla. Similarly, the future residents within this development are likely to use the bicycle lanes and sidewalks to safely access Stafford Park and points beyond. Mr. Replinger’s letter dated May 28, 2021 provides: “The applicational sidewalks constructed in connection with the development will help improve pedestrian connections and safety.” p 3. Because the sidewalk and right-of-way improvements will directly enhance connectivity and safe movement of future residents of this development, the requisite nexus exists for justifying improvements along the full frontage of this development site, including the area in front of 545 Holmes Lane.

Clear and Objective Conditions

The Applicant’s second objection is that a number of conditions of approval, including Condition No 3 are not clear and objective. The conditions set forth in the Director’s decision are provided in full in italics with the staff response following:

1. *The development plans shall comply with all current Oregon City Public Works design standards, specifications, codes, and policies prior to receiving a permit and beginning construction. (DS)*

The City’s Public Works design standards set forth standards for construction of utilities and public facilities including stormwater facility design, street and pavement specifications, water distribution and sanitary sewer construction standards. These standards serve to ensure that public facilities maintain a minimum base level of safety and capacity to serve the public. Because these standards apply to the

construction of all new dwelling construction throughout the City, the City has been careful to ensure that these construction specifications are clear and objective and do not confer discretionary decision-making to staff in their application.

Condition 3 road improvements quoted above

The scope of the “development” is an objectively determinable fact based on where 545 Holmes Lane property will appear to be substantially different after the development authorized by the decision occurs. The removal of accessory structures, adjusting the lot line and constructing new homes on lands that were previously vacant are all unambiguous changes in the appearance of land. Determining the bounds of the “development” does not require the exercise of policy judgment. Staff does not recommend revising this condition.

5. The development shall provide street lighting plans with photometric information for Holmes Lane, the new north-south street (Rilance Lane) and Mountainview Street which conforms with all City standards, specifications, codes, and policies and is approved by Portland General Electric (PGE) prior to receiving a permit and beginning construction.

This condition is imposed to ensure that street lighting is constructed and illuminated consistent with Portland General Electric adopted standards. To the extent that the scope of these standards is not clear, staff recommends the following slight modification to the condition language:

5. The development shall provide street lighting plans with photometric information for Holmes Lane, the new north-south street (Rilance Lane) and Mountainview Street which conforms to Portland General Electric adopted standards for light pole location and illumination standards prior to receiving a permit and beginning construction. 7. For proposed dead-end drive aisles, an approved turnaround contained in an access easement with appropriate no-parking signs or markings for large emergency vehicles and other long vehicles in the form of a hammerhead or other design in accordance with Clackamas Fire District No. 1 shall be provided. (P)

The applicant did not include any evidence that the proposed multi-family housing design would provide adequate fire and life safety access. As a result, it is not clear whether fire vehicle access onto the dead-end drive aisle is necessary to serve Units 33-37 and 53-60 or if they will be sufficiently protected from the circular drive aisle to the north or from Holmes Lane to the south or through in-unit sprinklers. As a result, this condition provides flexibility for the applicant to work with CCFD#1 to negotiate a solution. Since the applicant objects to the flexibility provided by this condition, staff recommends revising this condition to require:

7. The development shall include whatever improvements, coupled with requisite access easement, identified by Clackamas Fire District No 1 as are necessary to accommodate emergency vehicles.

9. The development shall minimize taps to the existing sanitary sewer main within Holmes Lane to the maximum extent practicable while providing the development with connection to the City's sanitary sewer system. The sanitary sewer design shall be in accordance with the City's sanitary sewer design standards. (DS)

Staff agrees that the term "minimize" and "to the maximum extent practicable" are not clear and objective. As a result, staff recommends replacing Condition No 9 with the following:

9. *The development shall be allowed no more than two connections (a maximum of 8" in size) to the existing public sanitary sewer main within Holmes Lane to provide the development sanitary sewer service. The sanitary sewer design shall comply with the City's sanitary sewer design standards."*

24. *The applicant shall indicate the required bicycle parking distributed as appropriate to serve all buildings on the prior to issuance of a building permit in accordance with OCMC 17.52.040. A minimum number of 11 bicycle parking spaces required, of which six are required to be covered. The garages are an acceptable location for bicycle parking and will not require additional notification, provided a minimum of two bicycle parking spaces are provided in one of the common areas. (P)*

The only obligation imposed by this condition is the provision of a minimum of two designated bicycle parking spaces located in one of the common areas. To clarify any confusion, a simplified version is offered:

24. *The applicant shall provide a minimum of two bicycle parking spaces located in one of the common areas in accordance with OCMC 17.52.040. Garages are an acceptable location for all other bicycle parking.*

27. *The applicant shall submit details demonstrating that the open space adjacent to unit 49 complies with the standard in OCMC 17.62.057.C. (P)*

OCMC 17.62.057.C requires privacy measures to protect dwelling units from common open space areas and OCMC 17.62.057.C identifies means for achieving this separation. Although staff does not agree that OCMC 17.62.057.C requires the exercise of discretion, in an effort to provide greater clarity, staff proposes:

27. *The along the shared line between unit 49 and the common open space, the applicant shall install a 3 ½' fence or hedge with the spacing standards set forth in OCMC 17.52.060(C)1.b.*

29. *The applicant shall submit documentation identifying if any fences or hedges are proposed. All fences and hedges shall comply with OCMC 17.54.100. (P)*

The standards governing the construction, location and materials of fences and walls are clear and objective. No further revision to this condition is necessary.

37. *The applicant shall provide an exterior lighting plan that meets the applicable standards of OCMC 17.62.065 prior to issuance of a building permit. The site photometric plan indicating lighting levels at the property line shall be submitted indicating compliance with standards C.1-14. A. (P)*

The application did not include a photometric plan sufficient for staff to determine if the outdoor lighting standards set forth in OCMC 17.62.065 will be met. The outdoor lighting standards set forth clear and quantifiable standards including light pole height, location, design restrictions and illumination

levels. None of these standards require the exercise of policy judgment. No further revision to this condition is necessary.

41. The development shall maintain compliance with OCMC 10.32 prior to issuance of any certificate of occupancy for the site and over time. Prior to approval of construction plans for the public street improvements, the applicant shall include on the plans the location of fencing, vegetation, signage and related structures and assure that these features are located, maintained or removed to avoid unnecessarily restricting sight distance.

This condition ensures the continued compliance with the sight distance standards set forth in OCMC 10.32 are maintained. Ensuring adequate sight distance is a calculable formula based on obstruction location, topography, and speed, which are all clear and objective.

Conclusion

As demonstrated in the staff report as well as this analysis, staff did not identify any criteria that were inappropriately followed or interpreted in the staff decision. Staff recommends the City Commission deny AP-21-00004 approve AP-21-00005 with conditions, only to amend the following conditions of approval in order to address the concerns from the applicant regarding their clear and objective nature.

5. The development shall provide street lighting plans with photometric information for Holmes Lane, the new north-south street (Rilance Lane) and Mountainview Street which conforms to Portland General Electric adopted standards for light pole location and illumination standards prior to receiving a permit and beginning construction.

7. The development shall include whatever improvements, coupled with requisite access easement, identified by Clackamas Fire District No 1 as are necessary to accommodate emergency vehicles.

9. The development shall be allowed no more than two connections (a maximum of 8" in size) to the existing public sanitary sewer main within Holmes Lane to provide the development sanitary sewer service. The sanitary sewer design shall comply with the City's sanitary sewer design standards."

24. The applicant shall provide a minimum of two bicycle parking spaces located in one of the common areas in accordance with OCMC 17.52.040. Garages are an acceptable location for all other bicycle parking.

27. The along the shared line between unit 49 and the common open space, the applicant shall install a 3 ½' fence or hedge with the spacing standards set forth in OCMC 17.52.060(C)1.b.



OREGON CITY

Community Development – Planning

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

TYPE II STAFF REPORT AND NOTICE OF DECISION WITH CONDITIONS OF APPROVAL

July 22, 2021

FILE NUMBER: GLUA-21-00002: SP-21-00001 / LL 21-00002

APPLICANT: Emerio Design, LLC Attn: Steve Miller
6445 SW Fallbrook Pl., Suite 100
Beaverton, OR 97008

Submitted: 01/11/2021

Complete: 4/28/2021

120-Day Deadline: 10/11/2021

OWNERS: Orvetta Herndon – 32E06AA05001 (Owner)
535 Holmes Lane
Oregon City, OR 97405

Christopher Streeter – 32E06AA05100 (Owner)
545 Holmes Lane
Oregon City, OR 97405

REQUEST: Approval of Site Plan and Design Review and Lot Line Adjustment for a 60-unit residential condominium project in the High-Density Residential District (R-2 zone). This includes extension of a full local public street connecting Holmes Lane to Mountain View Street.

ADDRESSES: 535 Holmes Ln Oregon City, OR 97045,
Clackamas County APN: 3-2E-06AA-05001
545 Holmes Ln, Oregon City, OR 97045,
Clackamas County APN: 3-2E-06AA-05100

REVIEWER: Pete Walter, AICP, Senior Planner
Josh Wheeler, P.E., Assistant City Engineer
Laura Terway, AICP, Community Development Director

DECISION: Approval with Conditions.

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

Conditions of Approval
Planning File GLUA-21-00002: SP-21-00001 / LL 21-00002

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

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

(B) = Verify that condition of approval has been met with the Building Division.

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

The following conditions of approval shall be met to the satisfaction of the City during the process of design and prior to issuance of public improvement or building permits for construction associated with the proposed multi-family development.

1. The development plans shall comply with all current Oregon City Public Works design standards, specifications, codes, and policies prior to receiving a permit and beginning construction. (DS)
2. The developer shall submit or address all items in section 16.12.014 of the Oregon City Municipal Code based on the timing requirements contained therein and as deemed applicable by the City. (DS)
3. The development shall provide the following along the development's frontage of Holmes Lane on the development side of the centerline: 11'-12'-wide drive lane , 0.5' curb, 5-foot-wide landscape strip, 6-foot-wide raised bike lane, 6-foot-wide sidewalk, and a 0.5-foot-wide buffer. The development shall dedicate right-of-way (ROW) to achieve 29' to 30' of ROW. (DS)
4. The alignment of the new north-south street (Rilance Lane) shall have at least fifty feet of tangent adjacent to the intersection (measured from the nearest curb line) unless topography requires a lesser distance.
5. The development shall provide street lighting plans with photometric information for Holmes Lane, the new north-south street (Rilance Lane) and Mountainview Street which conforms with all City standards, specifications, codes, and policies and is approved by Portland General Electric (PGE) prior to receiving a permit and beginning construction. (DS)
6. The development shall provide new fire hydrant(s) in, and around, the property as required by Clackamas Fire District Number 1 and extend water main(s) (public and/or private) as necessary to supply required fire hydrants. (DS)
7. For proposed dead-end drive aisles, an approved turnaround contained in an access easement with appropriate no-parking signs or markings for large emergency vehicles and other long vehicles in the form of a hammerhead or other design in accordance with Clackamas Fire District No. 1 shall be provided. (P)
8. All intersections, existing and proposed, adjacent the development property, shall have pedestrian crossings for each direction of travel which complies with Americans with Disabilities Act (ADA). Approved curb ramp design(s) will need to be included on engineering plans following proper engineering technical standards prior to receiving a permit and beginning construction. (DS)
9. The development shall minimize taps to the existing sanitary sewer main within Holmes Lane to the maximum extent practicable while providing the development with connection to the City's sanitary sewer system. The sanitary sewer design shall be in accordance with the City's sanitary sewer design standards. (DS)
10. The development shall extend an 8-inch water main from Holmes Lane to, and through, the development and shall connect to the existing water main within Mountainview Street to create a loop. (DS)
11. The engineering plans shall provide a local benchmark, onsite, using the NAVD88 datum prior to receiving a permit and beginning construction. (DS)
12. The applicant shall provide finalized engineered drainage plan(s), drainage report(s), and design flow calculation report(s) stamped and signed by a licensed engineer addressing all items from the Section 9.3 & 9.4 of the Public Works Stormwater and Grading Design Standards. (DS)

13. The developer shall provide an engineered grading plan prepared by a professional engineer in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards. (DS)
14. A city issued erosion and sediment control permit shall be obtained prior to commencement of any earth disturbing activities. (DS)
15. Erosion and sediment control plans shall be submitted for review and approval by the City prior to issuance of an erosion and sediment control permit. (DS)
16. The developer shall obtain a 1200-C (NPDES) permit from Oregon Department of Environmental Quality (DEQ) for construction activities one acre or greater prior to receiving a permit and beginning construction. (DS)
17. Performance Guarantee which is equal to 120% of the estimated cost for construction of public improvements as shown in city approved construction plans shall be provided prior to receiving a permit and beginning construction. The estimated costs shall be supported by a verified engineering estimate and approved by the city engineer. The guarantee shall be in a form identified in Code 17.50.140.A of the Oregon City Municipal Code. The guarantee shall remain in effect until the construction of all required improvements are completed and accepted by the city. (DS)
18. The developer shall submit a request to the Community Development Department to receive approval for new street names; only approved street names shall be included on the final construction plans. (DS)
19. The development shall submit a plan/plat and/or proposed deed for dedication of new public rights-of-way to the City for review and approval prior to recording and pay associated recording fees. (DS)
20. Prior to issuance of construction plans of the right-of-way improvements, the applicant shall submit a street tree plan which includes the placement of street trees along all street frontages evenly distributed throughout the total development in accordance with OCMC 12.08. The street tree plan will be submitted to and reviewed by the City and PGE during the construction plan review process. The city may accept fee-in-lieu of planting pursuant to OCMC 12.08 if site or other constraints prevent meeting the required total number of tree plantings. The engineer of record shall confirm that the final street tree plan conforms to OCMC Chapter 12.08. (P)
21. Prior to issuance of a permit associated with the proposed development, the applicant shall submit a revised tree retention, removal and replanting or mitigation plan prepared in accordance with OCMC 17.41 and Table 17.41.060-1, which includes a calculation for the number of mitigation trees required in accordance with 17.41. The number of replacement trees required on the development site shall be calculated separately from, and in addition to required tree plantings. The city may accept fee-in-lieu of planting or off-site planting of trees for any mitigation trees that cannot be replanted on-site due to lack of available area. (P)
22. The revised tree retention, removal and replanting or mitigation plan shall include provisions to protect trees that are proposed to be retained throughout the construction process pursuant to OCMC 17.41.130. Prior to issuance of development permits the applicant shall submit documentation demonstrating compliance with the tree protection standards in OCMC 17.41.130. No permits for site grading or any construction shall be issued prior to submittal of documentation that tree protection fences and applicable signage have been installed properly. (P)
23. The applicant shall provide a revised site plan indicating that all accessways serving garages for the units shall maintain a minimum width of twenty feet. (P)
24. The applicant shall indicate the required bicycle parking distributed as appropriate to serve all buildings on the prior to issuance of a building permit in accordance with OCMC 17.52.040. A minimum number of 11 bicycle parking spaces required, of which six are required to be covered. The garages are an acceptable location for bicycle parking and will not require additional notification, provided a minimum of two bicycle parking spaces are provided in one of the common areas. (P)
25. The applicant shall submit a revised landscape plan prepared by a registered landscape architect in compliance with OCMC 17.62 and 17.52 including: (P)
 - a. The calculation and demonstration that a minimum of 15% of the site is landscaped.
 - b. Compliance with OCMC 10.32 upon planting and over time.
 - c. The "large tree" near unit 49 shall be a species which will reach over eighteen inches dbh at maturity.

- d. An additional “large tree” which reaches over eighteen inches dbh at maturity shall be planted in the open space near 545 Holmes Lane and a second tree shall also be planted in the northwest corner of the property behind the retaining wall by unit 22. (P)
- e. A minimum of 10 foot wide landscaped area between the subject site and 567 Holmes Lane Any changes to the existing design shall comply with the standards in the Oregon City Municipal Code. The applicant may reduce the number of on or off-street parking provided or modify the building design or locations as needed in order to accommodate for the revisions. The 10’ wide landscape buffer shall be planted in accordance with the perimeter parking lot landscaping standards in OCMC 17.52.060.C. Existing trees may be utilized for this standard.
- f. An evergreen hedge screen of thirty to forty-two inches high or shrubs spaced no more than four feet apart on average and ground cover shall be planted along the sides of the “driveways” for units 1-13 including within the space between the “driveways” for unit 2/3, 7/8 and 11/12. Units 14-60 shall be designed to have a 5’ wide landscaped area with an evergreen hedge screen of thirty to forty-two inches high or shrubs spaced no more than four feet apart on average and ground cover along the sides of the driveways. Exceptions are allowed for the following spaces less than 5’ in width:
 - 1. A narrower space is allowed near the drive aisle between units 22 and 23;
 - 2. The landscaped area may be 4.5’ adjacent to the pedestrian path offsite; and
 - 3. The narrow space between garage doors where no landscaping is proposed is not required to be landscaped unless otherwise identified.

The hedge/shrubs shall be parallel to and not nearer than two feet from the public right-of-way line or drive aisle. The spaces near the street for units 14-60 shall be planted with street trees to the extent feasible.

- g. A 3.5’ wide landscape strip extending the length of the driveway with at least one shrub and groundcover in the space between the driveways on units D, E, and F.
 - h. The 3.5’ landscape strip between the subject site and Stafford Park (tax lot 5200) shall be widened to 5 feet and planted in accordance with the perimeter parking lot landscaping standards in OCMC 17.52.060.C. Existing trees may be utilized for this standard.
 - i. The space behind the retaining wall in the northwest corner of the site shall be landscaped with ground cover and a minimum of 5 shrubs.
 - j. Within three years of planting, landscaping will cover one hundred percent of the landscaped area. No mulch, bark chips, or similar materials shall be allowed at the time of landscape installation except under the canopy of shrubs and within two feet of the base of trees.
 - k. All landscaping in accordance with these requirements shall comply with the planting standards in OCMC 17.52.060.B.4-7.
26. The width of each “driveway” connecting the drive aisle (identified as private roads in the application) to each dwelling for units 14-60 shall be limited to 11 feet in width each (with space to allow to transition to the curb cut).
27. The applicant shall submit details demonstrating that the open space adjacent to unit 49 complies with the standard in OCMC 17.62.057.C. (P)
28. The applicant shall be responsible for maintenance of the site per OCMC 17.52.080. (P)
29. The applicant shall submit documentation identifying if any fences or hedges are proposed. All fences and hedges shall comply with OCMC 17.54.100. (P)
30. The applicant shall provide public pedestrian access easements in a form approved by the City where these paths connect to the city park property. (P)
31. The applicant shall submit documentation demonstrating compliance with the mechanical standards in OCMC 17.62.050.G (P)
32. The applicant shall provide a revised elevation drawing and floor plan for building type plan F for unit 60 indicating compliance with OCMC 17.62.055 for the street facing façade. (P)
33. The applicant shall submit a revised street-facing elevation for units 14, 38, 48, and 49 with the width of the front porch extended from 12’5’ to 25’. Further the depth of the front porch for units 14, 38, 48, and 49 shall be extended from the exterior wall of the home a minimum of 4’. (P)

34. The applicant shall assure that the design elevation as conditioned for unit 48 is the same as the final street facing façade is the same as the street facing façade for unit 38. (P)
35. The applicant shall demonstrate that projections from buildings comply with OCMC 17.12.045. (P)
36. The applicant shall provide revised elevations comply with the minimum window requirements of OCMC Table 17.62.055.J - Minimum Windows. Windows provided in doors or garage doors may meet the standard if they are between 3.5 feet and six feet from the ground. Further, the applicant shall assure that reflective, glazed, mirrored or tinted glass is limited to ten percent of the lineal footage of windows on the street facing facade. 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. (P)
37. The applicant shall provide an exterior lighting plan that meets the applicable standards of OCMC 17.62.065 prior to issuance of a building permit. The site photometric plan indicating lighting levels at the property line shall be submitted indicating compliance with standards C.1-14. A. (P)
38. The applicant shall demolish all structures at 535 Holmes Lane and all accessory structures 545 Holmes Lane unless documentation is submitted for a building proposed to be retained which complies with the dimensional standards of the R-2 district and accessory structure standards in 17.54. (P)
39. The applicant shall submit \$710 for the alternative parking plan and the alternative landscaping plan review. (P)
40. The applicant shall complete the Lot Line Adjustment by submitting an electronic copy of the proposed Lot Line Adjustment survey for preliminary approval to the Planning Division. Once the proposed survey is approved, a mylar copy shall be submitted to the Planning Division for signature. Once signed, the applicant shall take the signed mylar and revised deeds to Clackamas County to be recorded. The current deed holders or their assigns shall sign the revised deeds for the approved legal descriptions and the documents recorded at the Clackamas County Clerk's Office. The signed mylar shall be recorded at the Clackamas County Surveyor's Office. Provide an electronic copy of the recorded documents to the Planning Division. (P)
41. The development shall maintain compliance with OCMC 10.32 prior to issuance of any certificate of occupancy for the site and over time. Prior to approval of construction plans for the public street improvements, the applicant shall include on the plans the location of fencing, vegetation, signage and related strictures and assure that these features are located, maintained or removed to avoid unnecessarily restricting sight distance.

The following conditions of approval shall be met to the satisfaction of the City during construction of the proposed multi-family development.

42. Pavement cuts or other improvement made in a City street or alley shall be done in accordance with the City of Oregon City Public Works Pavement Cut Standards and restored in accordance with the City of Oregon City Public Works Pavement Cut Standards. (DS)
43. The workmanship and materials for any work performed under permits issued by Oregon City Public Works shall be in accordance with the 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. (DS)
44. Underground utilities, waterlines, sanitary sewers and storm drains proposed to be 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 franchise utility easement within private property. (DS)
45. Permitted hours of construction shall be set forth by the City Engineer in the pre-construction meeting. (DS)
46. All new franchise utilities shall be placed underground and all existing overhead utilities adjacent to the property frontage shall be relocated underground unless deemed infeasible by the City and franchise utilities. (DS)

The applicant shall include the following information prior to issuance of an occupancy permit associated with the proposed multi-family development. The information shall be approved prior to issuance.

47. The development shall provide a 10-foot-wide public utility easement (PUE) along all property lines fronting existing or proposed right-of-way. The location and width of the PUE may be adjusted if approved by the City

Engineer. In such cases, the applicant shall obtain written acceptance from all utilities for the location and width proposed for said public utility easement. (DS)

48. Public improvements shall be constructed according to approved final engineering plans prior to occupancy.(DS)
49. Improvements shall be constructed under the inspection and approval of the City. Expenses incurred thereby shall be borne by the applicant and paid prior to final approval. The applicant's project engineer also shall inspect construction. (DS)
50. The property owner(s) shall sign a Restrictive Covenant Non-Remonstrance Agreement for the purpose of making storm sewer, sanitary sewer, water or street improvements in the future that benefit the property and all fees associated with processing and recording the Non-Remonstrance Agreement shall be paid prior to occupancy. (DS)
51. The property owner(s) shall execute an agreement providing maintenance of, and giving Oregon City access to, privately-owned stormwater management facilities and pay associated recording fees. The agreement shall include a site plan identifying all privately-owned stormwater management facilities and an operation and maintenance plan for each type of stormwater facility in accordance with the Public Works Stormwater and Grading Design Standards. The agreement shall run with the land and be applicable to subsequent property owners. The agreement shall be reviewed and accepted by the City prior to occupancy. (DS)
52. Maintenance Guarantee equal to fifteen percent of the estimated cost for construction of public improvements as shown in city approved construction plans shall be provided prior to occupancy. The estimated costs shall be supported by a verified engineering estimate approved by the City Engineer. The guarantee shall be in a form identified in Code 17.50.140.A of the Oregon City Municipal Code. The maintenance guarantee shall warrant to the City of Oregon City that construction of public improvements will remain, for a period of twenty-four (24) months from the date of acceptance, free from defects in materials and workmanship. (DS)
53. As-built construction plans and digital copies of as-built drawings shall be filed with the City Engineer within 90 days of completing improvements. (DS)

I. BACKGROUND:

1. Existing Conditions

The subject site consists of two (2) tax lots totaling approximately 430 feet in depth north to south and approximately 495 feet wide east to west, totaling 4.33 acres in size. Together the site area is generally square in shape with street frontage along both Holmes Lane and Mountain View Street. The site is currently developed with two single-family dwellings, one on each tax lot, as well as accessory structures on both tax lots. The site area is vegetated with a mix of trees, shrubs, and grass fields, and has a generally flat topography. In addition, the site area is bound by two city parks, Singer Creek Park to the west and Stafford City Park to the east.

The site is zoned R-2 High Density Residential. This zone district is designed for high density residential development.

The site abuts Holmes Lane on the south which is designated as a collector road in the Oregon City Transportation System Plan (TSP), and Mountain View Avenue to the north which is designated as a local road in the TSP.

Adjacent Zoning and Land Uses

<u>Direction</u>	<u>Zoning</u>	<u>Land Use</u>
North	R-2	Mountain View St / Single Family Residence
East	R-6	Single Family Residence
	I	City Park (Stafford)
South	R-6	Holmes Lane ROW / Single Family Residences / Museum
West	I	City Park (Singer Creek)

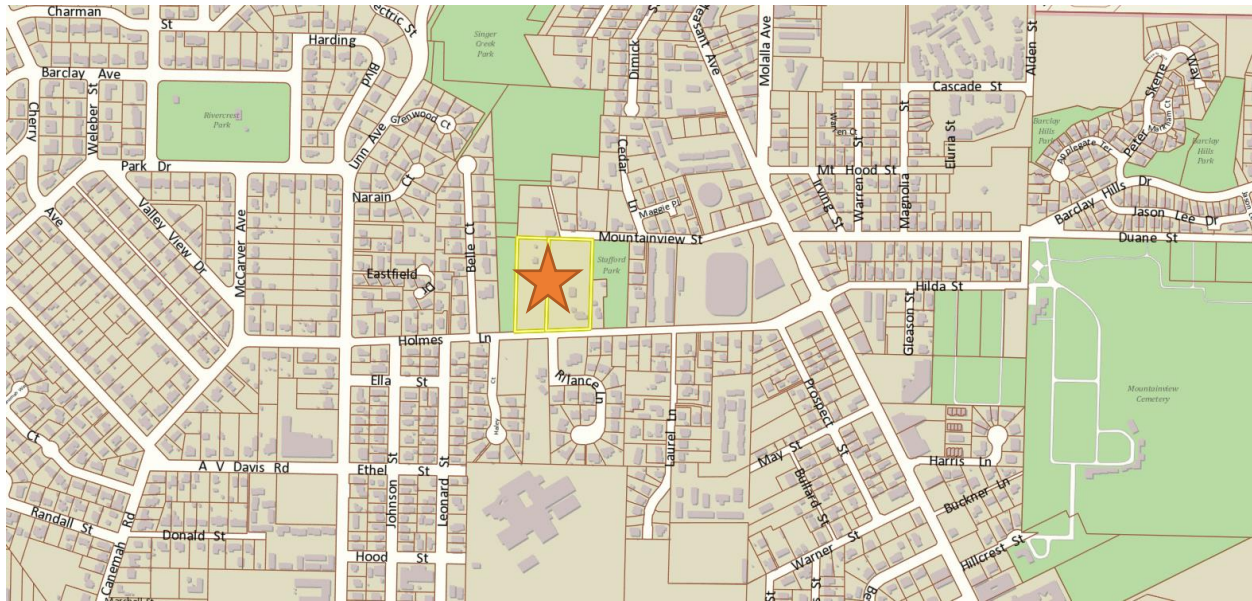


Figure 1. Vicinity Map



Figure 2: Existing Conditions – Aerial Image

2. Project Description

The applicant is proposing a lot line adjustment to reduce the size of 545 Holmes Lane and construct a 60-unit residential condominium on the remaining portion of the property. The home at 545 is proposed to be retained on the reduced lot. The subject site has an underlying zoning district of High-Density Residential District (R-2) and will be developed utilizing the requirements of the City's Site Plan and Design Review section. Although this proposal is referred to as a "condominium development" and outwardly has the appearance of groupings of duplexes and rowhouses, all of the units are proposed to be on one tax lot, so it considered a multi-family housing development pursuant to the definition in OCMC 17.04.780 - Multi-family residential.

"Multi-family 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. Multi-family developments, known as apartments and condominiums, may include structures that are similar in form to townhouses, cluster housing, duplexes, or single-family dwellings.

Therefore the application is reviewed as a Type II Site Plan and Design Review application and is required to comply with OCMC 17.62 and the applicable multi-family design standards therein.

Though the applicant indicated there are private streets in the proposal, they are not right-of-way and are not accepted as private streets, but are rather reviewed as drive aisles for the multi-family development in accordance with OCMC 17.52.

Since the subject property is surrounded by the Stafford City Park and Singer Creek Park on both sides of the proposed development, the Applicant would like to take advantage of this unique arrangement by making it easily accessible for the future condominium owners. Although all open space requirements appear to be met on-site, the Applicant would like to work with the City to enhance Stafford City Park so it can provide additional recreational opportunities for the future residents. To that end, the Applicant expressed an interest to make a proportionate financial contribution to the City so the City can purchase a play structure or similar type of amenity to enhance the park. This review is limited to the site plan and design review of the proposed development pursuant to the applicable code criteria. The applicant is advised to work independently with the City Parks and Recreation Department regarding contributions to parks improvements.

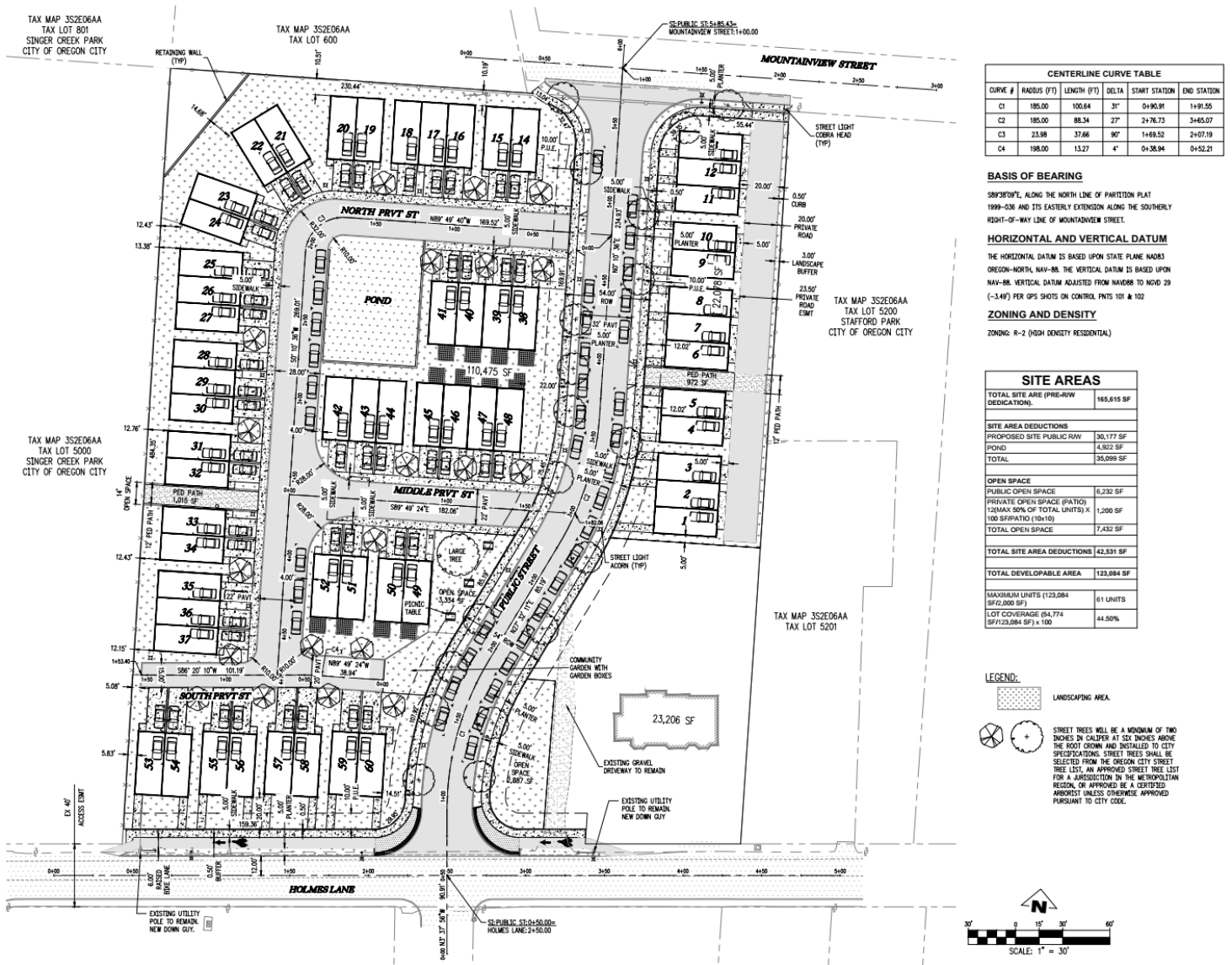


Figure 3: Proposed Site Plan

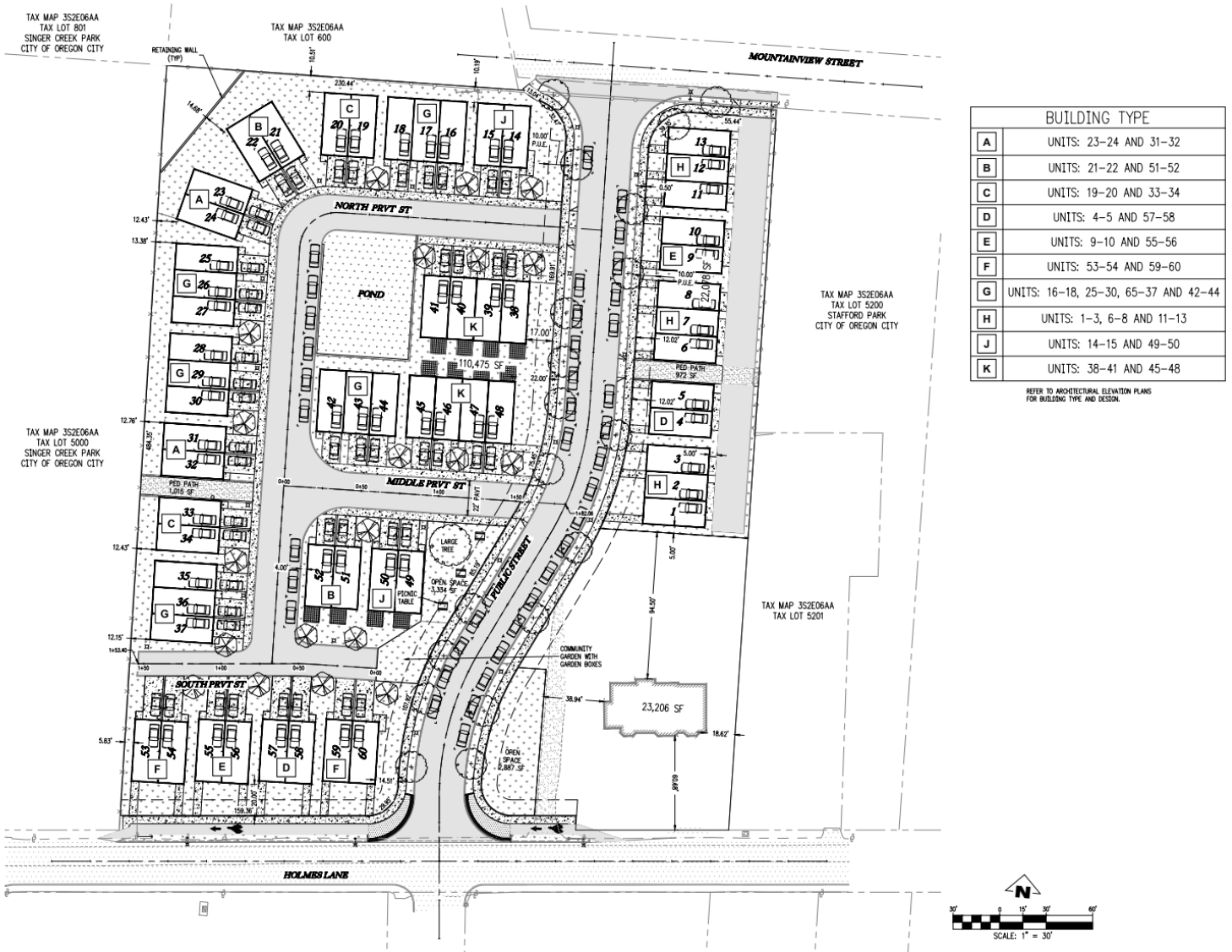




Figure 5: Proposed Building Elevations – Plan A



Figure 6: Proposed Building Elevations – Plan B



Figure 7: Proposed Building Elevations – Plan C

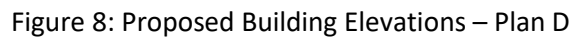






Figure 10: Proposed Building Elevations – Plan F



Figure 11: Proposed Building Elevations – Plan G



Figure 12: Proposed Building Elevations – Plan H



Figure 13: Proposed Building Elevations – Plan I



Figure 14: Proposed Building Elevations – Plan J – Right Elevation is Street Facing



Figure 13: Proposed Building Elevations – Plan K - Right Elevation is Street Facing

3. Permits and Approvals: The applicant is responsible for obtaining approval and permits from each applicable governmental agency and department at Oregon City including but not limited to the Engineering and Building Divisions. The applicant may submit a phased occupancy request at a future date.

4. Public Comment

Public comments were submitted by the following parties. The following table is intended as a summary. Full comments are attached to the staff report.

James Donnelly	
Concern that the traffic report is full of mistakes with the incorrect number of lanes cited on Mountainview, an incorrect speed limit cited on Holmes Lane and Molalla Avenue, and old data from 2018. Concern for the data of am and pm peak hour trips cited is too low. Concern for the safety of connecting Mountainview with Holmes Lane. Concern for traffic sight obstructions (12.04.195) for the new road at Holmes Lane which will be difficult to see cars coming from the east due to the road topography. Concern for speeding on Holmes Lane and a request for a speed monitoring device. Concern that not all trees onsite are accounted for in the proposed plans (such as those near Stafford Park and Mountainview) and concern that mature trees are being removed. Concern that there is not a landscaped buffer adjacent to the abutting R-6 zoned property. Concern that the parking will be insufficient and that parking should not occur in fire lanes and in Stafford Park, on Holmes Lane, or on Mountainview Street, and in the	

surrounding neighborhoods. Concern roadway width not sufficient to allow for cars in travel lanes to pass alongside parked cars. Concern that the water from the pond and the street runoff will drain into Singer Creek with oil, chemicals, pesticides, and herbicides. Concern for construction causing mud in Singer Creek. Asked if there will be mosquito prevention with the new pond. Concern that the development is close to historic structures and locations and would have a negative effect. Suggestion to rezone property to the zoning pre-2004 designation.
Gene Sloomans, 581 Holmes Lane, Apt 31, Oregon City
Concern for more traffic crashes, cats killed, speeding, drug use, crime, and trash.
Timothy Keene, 450 Mountainview Street, Oregon City
Request for a traffic light at the intersection of Mountainview and Molalla and concern of increased vehicle and foot traffic on Mountainview Street which does not have adequate sidewalks and intersection management or sidewalks to handle the increased demand and could result in a safety hazard. Turning left from Mountainview to Molalla Avenue is challenging already and will be increased after the development is constructed. Curious about the impact of the trees at the edge of Stafford Park as well as plans for park maintenance, monitoring, and development.
Mark and DeAnn Beals, 573 Holmes Lane, Oregon City
Concern about a discrepancy in the traffic study and the building plans, the traffic survey was from September, 2017 and additional development has since occurred. The speed limit identified in the traffic study is incorrect and there are not bike lanes on Holmes Lane or crosswalks on Rilance or Holmes Lane. Concern that the increased traffic impact would be unsafe, particularly since many speed along Holmes Lane. Concern that the traffic study does not consider traffic from Mountainview traveling on the proposed Reliance Lane to Holmes, or school bus stops. Concern for safety and parking. Concern for people parking on Mountainview or Holmes, concern not sufficient parking onsite. Concern for the City's historical value and nearby historic structures. Concern for crime and garbage. Concern for the park being at capacity, park condition, drugs, homeless, safety, and trash. Concern for adequacy of the sewage system and the effects of the development for others on the sewer system.
McLoughlin Memorial Association, 536 Holmes Lane, Oregon City
Concerns about impact on Goal 5 historic or natural resources. Concern that the application submittal did not include identification of Goal 5 resources within 100 feet as required. Concern that the application does not contain a drawing to show how the property relates to Goal 5 resources, particularly those on the National Register and thus the impacts are unable to be identified. Concern that a 20' landscape buffer is required but not shown. Concern that the traffic analysis is insufficient because traffic speeds along Holmes Lane with no traffic devices to slow the speed of traffic, and the street has a substandard surface with no bike lanes, and a narrow sidewalk on the east side. Concern about sight distance from Rilance Lane to Holmes Lane and Mountainview at Molalla Avenue which will be exacerbated with the additional traffic volumes. The traffic data used was from 2014 and 2017 and does not adequately address the traffic volumes. Concern that not all of the development criteria are addressed in the application.
Nancy J. Nelson, 142 Narain Ct, Oregon City
Identification that there is a very high likelihood of finding subsurface archaeological resources as well as precontact Native American archaeological resources. Concern for pollutants from the development in the Singer Creek watershed. A request for a study of Linn Avenue and Molalla Avenue and note that cars speed along Linn Avenue which creates an uncomfortable space to walk, particularly given the lack of sidewalks.
Terry and Nancy Lingmann, 602 Holmes Lane, Oregon City
Concern of safety with sparsely spaced street lights on Holmes Lane, obscured visibility (and a blind spot) to westbound traffic from Molalla Avenue, obscured visibility (and a blind spot) to eastbound traffic from 5 th Avenue. Increased traffic from the City facility since the changes to ingress/egress, improvements at Grocery Outlet has increased vehicle and pedestrian traffic (and block traffic with deliveries). Speeding on Holmes Lane is problematic

with increased pedestrian traffic and inconsistent bike lanes. Concern for reducing park and green spaces and the increase in people and traffic on Holmes Lane.
Aaron Wolff, 703 Barclay Hills Drive, Oregon City
Support for better use of the land and improvements offered at nearby parks. Wish for a more cohousing emphasis with a community focused design and that the units will not be affordable. Concern of the traffic study utilizing the incorrect speed limit. Request to retain large shade trees and plant new trees which have a wider canopy. Concern new road is wider than needed which may encourage speeding.
Karla Laws
Submitted comments on behalf of James Donnelly and an email concerned about office hours.
Building Division
Identified that the proposal does not conflict with their interests.
Oregon City School District, Wes Rogers
Identified that the proposal does not conflict with their interest. Indicated sufficient capacity at middle and high schools and expect a few elementary students with this development.
Clackamas River Water
CRW provided comments that the application falls outside the CRW water district, no written comments will be provided.

The primary themes from the comments are summarized below.

- Transportation. The applicant submitted a Transportation Impact Study (TIS). The TIS was prepared under the direction of Dana Beckwith, PE of Global Transportation Engineering. The TIS is dated December 2020. The TIS was reviewed by John Replinger, PE, of Replinger and Associates, the City's transportation planning consultant. A detailed summary of the study and the City's analysis is provided in 16.12.033.
- Landscaping, trees, street lights, archaeological resources, sight-distance, stormwater, and density were identified and are analyzed within this report.
- Crime, mosquitos, affordability, park maintenance, homelessness, trash, presence of sidewalks and bike lanes nearby, and other issues were identified but are not an applicable criteria for development.
- Relationship to historic structures or sites. Neither of the properties within the subject site are within a historic district or contain individual historic landmarks designated outside of a district and thus are not subject to historic review.

None of the comments provided indicate that an approval criterion has not been met or cannot be met through the Conditions of Approval attached to this Staff Report.

II. ANALYSIS AND FINDINGS:

Municipal Code Standards and Requirements: The following sections of the Oregon City Municipal Code are applicable to this land use approval:

CHAPTER

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CHAPTER 12.04 – STREETS SIDEWALKS AND PUBLIC SPACES

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.*
- 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.*

Finding: Applicable. The above standards are not actual development approval criteria for the Applicant's 60-unit condominium proposal, but rather the City's jurisdictional and regulatory management requirements for all public rights-of-way within the City. The Applicant is aware of these requirements and understands all rights-of-ways within the proposal will be managed pursuant to the above standards. The Applicant is aware of these requirements and understands all rights-of-ways within the proposal will be managed pursuant to the above standards. The City of Oregon City has jurisdiction over Holmes Lane.

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.

Finding: Applicable. Driveways will be reviewed in accordance with OCMC 16.12.035, and the driveway requirements may be modified through the procedures in OCMC 16.12.013. See 16.12.035 for more information.

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.

Finding: Not applicable. There are no existing sidewalks on the street abutting the development property.

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 approved by the City Engineer.*
 - 2. *Sidewalks constructed on unimproved streets shall be constructed of concrete according to lines and grades approved 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.*

Finding: Not applicable. There are no existing sidewalks on the street abutting the development property.

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.

Finding: Not Applicable. No retaining walls exist or are proposed on this project adjacent to the public sidewalk.

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.

Finding: Complies with Condition. Pavement cuts are proposed within Holmes Lane due to proposed utility service installations and required frontage improvements. Pavement cuts or other improvement

made in a City street or alley shall be done in accordance with the City of Oregon City Public Works Pavement Cut Standards and restored in accordance with the City of Oregon City Public Works Pavement Cut Standards. (Also written in 16.12.029) **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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. A "temporary obstruction" includes, but is not limited to, moving containers, 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 route complying with Americans with Disability Act (ADA) standards.*
 - e. *Alternative routes if necessary;*

- f. Minimizing obstruction area; and*
- g. 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.*
- 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.*

Finding: Not Applicable. No obstructions are proposed within the right of way.

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.

Finding: Not Applicable. No vacations are proposed as part of this application.

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.

Finding: Complies with condition. See findings from chapter 16.12 of this report.

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.

Finding: Complies with Condition. The workmanship and materials for any work performed under permits issued by Oregon City Public Works shall be in accordance with the 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. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

CHAPTER 12.08 – PUBLIC AND STREET TREES

12.08.015 - Street tree selection, planting and maintenance requirements.

All development shall provide street trees adjacent to all street frontages. Species and locations of trees shall be selected based upon vision clearance requirements, but shall in all cases be selected from the Oregon City Street Tree List, an approved street tree list for a jurisdiction in the metropolitan region, or be approved by a certified arborist unless otherwise approved pursuant to this section. If a setback sidewalk has already been constructed or the Public Works Department determines that the forthcoming street design shall include a setback sidewalk, then all street trees shall be installed with a planting strip or within tree wells. If existing street design includes a curb-tight sidewalk, then all street trees shall be placed according to OCMC 12.08.035.C.

- A. One street tree shall be planted for every thirty-five feet of property frontage. The tree spacing shall be evenly distributed throughout the total development frontage to meet the clearance distances required in subsection (B) below. The Community Development Director may approve an alternative street tree plan, or accept fee-in-lieu of planting pursuant to OCMC 12.08.035, if site or other constraints prevent meeting the required total number of tree plantings.*
- B. The following clearance distances shall be maintained when planting trees:

 - 1. Fifteen feet from streetlights;*
 - 2. Five feet from fire hydrants;*
 - 3. Twenty feet from intersections;*
 - 4. Five feet from all public utilities (i.e. sewer, storm and water lines, utility meters, etc.);**
- C. All street trees planted in conjunction with development shall be a minimum of two inches in caliper at six inches above the root crown and installed to city specifications. Larger caliper size trees may be approved if recommended by a certified arborist or registered landscape architect.*
- D. All established trees shall be pruned tight to the trunk to a height that provides adequate clearance for street cleaning equipment and ensures ADA complaint clearance for pedestrians.*
- E. All trees planted within the right-of-way shall be planted with root barriers at least eighteen inches in depth adjacent to the sidewalk and curb to ensure proper root growth and reduce potential damage to sidewalks, curbs and gutters.*
- F. All trees planted beneath powerlines shall be selected based on what is appropriate for the location. In addition, the tree species shall be approved by the associated franchise powerline utility company.*
- G. Tree species, spacing and selection for stormwater facilities in the public right-of-way and in storm water facilities shall conform to requirements of OCMC 13.12 and the adopted Stormwater and Grading Design Standards and be approved by the City Engineer.*
- H. Any public or street trees planted within the Natural Resource Overlay District shall conform to the applicable requirements of OCMC 17.49 - Natural Resources Overlay District (NROD).*

Finding: Complies with Condition. The proposal includes installation of public street trees along all street frontages which include Mountainview Ave, the public street extension between Mountainview Ave and Holmes Lane, Holmes Lane. Though the proposal identified the potential location of trees, they

are likely to change slightly with the redesigned site plan required to accommodate the larger landscaped buffer between the site and a neighboring property as well as with the placement of streetlights, utility meters, etc. as required by this code section. Prior to issuance of construction plans of the right-of-way improvements, the applicant shall submit a street tree plan which includes the correct number of street trees evenly distributed throughout the total development in accordance with OCMC 12.08. The street tree plan will be submitted to and reviewed by PGE during the construction plan review process. The city may accept fee-in-lieu of planting pursuant to OCMC 12.08 if site or other constraints prevent meeting the required total number of tree plantings. The engineer of record shall confirm that the final street tree plan conforms to this chapter. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

12.08.035 - Tree removal and replacement.

Existing street trees, trees in the right-of-way, and trees on public property shall be retained and protected during development unless removal is specified as part of a land use approval or in conjunction with a public capital improvement project, in accordance with OCMC 17.41.

Finding: Not applicable. The applicant did not propose to remove any existing street trees.

CHAPTER 13.12 – STORMWATER MANAGEMENT

13.12.050 - Applicability and exemptions.

This chapter establishes performance standards for stormwater conveyance, quantity and quality.

Additional performance standards for erosion prevention and sediment control are established in OCMC 17.47.

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

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

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

Finding: Applicable. As part of the submitted application materials, the Applicant has provided a preliminary stormwater management report. Additionally, the submitted plans show that the proposed stormwater facility will be located entirely on one privately owned parcel, the conveyance facilities will be privately maintained, and private conveyance facilities will receive not stormwater runoff from outside the parcel's property limits. Connection to a public stormwater conveyance system is required to serve this development.

B. Water Quality and Flow Control. The water quality and flow control requirements of this chapter shall apply to the following proposed uses or developments, unless exempted under subsection C:

- 1. Activities located wholly or partially within water quality resource areas pursuant to OCMC 17.49 that will result in the creation of more than five hundred square feet of impervious surface within the NROD or will disturb more than one thousand square feet of existing impervious surface within the NROD as part of a commercial or industrial redevelopment project. These square footage measurements will be considered cumulative for any given five-year period; or*
- 2. Activities that create or replace more than five thousand square feet of impervious surface, cumulated over any given five-year period.*

Finding: Applicable. The proposed development will create or replace more than 5000 square feet of impervious surface; therefore, the requirements of this section apply

C. Exemptions. The following exemptions to subsection B of this section apply:

1. An exemption to the flow control requirements of this chapter will be granted when the development site discharges to the Willamette River, Clackamas River or Abernethy Creek; and either lies within the one hundred-year floodplain or is up to ten feet above the design flood elevation as defined in OCMC 17.42, provided that the following conditions are met:

a. The project site is drained by a conveyance system that is comprised entirely of manmade elements (e.g. pipes, ditches, culverts outfalls, outfall protection, etc.) and extends to the ordinary high water line of the exempt receiving water; and

b. The conveyance system between the project site and the exempt receiving water has sufficient hydraulic capacity and erosion stabilization measures to convey discharges from the proposed conditions of the project site and the existing conditions from non-project areas from which runoff is collected.

2. Projects in the following categories are generally exempt from the water quality and flow control requirements:

a. Stream enhancement or restoration projects approved by the City.

b. Farming practices as defined by ORS 30.960 and farm use as defined in ORS 214.000; except that buildings associated with farm practices and farm use are subject to the requirements of this chapter.

c. Actions by a public utility or any other governmental agency to remove or alleviate an emergency condition.

d. Road and parking area preservation/maintenance projects such as pothole and square cut patching, surface sealing, replacing or overlaying of existing asphalt or concrete pavement, provided the preservation/maintenance activity does not expand the existing area of impervious coverage above the thresholds in subsection B of this section.

e. Pedestrian and bicycle improvements (sidewalks, trails, pathways, and bicycle paths/lands) where no other impervious surfaces are created or replaced, built to direct stormwater runoff to adjacent vegetated areas.

f. Underground utility projects that replace the ground surface with in-kind material or materials with similar runoff characteristics.

g. Maintenance or repair of existing utilities.

Finding: Not Applicable. This code section does not apply to the Applicant's proposal as none of the exemptions are relevant to the subject site. No exemptions apply to the proposed development.

D. Uses Requiring Additional Management Practices. In addition to any other applicable requirements of this chapter, the following uses are subject to additional management practices, as defined in the Public Works Stormwater and Grading Design Standards:

1. Bulk petroleum storage facilities;

2. Above ground storage of liquid materials;

3. Solid waste storage areas, containers, and trash compactors for commercial, industrial, or multi-family uses;

4. Exterior storage of bulk construction materials;

5. Material transfer areas and loading docks;

6. Equipment and/or vehicle washing facilities;

7. Development on land with suspected or known contamination;

8. Covered vehicle parking for commercial or industrial uses;

9. Industrial or commercial uses locating in high traffic areas, defined as average daily count trip of two thousand five hundred or more trips per day; and

10. Land uses subject to DEQ 1200-Z Industrial Stormwater Permit Requirements.

Finding: Not Applicable. This code section does not apply to the Applicant's proposal because none of the uses listed in this code section are being proposed by the Applicant. The development has not proposed use of the land that requires additional management practices as defined in the Public Works Stormwater and Grading Design Standards.

13.12.080 - Submittal requirements.

A. Applications subject to stormwater conveyance, water quality, and/or flow control requirements of this chapter shall prepare 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.

B. Each project site, which may be composed of one or more contiguous parcels of land, shall have a separate valid city approved plan and report before proceeding with construction.

Finding: Complies with Condition. The applicant's preliminary drainage plan and report provided submittals required for land use approval as required by the Public Works Stormwater and Grading Design Standards. However, the report is preliminary and a finalized version of the report reflective of a separate valid city approved plan is required. Requirements of this code section can be met by meeting approval criteria outlined in section 13.12.090 of this report. **See findings from section 13.12.090 of this report.**

13.12.090 - Approval criteria for engineered drainage plans and drainage report.

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

A. The plan and report demonstrate how the proposed development and stormwater facilities will accomplish the purpose statements of this chapter.

B. The plan and report meet the requirements of the Public Works Stormwater and Grading Design Standards adopted by resolution under OCMC 13.12.020.

C. The storm drainage design within the proposed development includes provisions to adequately control runoff from all public and private streets and roof, footing, and area drains and ensures future extension of the current drainage system.

D. Streambank erosion protection is provided where stormwater, directly or indirectly, discharges to open channels or streams.

E. Specific operation and maintenance measures are proposed that ensure that the proposed stormwater quantity control facilities will be properly operated and maintained.

Finding: Complies with Condition. The Applicant has provided a preliminary stormwater management report. The submitted preliminary stormwater report has been prepared in accordance with the above criteria and demonstrates that the proposed development includes provisions to adequately control runoff from all drive aisles and roof, footing, and area drains and ensures future extension of the current drainage system. However, the plans and report have not been fully reviewed and will need to be finalized once reviewed for compliance with requirements of the Public Works Stormwater and Grading Design Standards is completed. The applicant shall provide finalized engineered drainage plan(s), drainage report(s), and design flow calculation report(s) stamped and signed by a licensed engineer addressing all items from the Section 9.3 & 9.4 of the Public Works Stormwater and Grading Design Standards. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

13.12.100 - Alternative materials, alternative design and methods of construction.

The provisions of this chapter are not intended to prevent the use of any material, alternate design or method of construction not specifically prescribed by this chapter or the Public Works Stormwater and

Grading Design Standards, provided any alternate has been approved and its use authorized by the City Engineer. The City Engineer may approve any such alternate, provided that the City Engineer finds that the proposed design is satisfactory and complies with the intent of this chapter and that the material, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed by this chapter in effectiveness, suitability, strength, durability and safety. The City Engineer shall require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding its use. The details of any action granting approval of an alternate shall be recorded and entered in the City files.

Finding: Not Applicable. The applicant has not proposed alternative design methods requiring special approval by the City Engineer. However, should the applicant propose such methods with the public facilities construction plan submittal, the proposal will be reviewed and approved by the City Engineer as required.

13.12.110 - Transfer of engineering responsibility.

Project drainage plans shall always have a project engineer. If the project engineer is changed during the course of the work, the City shall be notified in writing and the work shall be stopped until the replacement engineer has agreed to accept the responsibilities of the project engineer. The new project engineer shall provide written notice of accepting project responsibility to the City within seventy-two hours of accepting the position as project engineer.

Finding: Not applicable. The developer is already required to execute a "Developer/Engineer Agreement for Public Works Improvements" per section 16.12.014.

13.12.120 - Standard construction specifications.

The workmanship and materials shall be in accordance with the current edition of the "Standard Specifications for Public Works Construction," as prepared by the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the City, in effect at the time of application. The exception to this requirement is where this chapter and the Public Works Stormwater and Grading Design Standards provide other design details, in which case the requirements of this chapter and the Public Works Stormwater and Grading Design Standards shall be complied with.

Finding: Complies with Condition. The workmanship and materials for any work performed under permits issued by Oregon City Public Works shall be in accordance with the 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. (Also written in the findings of section 12.04.270) **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

13.12.140 - Maintenance of public stormwater facilities.

A. A stormwater facility that receives stormwater runoff from a public right-of-way shall be a public facility. Upon expiration of the warranty period and acceptance by the City as described below, the City shall be responsible for maintenance of those public stormwater facilities. Access for maintenance of the stormwater facilities shall be provided to the City through the granting of a stormwater easement or other means acceptable to the City.

Finding: Not applicable. The development has not proposed any roadside stormwater facilities which may receive stormwater runoff from a public right-of-way. If roadside stormwater facilities are constructed, they will be maintained as roadway improvements through a two-year warranty provided by the developer per provision within section 17.50.141. Upon expiration of the warranty period provided by section 17.50.141, the City will maintain roadside facilities along city ROW. **See findings from section 17.50.141 regarding warranty of public improvements.**

B. Responsibility for maintenance of stormwater facilities including all landscaping, irrigation systems, structures and appurtenances shall remain with the property owner/developer for two years (known as the warranty period). The owner/developer shall provide the City a separate two-year landscaping maintenance surety bond for one hundred ten percent of the landscaping cost. Transfer of maintenance of stormwater conveyance systems shall occur when the City accepts the stormwater conveyance system.

Finding: Not applicable. The development has not proposed any public stormwater facilities which may receive stormwater runoff from a public right-of-way. If roadside stormwater facilities are constructed, they will be maintained as roadway improvements through a two-year warranty provided by the developer per provision within section 17.50.141. Upon expiration of the warranty period provided by section 17.50.141, the City will maintain roadside facilities along city ROW. **See findings from section 17.50.141 regarding warranty of public improvements.**

13.12.145 - Maintenance of private stormwater facilities.

A. An applicant shall submit an operation and maintenance plan for each proposed stormwater facilities, unless exempted in the Public Works Stormwater and Grading Design Standards. The information in the operation and maintenance plan shall satisfy the requirements of the Public Works Stormwater and Grading Design Standards.

B. Private owners are required to inspect and maintain stormwater facilities on their property in accordance with an approved operation and maintenance plan. A maintenance log is required to document facility inspections and specific maintenance activities. The log shall be available to City inspection staff upon request.

C. Failure to operate or maintain a stormwater facility according to the operation and maintenance plan may result in an enforcement action under Section 13.12.150.

Finding: Complies with Condition. The development proposes a private stormwater facility to management and treat all stormwater run-off. Due to topography not all run off could be managed. The property owner(s) shall execute an agreement providing maintenance of, and giving Oregon City access to, privately-owned stormwater management facilities and pay associated recording fees. The agreement shall include a site plan identifying all privately-owned stormwater management facilities and an operation and maintenance plan for each type of stormwater facility in accordance with the Public Works Stormwater and Grading Design Standards. The agreement shall run with the land and be applicable to subsequent property owners. The agreement shall be reviewed and accepted by the City prior to occupancy. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

13.12.170 - Permits from other jurisdictions.

A. The Oregon State Department of Environmental Quality (DEQ) currently issues NPDES 1200-C permits for projects that cover areas of one acre or greater. No permit shall be issued for projects of this size (or any other size as modified by DEQ) without a copy of said DEQ permit being on file with Oregon City. DEQ is responsible for policing its own permits; however, if City personnel observe conditions that are believed to be in violation of any such permit, and cannot get corrections made, the City will bring such conditions to the attention of the appropriate DEQ representatives.

Finding: Complies with Condition. The development exceeds 1.0 acre in disturbed area. The developer shall obtain a 1200-C (NPDES) permit from Oregon Department of Environmental Quality (DEQ) for construction activities one acre or greater prior to receiving a permit and beginning construction. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

B. Projects may require Oregon State Division of State Lands (DSL) and/or United States Army Corps of Engineers (USACE) permits. If such permits are required, no permission to construct will be granted until such a time as a copy of such permit is on file with the City or notice is received from those agencies that a permit is not required. DSL/USACE is responsible for enforcing its own permits; however, if City personnel observe conditions that are believed to be in violation of any such permit, and cannot get corrections made, the City will bring such conditions to the attention of the appropriate DSL/USACE representatives.

Finding: Not Applicable. A permit from DSL or USACOE is not required of this project.

C. Projects may require Oregon State Department of Fish and Wildlife (ODFW) permits. When ODFW permits are required, no work will be authorized until the receipt of a copy of the ODFW permit. ODFW is responsible for policing its own permits; however, if City personnel observe conditions that are believed to be in violation of any such permit, and cannot get corrections made, the City will bring such conditions to the attention of the appropriate ODFW representatives.

Finding: Not Applicable. A permit from ODFW is not required of this project.

CHAPTER 15.48 – GRADING, FILLING AND EXCAVATING

15.48.030 Applicability—Grading permit required.

A. A city-issued grading permit shall be required before the commencement of any of the following filling or grading activities:

- 1. Grading activities in excess of ten cubic yards of earth;*
- 2. Grading activities which may result in the diversion of existing drainage courses, both natural and man-made, from their natural point of entry or exit from the grading site;*
- 3. Grading and paving activities resulting in the creation of impervious surfaces greater than two thousand square feet or more in area;*
- 4. Any excavation beyond the limits of a basement or footing excavation, having an unsupported soil height greater than five feet after the completion of such a structure; or*
- 5. Grading activities involving the clearing or disturbance of one-half acres (twenty-one thousand seven hundred eighty square feet) or more of land.*

B. Those fill and grading activities proposed to be undertaken in conjunction with a land use application, including but not limited to subdivisions, planned unit developments, partitions and site plan reviews, are subject to the standards of this chapter. However, a separate grading permit is not required. Approval of the construction plans submitted through the land use application process shall constitute the grading permit required under this chapter.

Finding: Applicable. The preliminary plan presents grading and paving activities that will result in the disturbance of more than one-half acre. Fill and grading activities are proposed to be undertaken in conjunction with a land use application. A separate grading permit is not required. Approval of the construction plans submitted through the land use application process shall constitute the grading permit required under this chapter.

15.48.040 - Grading permit exemptions.

The following filling and grading activities shall not require the issuance of a grading permit:

- A. Excavation for utilities, or for wells or tunnels allowed under separate permit by other governmental agencies;*
- B. An excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit. The placement of any fill material removed from such an excavation requires a grading permit if:*

1. It exceeds fifty cubic yards,
2. More than ten cubic yards are removed from the site, or
3. The fill is placed on the site to a depth greater than one foot;
- C. Farming practices as defined in ORS 30.930 and farm uses as defined in ORS 215.203, except that buildings associated with farm practices and farm uses are subject to the requirements of this chapter;
- D. Excavation for cemetery graves;
- E. Sandbagging, diking, ditching, filling or similar work when done to protect life or property during an emergency;
- F. Repaving of existing paved surfaces that does not alter existing drainage patterns;
- G. Maintenance work on public roads performed under the direction of the city, Clackamas County or Oregon State Department of Transportation personnel.

Finding: Not Applicable. The application does not qualify for an exemption.

15.48.090 Submittal requirements.

An engineered grading plan or an abbreviated grading plan shall be prepared in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards whenever a city approved grading permit is required. In addition, a geotechnical engineering report and/or residential lot grading plan may be required pursuant to the criteria listed below.

A. Abbreviated Grading Plan. The city shall allow the applicant to submit an abbreviated grading plan in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards if the following criteria are met:

1. No portion of the proposed site is within the flood management area overlay district pursuant to [Chapter 17.42](#), the unstable soils and hillside constraints overlay district pursuant to [Chapter 17.44](#), or a water quality resource area pursuant to [Chapter 17.49](#); and

2. The proposed filling or grading activity does not involve more than fifty cubic yards of earth.

B. Engineered Grading Plan. The city shall require an engineered grading plan in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards to be prepared by a professional engineer if the proposed activities do not qualify for abbreviated grading plan.

C. Geotechnical Engineering Report. The city shall require a geotechnical engineering report in compliance with the minimum report requirements of the Public Works Stormwater and Grading Design Standards to be prepared by a professional engineer who specializes in geotechnical work when any of the following site conditions may exist in the development area:

1. When any publicly maintained facility (structure, street, pond, utility, park, etc.) will be supported by any engineered fill;

2. When an embankment for a stormwater pond is created by the placement of fill;

3. When, by excavation, the soils remaining in place are greater than three feet high and less than twenty feet wide.

D. Residential Lot Grading Plan. The city shall require a residential lot grading plan in compliance with the minimum report requirements of the Public Works Stormwater and Grading Design Standards to be prepared by a professional engineer for all land divisions creating new residential building lots or where a public improvement project is required to provide access to an existing residential lot.

Finding: Complies with Conditions. The developer shall provide an engineered grading plan prepared by a professional engineer in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

CHAPTER 16.12 – MINIMUM PUBLIC IMPROVEMENTS AND DESIGN STANDARDS FOR DEVELOPMENT

16.12.010 - Purpose and general provisions.

All development shall be in conformance with the policies and design standards established by this chapter and with applicable standards in the City's public facility master 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.

Finding: Complies with Condition. The above code section is not an actual approval criterion for Site and Design Review, but rather a general-purpose statement relating to the City's Engineering Department's review of the required civil plans after the Applicant has received Land-Use approval for the proposed project. The Applicant is aware of this code section and will work closely with the City's Engineering Staff upon gaining Site and Design Review approval from the City's Planning Department for the proposed development. Compliance with the "purpose and general provisions" of chapter 16.12 can be met by adhering to the following: The development plans shall comply with all current Oregon City Public Works design standards, specifications, codes, and policies prior to receiving a permit and beginning construction. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

16.12.011 - 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. 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.

Finding: Applicable. The applicant is applying for Site and Design Review approval; therefore, the development shall follow the standards set forth in OCMC 16.12.

16.12.012 - 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.

Finding: Applicable. The city has exercised its regulatory management authority by providing findings within this staff report with conditions to be met by the applicant prior to working within all public rights-of-way. Holmes Lane and Mountainview Street are under the jurisdiction of the City of Oregon City.

16.12.013 - 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. Compliance with the following criteria is required:

- A. *The modification meets the intent of the standard;*
- B. *The modification provides safe and efficient movement of pedestrians, motor vehicles, bicyclists and freight; science experiments ahead*
- C. *The modification is consistent with an adopted transportation or utility plan; and*
- D. *The modification is complementary with a surrounding street design; or, in the alternative;*
- E. *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.*

Finding: Complies as proposed. A modification is proposed for the design of Holmes Lane. The applicant submitted a site plan showing a proposed design for Holmes Lane which differs from the standard identified in the code below.

Table 16.12.016 Street Design (excerpt)

<i>Road Classification</i>	<i>Comprehensive Plan Designation</i>	<i>Right-of-Way Width</i>	<i>Pavement Width</i>	<i>Public Access</i>	<i>Sidewalk</i>	<i>Landscape Strip</i>	<i>Bike Lane</i>	<i>Street Parking</i>	<i>Travel Lanes</i>	<i>Median</i>
	<i>Residential</i>	<i>85 ft.</i>	<i>59 ft.</i>	<i>0.5 ft.</i>	<i>5 ft.</i>	<i>7.5 ft.</i>	<i>6 ft.</i>	<i>7 ft.</i>	<i>(3) 11 ft. Lanes</i>	<i>N/A</i>

- A. *The modification meets the intent of the standard;*
The proposed modification meets the intent of the code by providing adequate space for all modes of travel. The applicant proposes to install sidewalk and a bike lane along the Holmes Lane frontage; this satisfies TSP projects W67 and B53.
- B. *The modification provides safe and efficient movement of pedestrians, motor vehicles, bicyclists and freight; science experiments ahead*
The applicant provided Transportation Impact Study found the following:
 - A capacity analysis showed that both study intersections operate at acceptable levels of service under existing conditions and that they will continue to operate at acceptable levels with the addition of background growth and site trips. No capacity issues were found and no mitigations are recommended.

- A crash data analysis was conducted for the two study intersections. Ten crashes were reported at the intersection of Holmes Lane at Molalla Avenue and none were reported at the intersection of Holmes Lane at Rilance Lane. Crash patterns were analyzed and no mitigations are recommended.

C. *The modification is consistent with an adopted transportation or utility plan; and*

This is not applicable since the city has not adopted a transportation plan specific to Holmes Lane. Also, the applicant proposes to install sidewalk and a bike lane along the Holmes Lane frontage; this satisfies TSP projects W67 and B53. The applicant has provided a 12-foot-wide automobile lane which meets the TSP "Optimum Street Design" guidance which states, "Determine if the street is located along a regional truck route, local truck route, or a transit route. If so, the through lane width should be a minimum of 12 feet along a truck route or 11 feet along a transit route. If not, the lane width can be reduced a minimum of 12 feet along major arterials, 11 feet on minor arterials, and 10 feet along collectors and local streets, as determined by the City." Holmes Lane is a collector street which is neither a transit route or a truck route so 12-foot-wide travel lanes consistent with the TSP.

D. *The modification is complementary with a surrounding street design; or, in the alternative;*

The proposed street improvement matches the existing improvements made on the south side Holmes Lane and the east end of Holmes Lane (near the intersection of Molalla Avenue) where there is an established, bike lane, curb, furnishing zone and raised sidewalk but no on-street parking. The applicant provided Transportation Impact Study which stated that, "volumes for Holmes Lane at Rilance Lane did not meet the minimum thresholds for analysis as outlined in Section 4C.04.03 of the Manual for Uniform Traffic Control Devices (MUTCD). Left and right turn lane warrants were similarly not examined due to low turning movement volumes for movements not served by a dedicated turn lane under 2023 buildout conditions at both study intersections." Therefore, a center turn lane is not needed. Due to conflicts with existing high voltage electrical transmission poles which cannot be relocated underground (per OCMC 13.34.090.A) a parking lane is not required or feasible along Holmes Lane.

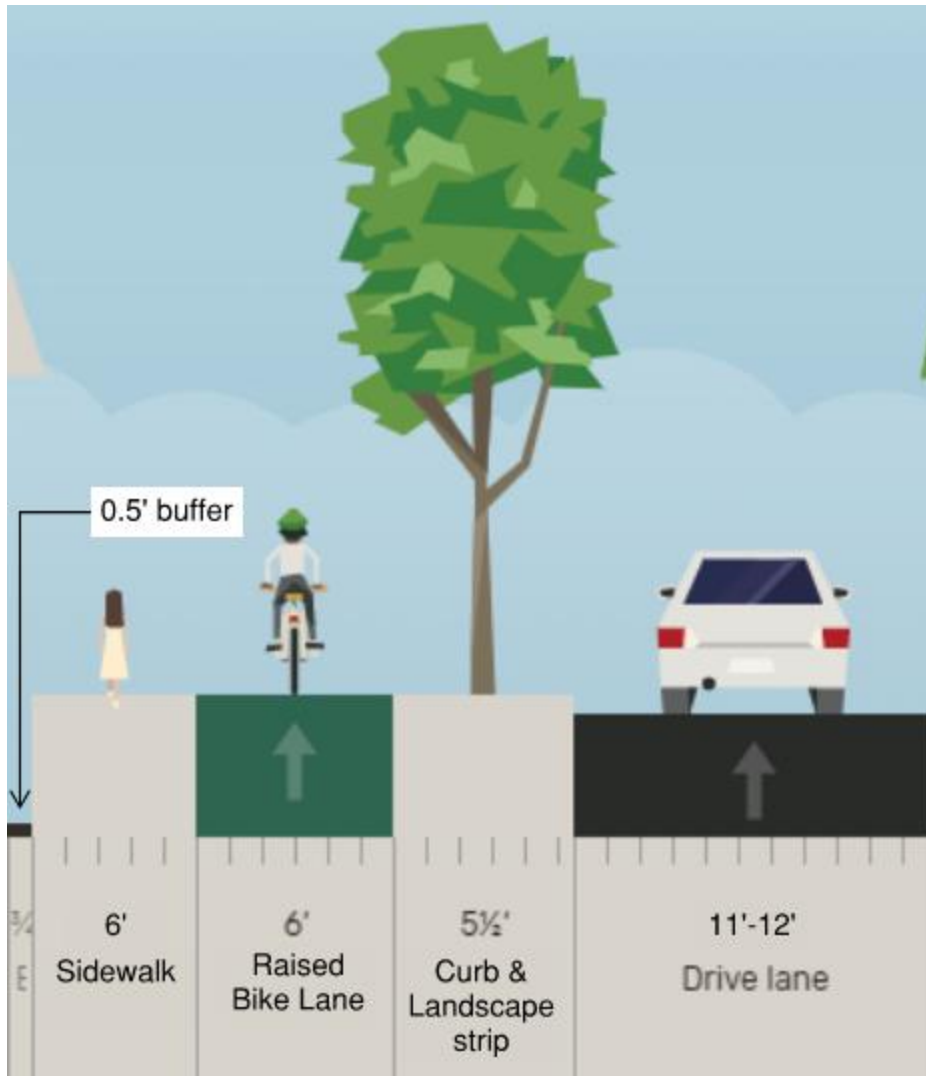
E. *If a modification is requested for constitutional reasons, the applicant shall demonstrate the constitutional provision or provisions to be avoided by the modification and propose a modification that complies with the state or federal constitution. The City shall be under no obligation to grant a modification in excess of that which is necessary to meet its constitutional obligations.*

This is not applicable since the modification is not requested for constitutional reasons.

To ensure the development provides the necessary improvements along Holmes Lane the following has been conditioned:

The development shall provide the following along the development's frontage of Holmes Lane on the development side of the centerline: 11'-12'-wide drive lane, 0.5' curb, 5-foot-wide landscape strip, 6-foot-wide raised bike lane, 6-foot-wide sidewalk, and a 0.5-foot-wide buffer. The development shall dedicate right-of-way (ROW) to achieve 29' to 30' of ROW.

A conceptual image of the required improvements along Holmes Lane is shown below (view is looking west).



Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

16.12.014 - 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;*
- 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 city funded public projects contracted by the City (not less than one million dollars single incident and two million dollars aggregate);*
- H. Preconstruction Meeting;*
- 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, maybe be submitted in conjunction with documentation for other infrastructure improvements that are done with the development (such as street, sanitary sewer, and water).

Finding: Complies with Condition. The developer shall submit or address all items in section 16.12.014 of the Oregon City Municipal Code based on the timing requirements contained therein and as deemed applicable by the City. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

16.12.015 - 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.

Finding: Complies as proposed. As part of the proposed development, the Applicant will be constructing a new north/south public street through the project that will connect Holmes Lane with Mountainview Street. In addition, the Applicant will be providing two (2) pedestrian connections, one on the east side and one on the west side of the project, to provide access to Stafford Park and Singer Creek Park, respectively. The applicant proposes to install sidewalk and a bike lane along the Holmes Lane frontage; this satisfies TSP projects W67 and B53.

The location and grades of the proposed street system provides for the continuation or appropriate projection of existing principal streets in the surrounding area and gives access for future development of adjoining land. The development has provided a convenient street system for the safety of all modes of travel, including pedestrian and bicycle to, from, and through the subject site. The widths of the proposed right-of-way and street improvements must satisfy requirements of table 16.12.016. **See findings from 16.12.016 regarding required.**

16.12.016 - 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.

	<i>Industrial</i>	<i>120 ft.</i>	<i>88 ft.</i>	<i>0.5 ft.</i>	<i>5 ft.</i>	<i>10.5 ft.</i>	<i>6 ft.</i>	<i>N/A</i>	<i>(5) 14 ft. Lanes</i>	<i>6 ft.</i>
	<i>Residential</i>	<i>126 ft.</i>	<i>94 ft.</i>	<i>0.5 ft.</i>	<i>5 ft.</i>	<i>10.5 ft.</i>	<i>6 ft.</i>	<i>8 ft.</i>	<i>(5) 12 ft. Lanes</i>	<i>6 ft.</i>

<i>Road Classification</i>	<i>Comprehensive Plan Designation</i>	<i>Right-of-Way Width</i>	<i>Pavement Width</i>	<i>Public Access</i>	<i>Sidewalk</i>	<i>Landscape Strip</i>	<i>Bike Lane</i>	<i>Street Parking</i>	<i>Travel Lanes</i>	<i>Median</i>
<i>Minor Arterial</i>	<i>Mixed Use, Commercial or Public/Quasi Public</i>	<i>116 ft.</i>	<i>94 ft.</i>	<i>0.5 ft.</i>	<i>10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells</i>		<i>6 ft.</i>	<i>8 ft.</i>	<i>(5) 12 ft. Lanes</i>	<i>6 ft.</i>
	<i>Industrial</i>	<i>118 ft.</i>	<i>86 ft.</i>	<i>0.5 ft.</i>	<i>5 ft.</i>	<i>10.5 ft.</i>	<i>6 ft.</i>	<i>7 ft.</i>	<i>(5) 12 ft. Lanes</i>	<i>N/A</i>
	<i>Residential</i>	<i>100 ft.</i>	<i>68 ft.</i>	<i>0.5 ft.</i>	<i>5 ft.</i>	<i>10.5 ft.</i>	<i>6 ft.</i>	<i>7 ft.</i>	<i>(3) 12 ft. Lanes</i>	<i>6 ft.</i>

<i>Road Classification</i>	<i>Comprehensive Plan Designation</i>	<i>Right-of-Way Width</i>	<i>Pavement Width</i>	<i>Public Access</i>	<i>Sidewalk</i>	<i>Landscape Strip</i>	<i>Bike Lane</i>	<i>Street Parking</i>	<i>Travel Lanes</i>	<i>Median</i>
<i>Collector</i>	<i>Mixed Use, Commercial or Public/Quasi Public</i>	<i>86 ft.</i>	<i>64 ft.</i>	<i>0.5 ft.</i>	<i>10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells</i>		<i>6 ft.</i>	<i>8 ft.</i>	<i>(3) 12 ft. Lanes</i>	<i>N/A</i>
	<i>Industrial</i>	<i>88 ft.</i>	<i>62 ft.</i>	<i>0.5 ft.</i>	<i>5 ft.</i>	<i>7.5 ft.</i>	<i>6 ft.</i>	<i>7 ft.</i>	<i>(3) 12 ft. Lanes</i>	<i>N/A</i>
	<i>Residential</i>	<i>85 ft.</i>	<i>59 ft.</i>	<i>0.5 ft.</i>	<i>5 ft.</i>	<i>7.5 ft.</i>	<i>6 ft.</i>	<i>7 ft.</i>	<i>(3) 11 ft. Lanes</i>	<i>N/A</i>

<i>Road Classification</i>	<i>Comprehensive Plan Designation</i>	<i>Right-of-Way Width</i>	<i>Pavement Width</i>	<i>Public Access</i>	<i>Sidewalk</i>	<i>Landscape Strip</i>	<i>Bike Lane</i>	<i>Street Parking</i>	<i>Travel Lanes</i>	<i>Median</i>
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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.

Finding: Complies as proposed. The development is zoned as R-2 and has proposed a local street through the development property. The submitted plan proposed an extension of a local street (Rilance lane) through the development property with right-of-way and street dimensions which meet requirements of Table 16.12.016.

The development proposes to provide right-of-way dedication and improve the frontage of Mountainview Street to meet which meet requirements of Table 16.12.016.

The development has proposed a street design for Holmes Lane which does not meet current city code for a "Collector" road. A modified design for improvements to Holmes lane is needed to due to conflicts with existing high voltage electrical transmission poles which cannot be relocated underground (per OCMC 13.34.090.A) to accommodate requirements of Table 16.12.016. **Please see findings from 16.12.013 for required improvements along Holmes Lane.** The applicant proposes to install sidewalk and a bike lane along the Holmes Lane frontage; this satisfies TSP projects W67 and B53.

Though the applicant indicated there are private streets in the proposal, they are not right-of-way and are reviewed as drive aisles for the multi-family development in accordance with OCMC 17.52.

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.

Finding: Complies as proposed. The applicant's proposal satisfies the above criterion because sidewalks are proposed along both sides of the proposed new public street (Rilance Lane), along the sides of Holmes Lane, and Mountainview Street.

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.

Finding: Not applicable. The above criterion does not apply to the applicant's proposal because there are no existing or planned pedestrian and/or bicycle routes in the area. All bicycles and pedestrians will use the existing and proposed public street system to access the surrounding area.

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.

Finding: Complies with Condition. The applicant proposes all required street names and traffic control devices be installed as directed by the City Engineer and be in conformance with all applicable city regulations and standards. The developer shall submit a request to the Community Development Department to receive approval for new street names; only approved street names shall be included on the final construction plans. (also written in 16.12.031) **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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.

Finding: Complies with Condition. The development provided a site plan with proposed street lights along the frontage of the development but no photometric plans were provided. The development shall provide street lighting plans with photometric information for Holmes Lane, the new north-south street (Rilance Lane) and Mountainview Street which conforms with all City standards, specifications, codes, and policies and is approved by Portland General Electric (PGE) prior to receiving a permit and beginning construction. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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.

Finding: Not Applicable. A street with pavement less than 32' has not been proposed. Though the applicant indicated there are private streets in the proposal, they are not right-of-way and are reviewed as drive aisles for the multi-family development in accordance with OCMC 17.52.

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.

Finding: Complies as proposed. The applicant has proposed vegetated planter strips that are five feet in width and located between the sidewalk and curb are proposed on both sides of the new local public street (Rilance Lane), along Holmes Lane frontage and Mountainview Street frontage.

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.

Finding: Not Applicable. The decision maker has not approved access easements in lieu of streets nor has dedication of a street been deemed impracticable.

H. Vehicular and pedestrian easements shall allow for public access and shall comply with all applicable pedestrian access requirements.

Finding: Not Applicable. No vehicular or pedestrian easements are proposed.

16.12.017 - 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.

Finding: Not Applicable. No new streets with an access control are required.

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

Finding: Not Applicable. No new streets with an access control are required.

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)."

Finding: Not Applicable. No new streets with an access control are required.

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

Finding: Not Applicable. No new streets with an access control are required.

16.12.018 - 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.

Finding: Complies as Proposed. The Applicant's proposal satisfies the above criteria because the new proposed public street aligns with the center line of Rilance Lane, which is located across Holmes Lane from the subject site. No offset centerlines are being proposed and there are no twenty-four-foot-wide driveways proposed as part of the development proposal.

16.12.019 - Traffic sight obstructions.

All new streets shall comply with the Traffic Sight Obstructions in Chapter 10.32.

Finding: Complies as Proposed. The submitted application includes a Transportation Impact Analysis (TIA) prepared by Global Transportation Engineering that addresses the traffic impacts of the proposal and suggests no off-site improvements are necessary to mitigate the traffic impacts associated with the proposed condominium project. In addition, the TIA further concludes that there will be no traffic sight obstruction created by the proposed 60-unit condominium project (the findings and designs included in the TIA are incorporated by reference herein). The Applicant's proposal satisfies this criterion.

16.12.020 - Street design—Intersection angles.

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

Finding: Complies as conditioned. All proposed streets have been laid out to intersect at angles as near as possible to right angles. The proposed new public street will intersect with Holmes Lane and Mountainview Street at right angles. All street intersections are proposed with a minimum curb return radius of twenty-five feet. The alignment of the new north-south street (Rilance Lane) is proposed with less than fifty feet of tangent adjacent to the intersection. The alignment of the new north-south street (Rilance Lane) shall have at least fifty feet of tangent adjacent to the intersection (measured from the nearest curb line) unless topography requires a lesser distance. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

16.12.021 - Street design—Grades and curves.

Grades and center line radii shall conform to standards approved by the City Engineer.

Finding: Complies as Proposed. Applicant acknowledges streets will be designed per this standard. The proposed street grades and center line radii have been designed to conform to the standards approved by the City Engineer. This will be further reviewed during the civil plan review should the Applicant's request receive land use approval.

16.12.022 - Street design—Development abutting arterial or collector street.

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

Finding: Complies as proposed. The subject property abuts Holmes Lane along the site's front property boundary. Holmes Lane is functionally classified as a "Collector" street per the City's Transportation

System Plan (TSP). The city has not required access control, screen planting, and/or any walls within an easement to protect residential properties since those properties will have pedestrian access along the frontage of Holmes Lane. The development has provided vehicular access for the residential units by providing streets.

16.12.023 - 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.

Finding: Not applicable. The City Engineer has not required that crosswalks for this development include a large vegetated or sidewalk area which extends into the street pavement.

16.12.024 - 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.

Finding: Not Applicable. This application does not propose any half streets.

16.12.025 - 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.

Finding: Not Applicable. No cul-de-sacs or dead-end streets are proposed or required for this development.

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.

Finding: Not Applicable. No cul-de-sacs or dead-end streets are proposed or required for this development.

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.

Finding: Not Applicable. No cul-de-sacs or dead-end streets are proposed or required for this development.

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.

Finding: Not Applicable. The development has not proposed a permanent dead-end streets. The areas marked as a private street are being analyzed as drive aisles which provide access through the multi-family development.

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).

Finding: Not Applicable. No cul-de-sacs or dead-end streets are proposed or required for this development.

16.12.026 - 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.

Finding: Not Applicable. No alley proposed.

16.12.027 - 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.

Finding: Not Applicable. Off-site street improvements are not proposed or required for this development.

16.12.028 - 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.

Finding: Complies as Proposed. All proposed and existing streets within and adjacent to the site have been designed and laid out to promote pedestrian and bicycle circulation. Holmes Lane is not designated as a transit street. With that being said, there is an existing transit stop located approximately 0.21 miles west of the site at the intersection of Linn Avenue and Holmes Lane, as well as a transit stop located approximately 0.25 miles east of the site at the intersection of Holmes Lane and Molalla Ave. Both existing transit stops are located within an easy walking distance of the proposed development. As such, no additional transit stops are required for the proposed development.

16.12.029 - 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.

Finding: Complies with Condition. Pavement cuts are proposed within Holmes Lane due to proposed utility service installations and required frontage improvements. Pavement cuts are proposed within Holmes Lane due to proposed utility service installation and required frontage improvement. Pavement cuts or other improvement made in a City street or alley shall be done in accordance with the City of Oregon City Public Works Pavement Cut Standards and restored in accordance with the City of Oregon City Public Works Pavement Cut Standards. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

16.12.030 - Blocks—Width.

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

Finding: Complies as Proposed. As part of the proposed development, the applicant will be dedicating a new local public street running north/south through the development. The proposed public street will intersect with Mountainview Street at the north end of the site and align with Rilance Lane where it intersects with Holmes Lane at the south end of the site. The applicant has provided a road which meets city block length requirements.

16.12.031 - Street design—Street names.

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

Finding: Complies with Condition. At this time the Applicant has not chosen a street name for the new local public street. It's possible that it could be considered an extension of an existing street since it will align with Rilance Lane located across Holmes Lane from the site. If the City determines this to be the case, then the new local public street will be Rilance Lane. However, if the Applicant is able to offer an alternative street name, then the Applicant requests the opportunity to provide a new street name for the new public street with the dedication of the street.

The developer shall submit a request to the Community Development Department to receive approval for new street names; only approved street names shall be included on the final construction plans.

Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

16.12.032 – 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.

Finding: Complies as Proposed. No public off-street accessways are proposed or required for the proposed development. All bicycles will share the public street system with other vehicles and the proposed new local public street will provide direct and safe access between residential areas. Similar to the bicycles, pedestrians will also utilize the existing and proposed public street system for access to surrounding residential areas, retail and office areas, parks, and transit streets. However, the Applicant is proposing two (2) open space/pedestrian access areas to connect the subject site to the adjacent public parks on either side of the subject site. The open space/pedestrian access areas will be located between units 5 and 6, and 33 and 34 to provide convenient access to both Stafford Park and Singer Creek Park, respectively.

A. Entry points shall align with pedestrian crossing points along adjacent streets and with adjacent street intersections.

Finding: Not applicable. No public off-street accessways are proposed or required for the proposed development.

B. 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.*

Finding: Not applicable. No public off-street accessways are proposed or required for the proposed development.

C. 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.

Finding: Not applicable. No public off-street accessways are proposed or required for the proposed development.

D. 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.

Finding: Not applicable. No public off-street accessways are proposed or required for the proposed development.

E. Accessways shall comply with Americans with Disabilities Act (ADA).

Finding: Not applicable. No public off-street accessways are proposed or required for the proposed development.

F. 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.*

Finding: Not applicable. No public off-street accessways are proposed or required for the proposed development.

G. Accessways shall be designed to prohibit unauthorized motorized traffic. Curbs and removable, lockable bollards are suggested mechanisms to achieve this.

Finding: Not applicable. No public off-street accessways are proposed or required for the proposed development.

H. 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.

Finding: Not applicable. No public off-street accessways are proposed or required for the proposed development.

I. 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.

Finding: Not Applicable. The site is not a park, greenway nor has other natural resource areas.

J. 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.

Finding: Not Applicable. No alternative design has been proposed for pedestrian and bicycle accessways.

K. 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.*

Finding: Not applicable. No public off-street accessways are proposed or required for the proposed development.

16.12.033 - 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 Throughway 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:

I-205/OR 99E Interchange

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.

Finding: Complies with conditions. The applicant submitted a Transportation Impact Study (TIS). The TIS was prepared under the direction of Dana Beckwith, PE of Global Transportation Engineering. The TIS is dated December 2020. The TIS was reviewed by John Replinger, PE, of Replinger and Associates, the City's transportation planning consultant. Mr. Replinger found that the TIS addresses the city's requirements, which include preparation of a TIS in accordance with the adopted *Guidelines for Preparation of Transportation Impact Analysis (TIA)*, consistency with the *Oregon City Transportation System Plan (TSP)*, and other relevant standards. The applicant's report addresses the proposed site, building footprint, access driveways, and parking facilities. It includes an evaluation of existing conditions, background conditions, full traffic buildout conditions, conclusions and recommendations.

Due to the COVID pandemic, current traffic counts were likely to be lower than normal and would underestimate reasonable volumes. Rather than relying on such counts, traffic volumes at the two key intersections were developed from road tube counts from 2017 and adjusted upward to reflect traffic growth. Intersection turning volumes were derived from these estimated road volumes.

According to the submitted report:

- A capacity analysis showed that both study intersections operate at acceptable levels of service under existing conditions and that they continue to operate at acceptable levels with the addition of background growth and site trips. No capacity issues were found and no mitigations are recommended.

- A crash data analysis was conducted for the two study intersections. Ten crashes were reported at the intersection of Holmes Lane at Molalla Avenue and none were reported at the intersection of Holmes Lane at Rilance Lane. Crash patterns were analyzed and no mitigations are recommended.
- A sight distance study was performed and it was found that a crest vertical curve limits sight distance from the proposed southern access to Holmes Lane to 425 feet to the east. This still meets all sight distance standards. No other sight distance issues were found and both site accesses are expected to meet all standards.
- Traffic signal and turn lane warrants analyses were not conducted due to low volumes that did not meet the minimum threshold for analysis.
- Site circulation and parking were examined. No circulation or parking issues are expected.
- Intersection and site driveway queueing was analyzed. No queueing issues are expected.

Upon review of the submitted TIS, Replinger and Associates found that the TIS addresses the city's requirements and provides an adequate basis to evaluate impacts of the proposed site development. The engineer used trip rates from the Institute of Transportation Engineers' Trip Generation Manual using land use category 220 – lowrise multi-family residential. After subtracting for the current use, the engineer predicted 27 new AM peak hour trips; 32 new PM peak hour trips; and 420 new daily trips. To account for background traffic growth and existing conditions, the traffic counts were adjusted by one percent per year through 2023, the year associated with completion of the development. Although the proposed development meets the definition of multi-family residential dwellings, some of the attributes of the proposed development, such as individual driveways and garages, suggest trip generation may be somewhat higher and could approach trip rates associated with detached, single-family homes. It is worth noting that even if the development were to generate as many trips as 60 detached, single-family homes, the overall conclusion about the adequacy of the transportation system to accommodate the development remains unchanged. The traffic growth assumptions and methodology appear reasonable.

Traffic volumes were calculated for the intersections described above. At each location, the level of service (LOS) and delay calculations and the volume-to-capacity (v/c) ratios were provided to assess traffic operations relative to the city's operational standards. The analysis was undertaken for the AM and PM peak hours and included 2021 existing conditions, 2023 background conditions, and year 2023 total traffic conditions with the development.

According to the analysis, the study area intersections are predicted to meet city performance standards under existing conditions and in year 2023 with and without the development. The poorest performance is calculated to be LOS B, which easily meets city performance standards.

The engineer measured sight distance at the new access point on Mountainview Street and the new access at the intersection of Holmes Lane and Rilance Lane. The engineer indicated sight distance exceeds 400 feet at the access points. This exceeds the recommended sight distance associated with the posted speed for both Holmes Lane and Mountainview Street. The engineer incorrectly identified the posted speed for Holmes Lane as 35 mph rather than the correct 25. This error actually reduces the required sight distance so the misstatement of the speed is of no consequence. The engineer concludes sight distance is adequate and recommends no mitigation.

The TIS describes pedestrian and bicycle facilities in the area. Sidewalks are currently intermittent along some of the streets in the study area. Sidewalks will be provided on the site frontage on both Holmes

Lane and on Mountainview Street and on the public street running through the site. The additional sidewalks constructed in connection with the development will help improve pedestrian connections and safety.

The engineer concluded that traffic operations would be adequate at the analyzed intersections. The engineer concludes no off-site mitigation is needed for traffic operations and no safety mitigation is necessary.

The recommendations of Replinger and Associates are hereby made conditions of approval. Prior to approval of construction plans for the public street improvements, the applicant shall include on the plans the location of fencing, vegetation, signage and related strictures and assure that these features are located, maintained or removed to avoid unnecessarily restricting sight distance in accordance with city standards.

The proposed development will not have a disproportionate effect on traffic speeds on Holmes Lane. The concern of the speeding on Holmes Lane as well as request for speed monitoring has been forwarded to the Police department.

Please refer to the applicant's TIS and the comments of Replinger and Associates for the full analysis. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

16.12.035 - Driveways.

A. All new development and redevelopment shall meet the minimum driveway spacing standards identified in Table 16.12.035.A.

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 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 for all uses other than detached single and two-family dwellings	175 ft.
Collector Streets	Minimum distance from a street corner to a driveway for all uses other than detached single and two-family dwellings	100 ft.
Local Streets	Minimum distance from a street corner to a driveway 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.

Finding: Complies as Proposed. All driveways proposed are off Local streets and are more than 25 feet from the nearest street corner. All driveways proposed by the applicant meet requirements of table 16.12.035. Note that though the applicant submitted an application identifying private streets, the city does not accept private streets for this proposal and is instead considering them drive aisles for connectivity to the dwelling units.

B. Nonresidential or multi-family residential driveways that generate high traffic volumes shall be treated as intersections and shall adhere to requirements of OCMC 16.12.020.

Finding: Not applicable. The driveways proposed with the development have not been determined to have high traffic volumes to be treated as intersections and comply with the requirements of OCMC 16.12.020.

C. One driveway may be allowed per frontage, unless otherwise restricted. In no case shall more than two driveways 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.

Finding: Refer to H below.

D. When a property fronts multiple roads, access shall be provided from the road with the lowest classification in the Transportation System Plan whenever possible to minimize points of access to arterials and collectors. 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.

Finding: Complies as Proposed. All proposed driveways will be taking access from either the drive aisles, which are the lowest classification streets supporting the proposed development. The Applicant's proposal satisfies the above criteria.

E. 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

<i>Property Use</i>	<i>Minimum Driveway Approach Width</i>		<i>Maximum Driveway Approach Width</i>
<i>Single-Family Attached</i>	<i>10 feet</i>		<i>12 feet</i>
<i>Single-Family Detached in R-5 & R-3.5</i>	<i>10 feet</i>		<i>12 feet</i>
<i>Single-Family Detached in R-10, R-8, & R-6</i>	<i>12 feet</i>		<i>24 feet</i>
<i>Duplexes</i>	<i>12 feet</i>		<i>24 feet</i>
<i>3-4 Plexes</i>	<i>12 feet</i>		<i>24 feet</i>
<i>Multi-Family</i>	<i>18 feet</i>		<i>30 feet</i>
<i>Commercial, Industrial, Office, Institutional, Mixed Use, and/or Nonresidential</i>	<i>One-Way 12 feet</i>	<i>Two-Way 20 feet</i>	<i>40 feet</i>

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.

Finding: Complies as proposed. The alternative parking plan conditioned that the “driveway” width connecting the dwelling to the drive aisle for units 14-60 shall be limited to 11 feet in width each (with space to allow to transition to the curb cut). The driveway approaches are assessed as single-family attached which are allowed to be 10-12 feet in width. The width of the drive aisles which connect to the road comply with this standard.

F. 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.*

Finding: Not Applicable. No restrictions are proposed by the City Engineer.

G. 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.*

Finding: Complies as proposed. All proposed driveways will be reviewed for compliance with the above criteria during the civil plan and building permit review processes. All driveways are proposed to be paved at least ten feet back into the property. The applicant has not proposed driveways to have a slope greater than 15%.

H. 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 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.

Finding: Complies as Proposed. The design proposed includes a drive aisle that is marked as a private road on the proposed plans. The City does not accept the private road designation when it functions as a drive aisle within the multi-family development. Thus the proposal would have two driveway access points on the proposed Rilance Lane roadway. OCMC 16.12.035.C limits driveways to one per frontage but then goes on to acknowledge that there are cases where additional driveways are allowed. “In no case shall more than two driveways 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”. The proposed development is a large

multifamily development which has proposed two driveways along the new proposed roadway. Due to the configuration of the development, the driveways are spaced a significant distance apart. The transportation analysis and spacing did not identify any conflict and thus the second driveway is allowed.

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.

Finding: Applicable. Please refer to the findings within sections 13.12,15.48, 16.12 & 17.47 of this report.

16.12.085 - Easements.

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

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

Finding: Complies with Condition. The development shall provide a 10-foot-wide public utility easement (PUE) along all property lines fronting existing or proposed right-of-way. The location and width of the PUE may be adjusted if approved by the City Engineer. In such cases, the applicant shall obtain written acceptance from all utilities for the location and width proposed for said public utility easement. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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

Finding: Not applicable. Easements for unusual facilities have not been identified or required for this development.

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.

Finding: Not Applicable. The application does not affect any watercourses.

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.

Finding: Not Applicable. The application has not proposed any joint access use. All units within the development property have vehicular access via private roads. Access easements are not required.

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

Finding: Not Applicable. The application does not impact any natural resources; therefore, no easements are required.

16.12.090 - Minimum improvements—Procedures.

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

A. Improvement work shall not commence until construction plans have been reviewed and approved by the City Engineer and to the extent that improvements are 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.

Finding: Complies with Condition. Commencement of improvement work is further restricted by requirements of section 16.12.014; see section 16.12.014 of this report for associated findings. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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.

Finding: Complies with Condition. Improvements shall be constructed under the inspection and approval of the City. Expenses incurred thereby shall be borne by the applicant and paid prior to final approval. The applicant's project engineer also shall inspect construction. Inspection fees are set by City resolution, see section 16.12.014 of this report. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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.

Finding: Complies with Condition. See findings from section 17.47, 17.49 of this report.

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 franchise utility easement within private property.

Finding: Complies with Condition. Underground utilities, waterlines, sanitary sewers and storm drains proposed to be 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 franchise utility easement within private property. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

E. As-built construction plans and digital copies of as-built drawings shall be filed with the City Engineer upon completion of the improvements.

Finding: Complies with Condition: As-built construction plans and digital copies of as-built drawings shall be filed with the City Engineer within 90 days of completing improvements. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

F. The City Engineer may regulate the hours of construction and access routes for construction equipment to minimize impacts on adjoining residences or neighborhoods.

Finding: Complies with Condition. Permitted hours of construction shall be set forth by the City Engineer in the pre-construction meeting. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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.

Finding: Complies as proposed. The applicant has proposed a public street within the development and public street improvements along adjacent rights-of-way which provides 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. See 16.12.095.B regarding requirements for storm drainage facilities. All intersections, existing and proposed, adjacent the development property, shall have pedestrian crossings for each direction of travel which complies with Americans with Disabilities Act (ADA). Approved curb ramp design(s) will need to be included on engineering plans following proper engineering technical standards prior to receiving a permit and beginning construction. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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.

Finding: Complies as proposed. Due to the topography of the development, the development proposes to utilize existing off-site downstream storm infrastructure to convey stormwater drainage from the site. site, there is no extension of an existing storm drainage system to serve the development site. The development has proposed drainage facilities to drain runoff from the new north-south street (Rilance Lane) and Mountainview Street to the nearest downstream off-site natural drainageway.

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.

Finding: Complies with Condition. The development shall minimize taps to the existing sanitary sewer main within Holmes Lane to the maximum extent practicable while providing the development with connection to the City's sanitary sewer system. The sanitary sewer design shall be in accordance with the City's sanitary sewer design standards. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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.

Finding: Complies with Condition. The development shall extend an 8-inch water main from Holmes Lane to, and through, the development and shall connect to the existing water main within Mountainview Street to create a loop. The development shall provide new fire hydrant(s) in, and around, the property as required by Clackamas Fire District Number 1 and extend water main(s) (public and/or private) as necessary to supply required fire hydrants. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

E. Street Trees. Refer to OCMC 12.08, Street Trees.

Finding: See findings from section 12.08.

F. Bench Marks. At least one bench mark shall be located within the subdivision boundaries using datum plane specified by the City Engineer.

Finding: Complies with Condition. The engineering plans shall provide a local benchmark, onsite, using the NAVD88 datum prior to receiving a permit and beginning construction. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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. Existing and new electrical lines

and other wires, including but not limited to communication, street lighting and cable television, shall be placed underground.

Finding: Complies with Condition. All new franchise utilities shall be placed underground and all existing overhead utilities adjacent to the property frontage shall be relocated underground unless deemed infeasible by the City and franchise utilities. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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.

Finding: Not Applicable. No facilities are required to be oversized as part of this application.

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.

Finding: See findings from section 17.47 of this report

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.*

Finding: Applicable. Please refer to the findings in chapter 16.12.016 within this report for applicable street design standards required for the public street created by the proposed subdivisions or partitions.

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.

Finding: Complies as proposed. As part of the development proposal, the Applicant is proposing a new local public street running north-south through the site. The creation of the new public street and the resultant separate land parcels will be established by deed. The development shall submit a plan/plat and/or proposed deed for dedication of new public rights-of-way to the City for review and approval prior to recording and pay associated recording fees. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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.

Finding: See findings from OCMC 17.50.140 regarding timing of construction of improvements and guarantee for construction of improvements.

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.

Finding: Complies as conditioned. Public improvements are required to be completed and accepted by the City Engineer. Public improvements shall be constructed according to approved final engineering plans prior to occupancy. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of 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.

Finding: Please see findings from Section 17.50.140 of this report.

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.

Finding: Please see findings from Section 17.50.141 of this report.

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.

Finding: Complies with Condition. The property owner(s) shall sign a Restrictive Covenant Non-Remonstrance Agreement for the purpose of making storm sewer, sanitary sewer, water or street improvements in the future that benefit the property and all fees associated with processing and recording the Non-Remonstrance Agreement shall be paid prior to occupancy. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

CHAPTER 16.20 - PROPERTY LINE ADJUSTMENTS AND ABANDONMENT PROCESS AND STANDARDS

16.20.010 - Purpose and general provisions.

The community development director under the applicable provisions in Chapter 17.50 shall process applications for property line adjustments and abandonments as a Type I decision. Approval shall be granted only upon determination by the community development director that all applicable requirements of this title and ORS Chapter 92 have been met.

Finding: Complies. The applicant filed a property line adjustment application to adjust a common property boundary between 535 Holmes Ln Oregon City, OR 97045, Clackamas County APN 3-2E-06AA-05001 and 545 Holmes Ln, Oregon City, OR 97045, Clackamas County APN 3-2E-06AA-05100. The proposed property line adjustment is a Type I decision, though is being processed concurrently with the Type II Site Plan and Design Review request.

16.20.020 - Adjustment/abandonment submission requirements.

An application for a property line adjustment or abandonment shall include two copies of the following documents submitted to the Community Development Director:

- A. Application requirements as identified in OCMC 17.50.080;*
- B. A boundary survey prepared by an Oregon professional land surveyor in accordance with ORS 92.060(7) except where the application proposes the relocation of a currently monumented common boundary of a lot in a subdivision or a parcel in a partition when the adjusted property line is a distance of even width along the common boundary. The survey shall include in its title the following: "Proposed Property Line Adjustment Survey," shall identify the city planning file number and approval date immediately below the title block with space for signature and date by the community development director;*
- C. Legal descriptions of the parent parcels to be adjusted and the resulting parcels to be created;*
- D. A current preliminary title report or trio for the subject property(ies);*
- E. A receipt from the county assessor's office indicating that all taxes for the lot or parcels involved are paid in full for the preceding tax year; and*
- F. Documentation indicating there are not any liens favoring the city on the subject site.*

Finding: Complies as Proposed. The application was deemed complete.

16.20.040 - Adjustment/abandonment approval standards.

All parcels resulting from a lot line adjustment or abandonment shall conform to the applicable requirements of Title OCMC 16 and 17 including the standards within the zoning designation such as, but not limited to, lot width, depth, lot coverage, subdivision density requirements, setbacks, as well as access and frontage requirements, ORS 92.010 to ORS 92.160, and any other city regulation deemed applicable by the community development director or state law. In no case shall a lot line adjustment result in a parcel that is unbuildable due to the presence of an overlay district or other physical constraint unless the parcel is recorded as a "tract" as defined by OCMC 17.04.1303.

The community development director shall determine if the applicant's submission complies with these standards, and issue to the applicant a notice of decision consistent with OCMC 17.50.120. The community development Director decision is final and not appealable to any other decision-maker within the city.

Finding: Complies with conditions. The applicant filed a property line adjustment application to adjust a common property boundary between 535 Holmes Ln Oregon City, OR 97045, Clackamas County APN 3-2E-06AA-05001 and 545 Holmes Ln, Oregon City, OR 97045, Clackamas County APN 3-2E-06AA-05100. The proposed changes to the lot are reviewed throughout this report – particularly within the dimensional standards of the zoning designation.

The applicant shall complete the Lot Line Adjustment with the following conditions:

- a. Demolish all structure at 535 Holmes Lane and all accessory structures at 545 Holmes Lane, unless documentation for the retention of an accessory structure at 545 is submitted demonstrating compliance with the dimensional standards in the R2 District and accessory structure standards in 17.54 are met.

- b. The applicant shall complete the Lot Line Adjustment by submitting an electronic copy of the proposed Lot Line Adjustment survey for preliminary approval to the Planning Division. Once the proposed survey is approved, a mylar copy shall be submitted to the Planning Division for signature. Once signed, the applicant shall take the signed mylar and revised deeds to Clackamas County to be recorded. The current deed holders or their assigns shall sign the revised deeds for the approved legal descriptions and the documents recorded at the Clackamas County Clerk's Office. The signed mylar shall be recorded at the Clackamas County Surveyor's Office. Provide an electronic copy of the recorded documents to the Planning Division.

The applicant can meet this standard through compliance with the Conditions of Approval.

CHAPTER 17.47 – EROSION AND SEDIMENT CONTROL

17.47.030 - Applicability.

A. This chapter, which may also be referred to as "erosion control" in this Code, applies to development that may cause visible or measurable erosion on any property within the city limits of Oregon City.

B. This chapter does not apply to work necessary to protect, repair, maintain or replace existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements in response to emergencies, provided that after the emergency has passed, adverse impacts are mitigated in accordance with applicable standards.

Finding: Applicable. The application disturbs more than 1,000 square feet of earth; therefore, erosion and sediment control standards shall be followed.

17.47.060 - Permit required.

The applicant must obtain an erosion and sediment control permit prior to, or contemporaneous with, the approval of an application for any building, land use or other city-issued permit that may cause visible or measurable erosion.

Finding: Complies as conditioned. A city issued erosion and sediment control permit shall be obtained prior to commencement of any earth disturbing activities. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.47.070 - Erosion and sediment control plans.

A. An application for an erosion and sediment control permit shall include an erosion and sediment control plan, which contains methods and interim measures to be used during and following construction to prevent or control erosion prepared in compliance with City of Oregon City public works standards for erosion and sediment control. These standards are incorporated herein and made a part of this title and are on file in the office of the city recorder.

B. Approval Standards. An erosion and sediment control plan shall be approved only upon making the following findings:

- 1. The erosion and sediment control plan meets the requirements of the City of Oregon City public works standards for erosion and sediment control incorporated by reference as part of this chapter;*
- 2. The erosion and sediment control plan indicates that erosion and sediment control measures will be managed and maintained during and following development. The erosion and sediment control plan indicates that erosion and sediment control measures will remain in place until disturbed soil areas are permanently stabilized by landscaping, grass, approved mulch or other permanent soil stabilizing measures.*

C. The erosion and sediment control plan shall be reviewed in conjunction with the requested development approval. If the development does not require additional review, the manager may approve or deny the permit with notice of the decision to the applicant.

D. The city may inspect the development site to determine compliance with the erosion and sediment control plan and permit.

E. Erosion that occurs on a development site that does not have an erosion and sediment control permit, or that results from a failure to comply with the terms of such a permit, constitutes a violation of this chapter.

F. If the manager finds that the facilities and techniques approved in an erosion and sediment control plan and permit are not sufficient to prevent erosion, the manager shall notify the owner or his/her designated representative. Upon receiving notice, the owner or his/her designated representative shall immediately install interim erosion and sediment control measures as specified in the City of Oregon City public works standards for erosion and sediment control. Within three days from the date of notice, the owner or his/her designated representative shall submit a revised erosion and sediment control plan to the city. Upon approval of the revised plan and issuance of an amended permit, the owner or his/her designated representative shall immediately implement the revised plan.

G. Approval of an erosion and sediment control plan does not constitute an approval of permanent road or drainage design (e.g., size and location of roads, pipes, restrictors, channels, retention facilities, utilities, etc.).

Finding: Complies as conditioned. Erosion and sediment control plans shall be submitted for review and approval by the City prior to issuance of an erosion and sediment control permit. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.47.080 - Plan implementation.

An approved erosion control and sediment control plan shall be implemented and maintained as follows:

A. Plan approval, where required, shall be obtained prior to clearing or grading. No grading, clearing or excavation of land requiring a plan shall be undertaken prior to approval of the plan.

B. The erosion and sediment control facilities shall be constructed prior to any clearing and grading activities, and maintained in such a manner as to ensure that sediment laden water does not enter the drainage system or violate applicable water standards.

C. The implementation of an erosion and sediment control plan and the construction, maintenance, replacement, and upgrading of erosion and sediment control facilities is the responsibility of the owner or his/her designated representative until all construction is completed and approved, and vegetation, landscaping or approved finished surfaces is established.

D. The erosion and sediment control facilities herein are the minimum requirements for anticipated site conditions. During the construction period, these erosion and sediment control facilities shall be upgraded as needed for unexpected storm events and to ensure that sediment-laden water does not leave the site.

E. Any observation of visible or measurable erosion, or an observation of more than a ten-percent increase in downstream channel turbidities, will result in an enforcement action by the city.

F. The owner or his/her designated representative shall implement the measures and construct facilities as provided for and according to the implementation schedule in the approved plan. The manager shall be allowed reasonable access to the development site for inspection purposes.

Finding: Applicable. Plan approval is required and is required to be obtained per chapter 16.12. The Oregon City Erosion Control Officer ensures that the development will comply with the city's Erosion

and Sediment Control Standards. The Oregon City Erosion Control Officer will access the development site and perform inspections to ensure compliance prior to any clearing and grading activities are permitted. The Oregon City Erosion Control Officer ensures implementation of an erosion and sediment control plan and the construction, maintenance, replacement, and upgrading of erosion and sediment control facilities. The Oregon City Erosion Control Officer may issue a Stop Work Order if the owner or his/her designated representative fails to implement and maintain the approved erosion control and sediment control plan until all construction is completed and approved, and vegetation, landscaping or approved finished surfaces is established.

17.47.090 - Plan performance guarantee and security.

After the plan is approved by the manager and prior to construction or grading, the owner shall provide a financial guarantee. Erosion and sediment control shall be included in the cost estimate for the primary project, such as land division or site plan, and included in that project's performance guarantee.

Finding: Complies as conditioned. See findings in Section 17.50.140.

CHAPTER 17.12 HIGH DENSITY RESIDENTIAL DISTRICT

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;

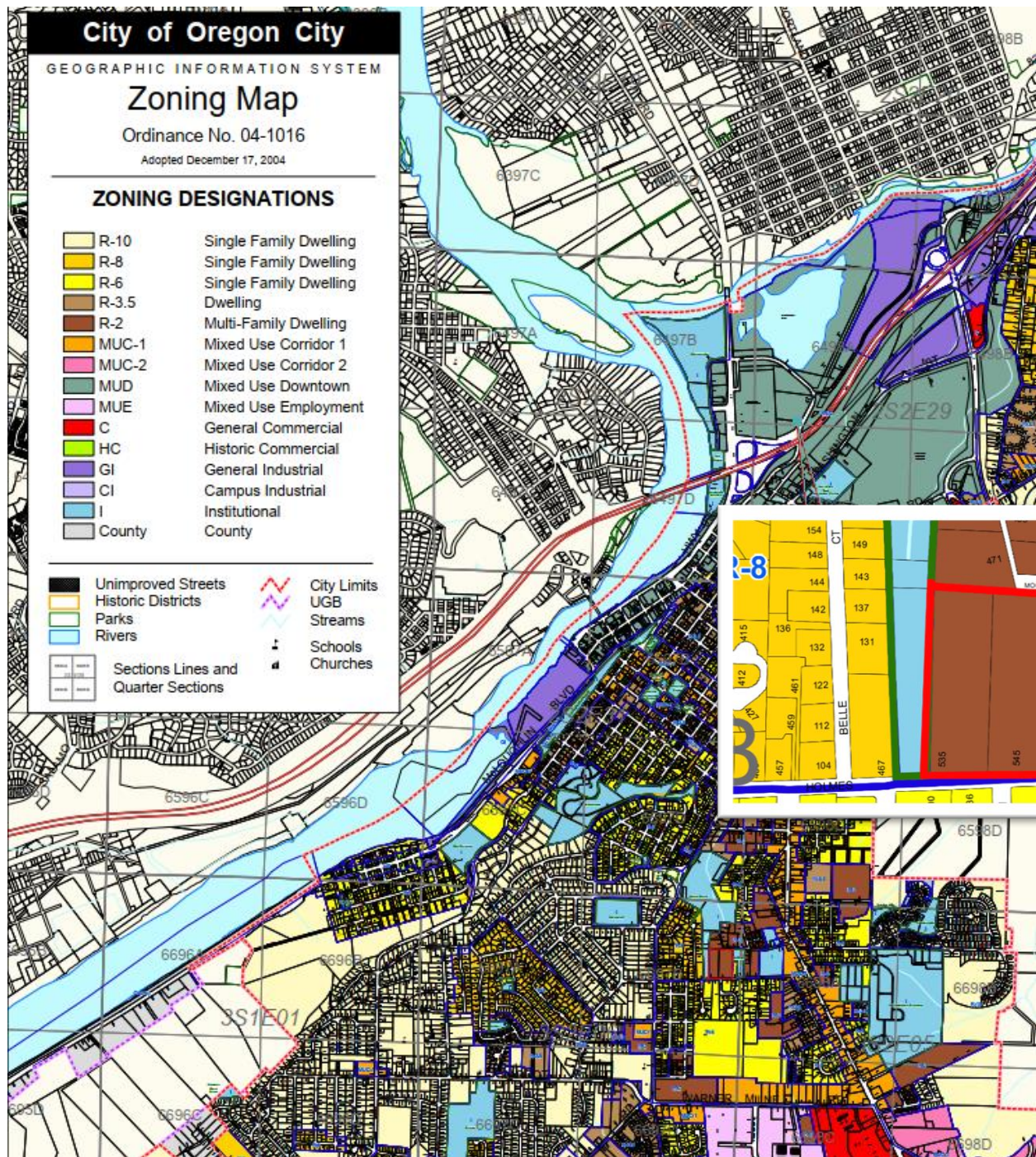
M. Family day care providers;

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.

Finding: Complies as proposed. The site consists of two single-family dwellings, each on their own lot. The Applicant is proposing to perform a Lot Line Adjustment to reduce the size of 545 Holmes Lane in which the existing single-family home will be retained. Though the circa 1930 single-family dwelling is not a permitted use, it was existing on the lot prior to 2004 when the zoning designation was changed to multi-family. The proposal will amend the size of the associated lot, but to not the use of the single-family home.



The other lot will be developed with a 60 Unit condominium development consisting of twenty-five duplex, triplex, and quad plex style buildings. As all the units will be on one tax lot (with a public street through the middle) the development meets the definition of a multi-family development, a permitted use.

17.12.040 - Dimensional standards.

Dimensional standards in the R-2 district are as follows:

Table 17.12.040

Standard**R-2***Minimum lot size¹*

- Duplex
- Single-family attached
- 3-4 plex and multifamily

4,000 sq. ft.
2,000 sq. ft.
6,000 sq. ft.

Finding: Complies as Proposed. The units are not proposed to be on separate lots. The applicant submitted a lot line adjustment that will modify the subject site by enlarging parcel 3-2E-06AA-05001 (the development site) and reducing the size of parcel 3-2E-06AA-05100. Following the property line adjustment, parcel 3-2E-06AA-05001 (multi-family) will be approximately 165,615 square feet and parcel 3-2E-06AA-05100 (single-family) will be 23,206 square feet. The tax lots will be further reduced by the dedication of right-of-way, though the resulting size will far exceed the minimum identified in this section.

*Maximum height**All, except**Multifamily*

35 ft., except
45 ft.

Finding: Complies as Proposed. Tallest structure proposed: 33' 10".

Maximum building lot coverage

85%

Finding: Complies with Condition.

Lot size: 165,615 square feet.

Building Footprints: approx. 54,653 square feet.

Lot coverage proposed: 33.09%

The existing site is developed with two single-family homes, each on its own lot. The applicant has proposed to demolish one home and all accessory buildings throughout the subject site. The demolition will result in a vacant lot and a lot with a single-family home. The above calculations demonstrate that the single-family home complies with the minimum lot coverage. The applicant shall demolish the single-family home at 535 Holmes Lane and all accessory structures on both lots prior to construction. The applicant may submit documentation demonstrating that an accessory structure on 545 Holmes Lane may be retained if the dimensional standards of the R-2 District and accessory structure standards in 17.54 are met. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*Minimum lot width**All, except**Single-family attached*

50 ft., except
20 ft.

Finding: Complies as Proposed. Smallest width proposed: approximately 268 feet and more than 100 feet.

*Minimum lot depth**All, except**Multifamily*

70 ft., except
75 ft.

Finding: Complies as Proposed. Smallest depth proposed: approximately 475 feet and 188 feet.

Minimum front yard setback

5 ft., except
0 ft. - Porch

Finding: Complies as Proposed. Smallest front setback proposed: approximately 12 feet.

Maximum front yard setback

20 ft.

Largest front setback proposed: OCMC 17.62.055.D., authorizes a larger front setback in conjunction with mitigation. The largest setback proposed is approximately 25 feet with design mitigation as authorized in 17.62.055. The front yard setback for the existing home will only be changed by any dedication.

Minimum interior side yard setback

All, except

Single-family attached

5 ft.¹
0 ft. (attached) / 5 ft.
(side)

Finding: Complies as Proposed. Smallest interior side yard setback proposed: 5.38' (unit 53).

Minimum corner side yard setback

5 ft.

Finding: Complies as Proposed. Smallest corner side setback proposed: 6' 7 ¾" (unit 13).

Minimum rear yard setback

10 ft.¹, except
5 ft. - Porch

Finding: Complies as Proposed. Smallest rear setback proposed: 10.19' (unit 15).

Garage setbacks

20 ft. from ROW,
except
5 ft. from alley

Finding: Complies as Proposed. Smallest garage setback proposed: twenty feet. The front yard setback for the existing home will only be changed by any dedication.

Minimum required landscaping (including landscaping within a parking lot)

15%

Finding: Complies with condition. The applicant did not provide a calculation for overall site landscaping, however, it appears that the amount of proposed landscaping will far exceed the minimum requirement of 15% based on initial calculations by staff as shown below. The applicant shall provide a revised landscaping plan indicating the percentage of landscaping is a minimum of 15% for both proposed lots prior to issuance of a building permit.

Lot size: 165,615 square feet

Square Feet of Landscaping: 50,318 square feet (approx. based on preliminary stormwater report pervious area)

Percentage: approx. 30%

The applicant can meet this standard by complying with the conditions of approval.

Notes:

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.

Finding: Complies with condition. The applicant proposed a three-foot wide landscaping strip abutting the R-6 zoned parcel to the east of the subject site (parcel 3-2E-06AA-05201), which does not meet the standard. A public comment was also made regarding this standard. The applicant shall revise the proposed design to create a minimum of 10 foot width landscaped area between 3-2-E-06AA-5001 and 3-2E-06AA-5201. This revision will also affect the location of the drive aisles and units 1-5, however the applicant believes that they can maintain compliance with applicable standards. Prior to issuance of building permits, the applicant shall provide a revised site plan with a minimum of 10 foot width landscaped area between 3-2-E-06AA-5001 and 3-2E-06AA-5201. The revisions shall comply with all requirements of the Oregon City Municipal Code. A revised landscaping plan shall also be submitted. **The applicant can meet this standard by complying with the conditions of approval.**

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.

Finding: Complies with Conditions. It is anticipated that some of the proposed units may have building projections such as cornices, eaves, overhangs, canopies, sunshades, gutters, chimneys, flues, sills, or similar architectural features projecting into the required yards by up to twenty-four inches. The applicant shall demonstrate that projections from buildings comply with OCMC 17.12.045. **The applicant can meet this standard by complying with the conditions of approval.**

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.

Finding: Complies as Proposed. Per the definition in OCMC 17.04.1280, "Through lot" means a lot having frontage on two streets that are not alleys. The site with the proposed multi-family meets the definition by having frontage on Mountain View Avenue and Holmes Lane. The applicant exceeds the minimum front setback on both frontages with proposed twenty-foot setbacks along Holmes Lane and a ten-foot setback along Mountainview Street.

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.

Finding: Complies as Proposed. In calculating the density for the proposed 60-unit condominium project, Sections 17.04.808 and 17.04.810 of the Code define Net density and Net developable area to mean the number of dwelling units divided by the net developable area, as measured in acres. The net developable area, as defined in Section 17.04.810, "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.

The net developable area is calculated below.

Deductions from Gross Square Footage:

Holmes Lane right-of-way	2,796 Sq. Ft.
New Public Street right-of-way	26,269 Sq. Ft.
Mountain View St. right-of-way	1,112 Sq. Ft.
Public Open Space	6,232 Sq. Ft.
Private Open Space	1,200 Sq. Ft.
Water Quality	4,922 Sq. Ft.
Total =	42,531 Sq. Ft. in Deductions

Gross Square Footage	165,615 Sq. Ft.
-Deductions	42,531 Sq. Ft.
Net Square Footage =	123,084 Sq. Ft. or 2.82 Net Acres

In this case, there are 123,084 Sq. Ft. or 2.82 net buildable acres because of right-of-way dedications, open space areas, and water quality areas are all excluded in the overall calculation of net buildable acreage. Calculating net density per the dimensional standards listed above provides for up to 61 units (123,084 Sq. Ft. divided by 2,000 Sq. Ft. (single-family attached) = 61.5 or 62 units). The Applicant's proposal is for 60 units, which is slightly below the maximum allowed in the R-2 zone, thus satisfying the density requirements.

An affordable housing density bonus was not proposed.

CHAPTER 17.41 – TREE PROTECTION, PRESERVATION, REMOVAL AND REPLANTING STANDARDS

17.41.020 - Tree protection—Applicability.

1. *Applications for development subject to OCMC 16.08 (Land Divisions) or OCMC 17.62 (Site Plan and Design Review) shall demonstrate compliance with these standards as part of the review proceedings for those developments. Compliance with this chapter is required from the date a land use application is filed until a land division is recorded or other development approval is final.*
2. *For public capital improvement projects, the City Engineer shall demonstrate compliance with these standards pursuant to a Type I process.*
3. *Tree canopy removal greater than twenty-five percent on areas with greater than twenty-five percent slope, unless exempted under OCMC 17.41.040, shall be subject to these standards.*

4. *A heritage tree or grove which has been designated pursuant to the procedures of OCMC 12.32 shall be subject to the standards of this section.*

5. *A tree that has been planted pursuant to this section shall remain or shall be replaced with a new tree if removed.*

Finding: Applicable. The property located at 535 Holmes Lane after the Lot Line Adjustment is seeking an application for site plan and design review, therefore, this chapter applies to the reconfigured 535 Holmes Lane. The reconfigured 545 Holmes Lane is not seeking site plan and design review and thus this chapter does not apply to the reconfigured lot.

17.41.030 - Tree protection—Conflicting code provisions.

Except as otherwise specified in this section, where these standards conflict with adopted city development codes or policies, the provision which provides the greater protection for regulated trees or groves, as defined in OCMC 17.04, shall govern.

Finding: Not applicable. No conflicting code provisions are apparent.

17.41.040 - Exemptions.

These regulations are not intended to regulate normal cutting, pruning and maintenance of trees on private property except where trees are located on lots that are undergoing development review or are otherwise protected within the Natural Resource Overlay District (NROD) of OCMC 17.49. These standards are not intended to regulate farm and forest practices as those practices are defined under ORS 30.930, for farm or forestlands. These regulations to not apply to the removal of trees that are considered invasive species. An applicant for development may claim exemption from compliance with these standards if the development site containing the regulated grove or trees was a designated farm or forest use, tree farm, Christmas tree plantation, or other approved timber use within one year prior to development application. "Forest practices" and "forestlands" as used in this subsection shall have the meaning as set out in ORS 30.930. The Community Development Director has the authority to modify or waive compliance in this case.

Finding: Not applicable. The applicant did not seek exemption from the standards. The property is not within the Natural Resources Overlay District, nor is the applicant claiming exemption from the standards under ORS 30.390. There are no farm or forest practices existing or proposed.

17.41.050 - Compliance options.

Applicants for review shall comply with these requirements through one or a combination of the following procedures:

- A. Option 1—Mitigation. Retention and removal of trees, with subsequent mitigation by replanting pursuant to OCMC 17.41.060.*
- B. Option 2—Dedicated Tract. Protection of trees or groves by placement in a tract within a new subdivision or partition plat pursuant to OCMC 17.41.080; or*
- C. Option 3—Restrictive Covenant. Protection of trees or groves by recordation of a permanent restrictive covenant pursuant to OCMC 17.41.110; or*
- D. Option 4—Cash-in-lieu of planting pursuant to OCMC 17.41.120.*

Finding: Complies with conditions. The Applicant proposes meeting the tree protection, preservation, removal and replanting standards through options 1 and 4 above. Except for the existing vegetation and trees to remain at 535 Holmes Lane after the lot line adjustment, the remainder of the existing trees are proposed to be removed to accommodate the proposed development. The Applicant is requesting to pay a cash-in-lieu of planting pursuant to OCMC 17.41.120. This option is only available if the applicant can demonstrate that the site cannot physically accommodate additional tree plantings. The applicant did not submit a tree retention, removal, and replanting plan for review and further the plans submitted appear

to not accurately reflect the existing conditions and the number of trees proposed to be removed. For example, the existing conditions plan indicates that an existing hedge will be protected, but the hedge is not identified on the plans and public comment was received regarding trees which did not appear on the existing conditions plan. Prior to issuance of a permit associated with the proposed development, the applicant shall submit a revised mitigation plan, which includes a calculation for the number of mitigation trees required in accordance with Table 17.41.060-1. The applicant will be allowed to pay a fee-in-lieu, or plant off-site any trees that cannot be accommodated onsite. **The applicant can meet this standard by complying with the conditions of approval.**

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

A. Applicants for development who select this option shall ensure that all healthy trees shall be preserved outside the construction area as defined in OCMC 17.04 to the extent practicable. Preserved trees are subject to Option 3 of this Chapter. Compliance with these standards shall be demonstrated in a tree mitigation plan report prepared by a certified arborist, horticulturalist or forester or other environmental professional with experience and academic credentials in forestry or arboriculture. Tree inventories for the purposes of mitigation calculations may be prepared by a licensed surveyor. At the applicant's expense, the City may require the report to be reviewed by a consulting arborist. The number of replacement trees required on a development site shall be calculated separately from, and in addition to, any public or street trees in the public right-of-way required under OCMC 12.08— Public and Street Trees, any required tree planting in parking lots, and any trees planted in pedestrian and bicycle accessways.

Finding: Complies with conditions. The applicant did not submit a tree retention, removal, and replanting plan for review prepared by a certified arborist, horticulturalist or forester or other environmental professional with experience and academic credentials in forestry or arboriculture. Prior to issuance of a permit associated with the proposed development, the applicant shall submit a tree retention, removal and replanting or mitigation plan prepared in accordance with OCMC 17.41, which includes a calculation for the number of mitigation trees required in accordance with this standard and Table 17.41.060-1. As stated in this code section, the number of replacement trees required on a development site shall be calculated separately from, and in addition to, any public or street trees in the public right-of-way required under OCMC 12.08— Public and Street Trees, any required tree planting in parking lots, and any trees planted in pedestrian and bicycle accessways. The city may accept fee-in-lieu of planting or off-site planting of trees for any mitigation trees that cannot be replanted on-site due to lack of available area. **The applicant can meet this standard by complying with the conditions of approval.**

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

1. Trees that are removed outside of the construction area shall be replanted with the number of trees specified in Column 1 of Table 17.41.060-1. Trees that are removed within the construction area shall be replanted with the number of replacement trees required in Column 2; or

2. Dying, diseased or hazardous trees, when the condition is verified by a certified arborist to be consistent with the definitions in OCMC 17.04, may be removed from the tree replacement calculation. Dead trees may also be removed from the calculation, with the condition of the tree verified either by the Community Development Director or by a certified arborist at the applicant's expense, when the Community Development Director cannot make a determination. To the extent that the Community Development Director determines that the dead, dying, hazardous or diseased condition of the tree is the result of intentional action, the removal of that tree shall require mitigation pursuant to Column 2 of Table 17.41.060-1.

Finding: Complies with conditions. See finding under 17.41.060.A. **The applicant can meet this standard by complying with the conditions of approval.**

*Table 17.41.060-1
Tree Replacement Requirements*

Size of tree removed (DBH)	Column 1 Number of trees to be planted. (If removed Outside of construction area)	Column 2 Number of trees to be planted. (If removed Within the construction area)
6 to 12"	3	1
13 to 18"	6	2
19 to 24"	9	3
25 to 30"	12	4
31 and over"	15	5

Steps for calculating the number of replacement trees:

1. Count all trees measuring six inches DBH (minimum four and one-half feet from the ground) or larger on the entire development site.
2. Designate the size (DBH) of all trees pursuant to accepted industry standards.
3. Document in a certified arborist report any trees that are currently dead, dying, diseased or hazardous.
4. Subtract the number of dead, dying, diseased or hazardous trees in step 3 from the total number of trees on the development site in step 1. The remaining number is the number of healthy trees on the site. Use this number to determine the number of replacement trees in steps 5 through 8.
5. Identify the construction area (as defined in OCMC 17.04.230).
6. Determine the number and diameter of trees to be removed within the construction area. Based on the size of each tree, use Column 2 to determine the number of replacement trees required.
7. Determine the number and diameter of trees to be removed outside of the construction area. Based on the size of each tree, use Column 1 to determine the number of replacement trees required.
8. Determine the total number of replacement trees from steps 6 and 7.

Finding: Complies with conditions. See finding under 17.41.060.A. **The applicant can meet this standard by complying with the conditions of approval.**

C. Planting area priority for mitigation.

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

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

Finding: Complies with conditions. See finding under 17.41.060.A. **The applicant can meet this standard by complying with the conditions of approval.**

D. Replacement tree planting standards.

1. All replacement trees shall be either two-inch caliper deciduous or six-foot high conifer.
2. Replacement tree species shall be approved by a landscape architect or certified arborist or shall be found on the City's Native Plant or Street Tree lists.
3. Due to their diminishing range in the region, Oregon white oak (*Quercus garryana*) trees, if removed, shall be replaced by the same species.

E. All existing tree(s) in the tract shall be protected by a permanent restrictive covenant or easement approved in form by the City.

Finding: Complies with conditions. See finding under 17.41.060.A. **The applicant can meet this standard by complying with the conditions of approval.**

F. *Alternative mitigation plan.*

The Community Development Director may, subject to a Type II procedure, approve an alternative mitigation plan that adequately protects habitat pursuant to the standards for the Natural Resource Overlay District alternative mitigation plan in OCMC 17.49.190.

Finding: Not applicable. The applicant did not propose an alternative mitigation plan. The site is not within the Natural Resource Overlay District.

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

Finding: Not applicable. The applicant has not proposed to use Option 2.

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

Finding: Not applicable. The applicant has not proposed to use Option 3.

A. *Permitted adjustments.*

1. The Community Development Director, pursuant to a Type II procedure, may grant an adjustment to the side, front and rear yard setback standards by up to fifty percent if necessary to retain a Regulated Tree or Grove through a restrictive covenant pursuant to this section. In no case may the side yard setback be reduced to less than three feet. The adjustment shall be the minimum necessary to accomplish preservation of trees on the lot and shall not conflict with other conditions imposed on the property.
2. The City Engineer may grant an adjustment to street standards, pursuant to adopted public works standards, in order to preserve a tree. This may include flexibility to redesign sidewalk and planter strip sizes and locations and allow placement of sidewalks and planter strips in an easement within private lots.
3. The Community Development Director, pursuant to a Type II procedure, may allow other adjustments in order to preserve any healthy tree that cannot be moved due to its size, but will contribute to the landscape character of the area and will not present a foreseeable hazard if retained.

Finding: Not applicable. The applicant has not proposed any reductions in side, front or rear setbacks, modification of street standards, or any other adjustments in order to preserve trees.

17.41.120 - *Cash-in-lieu of planting (Option 4).*

The applicant may choose this option in-lieu-of or in addition to Compliance Options 1 through 3. In this case, the Community Development Director may approve the payment of cash-in-lieu into a dedicated fund for the remainder of trees that cannot be replanted in the manner described above.

The cash-in-lieu payment per required mitigation tree shall be as listed on the adopted fee schedule and shall be adjusted annually based on the Consumer Price Index. The price shall include 150% of the cost of materials, transportation and planting.

Finding: Complies with conditions. See finding under 17.41.060.A.

17.41.130 - *Regulated tree protection procedures during construction.*

A. No permit for any grading or construction of public or private improvements may be released prior to verification by the Community Development Director that regulated trees designated for protection or conservation have been protected according to the following standards. No trees designated for removal shall be removed without prior written approval from the Community Development Director.

B. Tree protection shall be as recommended by a qualified arborist or, as a minimum, to include the following protective measures:

1. Except as otherwise determined by the Community Development Director, all required tree protection measures set forth in this section shall be instituted prior to any development activities, including, but not limited to clearing, grading, excavation or demolition work, and such measures shall be removed only after completion of all construction activity, including necessary landscaping and irrigation installation, and any required plat, tract, conservation easement or restrictive covenant has been recorded.
2. Approved construction fencing, a minimum of four feet tall with steel posts placed no farther than ten feet apart, shall be installed at the edge of the tree protection zone or dripline, whichever is greater. An alternative may be used with the approval of the Community Development Director.
3. Approved signs shall be attached to the fencing stating that inside the fencing is a tree protection zone, not to be disturbed unless prior approval has been obtained from the Community Development Director.
4. No construction activity shall occur within the tree protection zone, including, but not limited to; dumping or storage of materials such as building supplies, soil, waste items; nor passage or parking of vehicles or equipment.
5. The tree protection zone shall remain free of chemically injurious materials and liquids such as paints, thinners, cleaning solutions, petroleum products, and concrete or dry wall excess, construction debris, or run-off.
6. No excavation, trenching, grading, root pruning or other activity shall occur within the tree protection zone unless directed by an arborist present on site and approved by the Community Development Director.
7. No machinery repair or cleaning shall be performed within ten feet of the dripline of any trees identified for protection.
8. Digging a trench for placement of public or private utilities or other structure within the critical root zone of a tree to be protected is prohibited. Boring under or through the tree protection zone may be permitted if approved by the Community Development Director and pursuant to the approved written recommendations and on-site guidance and supervision of a certified arborist.
9. The Community Development Director may require that a certified arborist be present during any construction or grading activities that may affect the dripline of trees to be protected.
10. The Community Development Director may impose conditions to avoid disturbance to tree roots from grading activities and to protect trees and other significant vegetation identified for retention from harm. Such conditions may include, if necessary, the advisory expertise of a qualified consulting arborist or horticulturist both during and after site preparation, and a special maintenance/management program to provide protection to the resource as recommended by the arborist or horticulturist.

C. Changes in soil hydrology due to soil compaction and site drainage within tree protection areas shall be avoided. Drainage and grading plans shall include provision to ensure that drainage of the site does not conflict with the standards of this section. Excessive site run-off shall be directed to appropriate storm drainage facilities and away from trees designated for conservation or protection.

Finding: Complies with conditions. The applicant did not respond to this criterion. Prior to issuance of development permits the applicant shall submit documentation demonstrating compliance with the tree protection standards in OCMC 17.41.130. **The applicant can meet this standard by complying with the conditions of approval.**

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.

Finding: Complies. The applicant applied for and attended three pre-application conferences to discuss the proposed development with staff (PA-19-00045, PA-19-00065 and PA-20-00016). PA-20-00016 was held on May 5, 2020. The Community Development Director waived a fourth pre-application conference since neither the applicant's proposal nor the applicable development standards had changed significantly. The land use application was filed January 11, 2021.

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. The applicant attended a virtual meeting with members of the Barclay Hills Neighborhood Association on November 10, 2021. A copy of the email, sign-in sheet, and minutes was provided.

17.50.090 - Public notices.

All public notices issued by the city announcing applications or public hearings of quasi-judicial or legislative actions, shall comply with the requirements of this section.

A. Notice of Type II Applications. Once the community development director has deemed a Type II application complete, the city shall prepare and send notice of the application, by first class mail, to all record owners of property within three hundred feet of the subject property and to any city-recognized neighborhood association whose territory includes the subject property. The applicant shall provide or the city shall prepare for a fee an accurate and complete set of mailing labels for these property owners and for posting the subject property with the city-prepared notice in accordance with OCMC [17.50.100](#).

The city's Type II notice shall include the following information:

- 1. Street address or other easily understood location of the subject property and city-assigned planning file number;*
- 2. A description of the applicant's proposal, along with citations of the approval criteria that the city will use to evaluate the proposal;*
- 3. A statement that any interested party may submit to the city written comments on the application during a fourteen-day comment period prior to the city's deciding the application, along with instructions on where to send the comments and the deadline of the fourteen-day comment period;*
- 4. A statement that any issue which is intended to provide a basis for an appeal shall be raised in writing during the fourteen-day comment period with sufficient specificity to enable the city to respond to the issue;*
- 5. A statement that the application and all supporting materials may be inspected, and copied at cost, at city hall during normal business hours;*
- 6. The name and telephone number of the planning staff person assigned to the application or is otherwise available to answer questions about the application;*
- 7. The notice shall state that a city-recognized neighborhood association requesting an appeal fee waiver pursuant to OCMC 17.50.290.C must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal.*

Finding: Complies. Notice of the proposed development was provided in accordance with this section on May 10, 2021 with a comment deadline of May 24, 2021. Due to the addition of new information by the applicant after the public notice was sent (consisting of slight revisions to the street facing facades of some of the units), a second public notice was provided on May 21, 2021 with a comment deadline of June 4, 2021. The Planning Division office was closed the last day of the public comment period. Though comments were able to be received via mail, email, and at other city facilities such as City Hall (in which one was submitted on that day and included within the record), the city has a practice of not ending a public comment period on a day the Planning Division office is closed. After hearing concern that the

office was closed from the chair of the neighborhood association on June 4th, an email was sent to the chair and vice chair of the neighborhood association letting them know that the comment period would be extended to June 7th. No additional comments were received during this extended time period.

17.50.100 - Notice posting requirements.

Where this chapter requires notice of a pending or proposed permit application or hearing to be posted on the subject property, the requirements of this section shall apply.

A. City Guidance and the Applicant's Responsibility. *The City shall supply all of the notices which the applicant is required to post on the subject property and shall specify the dates the notices are to be posted and the earliest date on which they may be removed. The City shall also provide a statement to be signed and returned by the applicant certifying that the notice(s) were posted at the correct time and that if there is any delay in the City's land use process caused by the applicant's failure to correctly post the subject property for the required period of time and in the correct location, the applicant agrees to extend the applicable decision-making time limit in a timely manner.*

B. Number and Location. *The applicant shall place the notices on each frontage of the subject property. If the property's frontage exceeds six hundred feet, the applicant shall post one copy of the notice for each six hundred feet or fraction thereof. Notices do not have to be posted adjacent to alleys or unconstructed right-of-way. Notices shall be posted within ten feet of the street and shall be visible to pedestrians and motorists. Notices shall not be posted within the public right-of-way or on trees. The applicant shall remove all signs within ten days following the event announced in the notice.*

Finding: Complies. The property was posted with land use notices on May 10, 2021 and again on May 21, 2021. The notices were posted within ten feet of the street and were visible to pedestrians and motorists. The initial location was chosen at the direction of staff so that it would be visible from the intersection of Rilance Lane and Holmes Lane, however, the sign was slightly obscured by vegetation when viewed from the east. Though slightly obscured, the sign was visible to both pedestrians and motorists. Due to a complaint about the visibility of the Holmes Lane notice due to vegetation, staff relocated the notice on 5/26/2021, relocating it slightly further to the west.



17.50.140 – Financial guarantees.

When conditions of permit approval require a permittee to construct certain public improvements, the City shall require the permittee to provide financial guarantee for construction of the certain public improvements. Financial guarantees shall be governed by this section.

A. Form of Guarantee. *Guarantees shall be in a form approved by the City Attorney. Approvable forms of guarantee include irrevocable standby letters of credit to the benefit of the City issued by a recognized*

lending institution, certified checks, dedicated bank accounts or allocations of construction loans held in reserve by the lending institution for the benefit of the City. The form of guarantee shall be specified by the City Engineer and, prior to execution and acceptance by the City shall be reviewed and approved by the City Attorney. The guarantee shall be filed with the City Engineer.

B. Performance Guarantees. A permittee shall be required to provide a performance guarantee as follows.

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

2. Before Complete Design Approval and Established Engineered Cost Estimate: The City may request a permittee to submit a Performance Guarantee for construction of certain public improvements. A permittee may request the option of submitting a performance guarantee before public improvements are designed and completed. The guarantee shall be one hundred fifty percent of the estimated cost of constructing the public improvements as submitted by the permittee's engineer and approved by the City Engineer. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the City Engineer.

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

D. Fee-in-lieu. When conditions of approval or the City Engineer allows a permittee to provide a fee-in-lieu of actual construction of public improvements, the fee shall be one hundred fifty percent of the estimated cost of constructing the public improvements as submitted by the permittee's engineer and approved by the City Engineer. The percentage required is to ensure adequate funds for the future work involved in design, bid, contracting, and construction management and contract closeout. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the City Engineer. The fee-in-lieu shall be submitted as cash, certified check, or other negotiable instrument acceptable by the City Attorney.

Finding: Complies as conditioned. Performance Guarantee which is equal to 120% of the estimated cost for construction of public improvements as shown in city approved construction plans shall be provided prior to receiving a permit and beginning construction. The estimated costs shall be supported by a verified engineering estimate and approved by the city engineer. The guarantee shall be in a form identified in Code 17.50.140.A of the Oregon City Municipal Code. The guarantee shall remain in effect until the construction of all required improvements are completed and accepted by the city. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.50.141 – Public improvements – Warranty

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. The warranty is to be used at the discretion of the City Engineer or designee to correct deficiencies in materials or maintenance of constructed public infrastructure, or to address any failure of engineering design.

A. *Duration of Warranty. Responsibility for maintenance of public improvements shall remain with the property owner or developer for a warranty period of two years.*

B. *Financial Guarantee. Approvable forms of guarantee include irrevocable standby letters of credit to the benefit of the City issued by a recognized lending institution, bond, certified checks, dedicated bank accounts or allocations of construction loans held in reserve by the lending institution for the benefit of the City. The form of guarantee shall be specified by the City Engineer and, prior to execution and acceptance by the City shall be reviewed and approved by the City Attorney. The guarantee shall be filed with the City Engineer.*

C. *Amount of Warranty. The amount of the warranty shall be equal to fifteen percent of the estimated cost of construction of all public improvements (including those improvements that will become owned and maintained by the City at the end of the two year maintenance period), and shall be supported by a verified engineering estimate and approved by the City Engineer. Upon expiration of the warranty period and acceptance by the City as described below, the City shall be responsible for maintenance of those improvements.*

D. *Transfer of Maintenance. The City will perform an inspection of all public improvements approximately forty-five days before the two-year warranty period expires. The public improvements shall be found to be in a clean, functional condition by the City Engineer before acceptance of maintenance responsibility by the City. Transfer of maintenance of public improvements shall occur when the City accepts the improvements at the end of the two year warranty period. **Finding: Complies as conditioned.** Maintenance Guarantee equal to fifteen percent of the estimated cost for construction of public improvements as shown in city approved construction plans shall be provided prior to occupancy. The estimated costs shall be supported by a verified engineering estimate approved by the City Engineer. The guarantee shall be in a form identified in Code 17.50.140.A of the Oregon City Municipal Code. The maintenance guarantee shall warrant to the City of Oregon City that construction of public improvements will remain, for a period of twenty-four (24) months from the date of acceptance, free from defects in materials and workmanship. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.***

CHAPTER 17.52 OFF-STREET PARKING AND LOADING

The following applies to the proposed multi-family development.

17.52.010 - Applicability.

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

Finding: Applies. The proposal is for a multi-family development proposal.

17.52.020 - Number of automobile spaces required.

A. *The number of parking spaces shall comply with the minimum and maximum standards listed in Table 17.52.020. The parking requirements are based on spaces per one thousand square feet net leasable area unless otherwise stated.*

Table 17.52.020		
LAND USE	PARKING REQUIREMENTS	
	MINIMUM	MAXIMUM
Multifamily Residential	1.00 per unit	2.5 per unit

1. *Multiple Uses. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.*

Finding: Complies with Condition. The proposal meets the definition of multifamily residential because it includes 5 or more units on one lot. Though the development extends across both sides of public roadway, the development is on a single lot. Pursuant to the minimum and maximum standards listed in Table 17.52.020, the minimum parking requirement is 1.00 off-street parking space per unit, and the maximum parking requirement is 2.50 off-street parking spaces per unit. Based on these requirements, the minimum off-street parking requirement for the Applicant's proposal is 60, and the maximum off-street parking requirement is 150. The Applicant is proposing 116 off-street parking spaces consisting of a combination of single car garages for each unit, driveways of at least 20 feet in length for units 14-60, and 9 spaces in the drive aisle. In addition there are an additional 31 spaces within the public street (which do not have to be counted toward off-street parking). The Applicant's proposal exceeds the minimum off-street parking requirement for multi-family development per Table 17.52.020. The applicant may reduce the number of on or off-street parking provided as needed in order to accommodate for the revisions to allow for the enlarged landscaped buffer with the adjoining site. **The applicant can meet this standard by complying with the conditions of approval.**

2. *Requirements for types of buildings and uses not specifically listed herein shall be determined by the Community Development Director, based upon the requirements of comparable uses listed.*

Finding: Not applicable. The use is listed in Table 17.52.020.

3. *Where calculation in accordance with the above list results in a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall require one space.*

Finding: Complies as Proposed. Fractions were rounded in accordance with this chapter.

4. *Fleet vehicle parking shall be accommodated within the maximum parking ratio, except that in GI, CI, and MUE zones, fleet vehicle parking may be included in a parking lot in addition to the maximum number of permitted parking spaces.*

Finding: Not applicable. The proposal does not include fleet vehicles.

5. *A change in use within an existing habitable building located in the MUD Design District or the Willamette Falls Downtown District is exempt from additional parking requirements. Additions to an existing building and new construction are required to meet the minimum parking requirements for the areas as specified in Table 17.52.020 for the increased square footage.*

Finding: Not applicable. The proposal is not within the MUD or WFD districts.

B. *Parking requirements can be met either onsite, or offsite by meeting one or multiple of the following conditions:*

1. *Parking may be located on the same site as the associated use which it is supporting.*

Finding: Complies as Proposed. The parking lot is located on the same site as the use it is supporting.

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

Finding: Not applicable. The proposal does not include a mix of uses.

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

Finding: Not applicable. The applicant has not proposed shared parking.

4. *On-Street Parking.* On-street parking may be counted toward the minimum standards when it is on the street face abutting the subject land use. An on-street parking space shall not obstruct a required clear vision area and it shall not violate any law or street standard. On-street parking for commercial uses shall conform to the following standards:

a. *Dimensions.* The following constitutes one on-street parking space:

1. *Parallel parking:* twenty-two feet of uninterrupted and available curb;

2. *Forty-five and/or sixty-degree diagonal parking:* Fifteen feet of curb;

3. *Ninety-degree (perpendicular) parking:* Twelve feet of curb.

4. *Public Use Required for Credit.* On-street parking spaces counted toward meeting the parking requirements of a specific use may not be used exclusively by that use, but shall be available for general public use at all times. Signs or other actions that limit general public use of on-street spaces are prohibited.

Finding: Complies as proposed. The applicant has not proposed to utilize on-street parking stalls to meet the minimum parking requirements. All parking requirements will be met using private driveways, parking along the drive aisle, and garages for the units.

C. *Reduction of the Number of the Minimum Automobile Spaces Required.* Any combination of the reductions below is permitted unless otherwise noted.

1. *Downtown Parking Overlay.* The minimum required number of parking stalls is reduced within the Downtown Parking Overlay by fifty percent.

2. *Transit Oriented Development.* For projects not located within the Downtown Parking Overlay District, the minimum required number of parking stalls is reduced up to twenty-five percent when:

a. *In a commercial center* (sixty thousand square feet or greater of retail or office use measured cumulatively within a five hundred foot radius) or

b. *When adjacent to multi-family development with over eighty units* or

c. *Within 1,320 feet of an existing or planned public transit street and within 1,320 feet of the opposite use* (commercial center or multi-family development with over eighty units).

3. *Tree Preservation.* The Community Development Director may grant an adjustment to any standard of this requirement provided that the adjustment preserves a designated heritage tree or grove so that the reduction in the amount of required pavement can help preserve existing healthy trees in an undisturbed, natural condition.

4. *Transportation Demand Management.* The Community Development Director shall reduce the required number of parking stalls up to twenty-five percent when a parking-traffic study prepared by a traffic

engineer demonstrates alternative modes of transportation, including transit, bicycles, and walking, and/or special characteristics of the customer, client, employee or resident population will reduce expected vehicle use and parking space demand for this development, as compared to standard Institute of Transportation Engineers vehicle trip generation rates and further that the transportation demand management program promotes or achieves parking utilization lower than minimum city parking requirements.

A transportation demand management (TDM) program shall be developed to include strategies for reducing vehicle use and parking demand generated by the development and will be measured annually. If, at the annual assessment, the City determines the plan is not successful, the plan may be revised. If the City determines that no good-faith effort has been made to implement the plan, the City may take enforcement actions.

5. The minimum required number of stalls may be reduced by up to ten percent when the subject property is adjacent to an existing or planned fixed public transit route or within one thousand feet of an existing or planned transit stop.

Finding: Not applicable. The applicant did not request a reduction in the minimum automobile space required.

17.52.030 - Standards for automobile parking.

A. Access. Ingress and egress locations on public thoroughfares shall be located in the interests of public traffic safety and meet requirements of OCMC 16.12.035. Groups of more than four parking spaces shall be so located and served by driveways so that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley.

Finding: Complies as proposed. Analysis of ingress and egress was analyzed in the submitted transportation impact study for public streets. Please refer to findings under OCMC 16.12.035.

No access from individual units is proposed directly onto the new public street. A private drive aisle would serve as access to the garages for 13 units located along the east part of the development. The access for this driveway is near the east property boundary and about 70 feet from the new public street intersection established at Mountainview Street. All access to individual units is to the internal private street system, which functions similar to drive aisles in a traditional multi-family development.

Since all of the units will be accessed by private drive aisles, there will be no backing movements or other maneuvering within any public street rights-of-way.

B. Surfacing. Required off-street parking spaces and access aisles shall have paved surfaces adequately maintained. The use of pervious asphalt/concrete and alternative designs that reduce storm water runoff and improve water quality pursuant to the City's stormwater and low impact development design standards are encouraged.

Finding: Complies as proposed. The applicant has proposed paved surfaces for all off-street parking spaces and access aisles.

C. Drainage. Drainage shall be designed in accordance with the requirements of OCMC 13.12 and the City public works stormwater and grading design standards.

Finding: See findings from section 13.12 of this report.

D. Dimensional Standards.

1. Requirements for parking developed at varying angles are according to the table included in this section. A parking space shall not be less than seven feet in height when within a building or structure, and

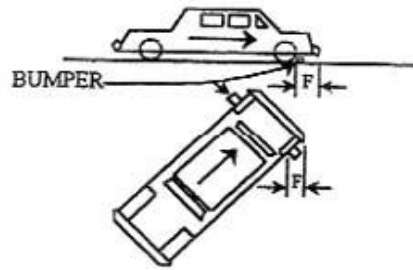
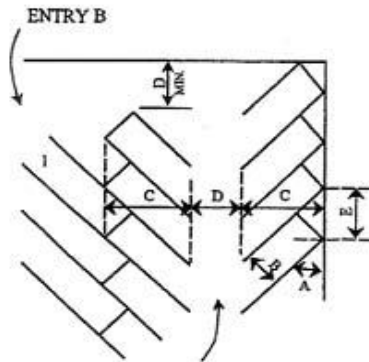
shall have access by an all-weather surface to a street or alley. Parking stalls in compliance with the American with Disabilities Act may vary in size in order to comply with the building division requirements. Up to thirty-five percent of the minimum required parking may be compact, while the remaining required parking stalls are designed to standard dimensions. The Community Development Director may approve alternative dimensions for parking stalls in excess of the minimum requirement which comply with the intent of this chapter.

PARKING STANDARD

PARKING ANGLE SPACE DIMENSIONS

A Parking Angle		B Stall Width	C Stall to Curb	D Aisle Width	E Curb Length	F Overhang
0 degrees		8.5	9.0	12	20	0
30 degrees	Standard Compact	9' 8'	17.3' 14.9'	11' 11'	18' 16'	
45 degrees	Standard Compact	8.5 8.5	19.8' 17.0'	13' 13'	12.7' 11.3'	1.4
60 degrees	Standard Compact	9' 8'	21' 17.9'	18' 16'	10.4' 9.2'	1.7
90 degrees	Standard Compact	9' 8'	19.0' 16.0'	24' 22'	9' 8'	1.5

All dimensions are to the nearest tenth of a foot.



Finding: Complies with Condition. The proposal includes an alternative parking/landscaping plan, please refer to 17.52.030.D.2. **The applicant can meet this standard by complying with the conditions of approval.**

2. *Alternative parking/plan.* Any applicant may propose an alternative parking plan. Such plans are often proposed to address physically constrained or smaller sites, however innovative designs for larger sites may also be considered. In such situations, the Community Development Director may approve an alternative parking lot plan with variations to parking dimensions of this section. The alternative shall be consistent with the intent of this chapter and shall create a safe space for automobiles and pedestrians while providing landscaping to the quantity and quality found within parking lot landscaping requirements.

Finding: Complies with conditions. The applicant proposed an innovative design for the multi-family development. Rather a central parking lot adjacent to a building or series of buildings containing multi-family dwellings, the proposed design is intended to mimic that of a subdivision with duplexes, triplexes,

[illegible]

connected to each unit as well as an adjacent exterior parking stall in front of the garage designed to mimic a driveway of a typical row house or single-family dwelling for units 14-60. Additional parking is currently identified within the public right-of-way and along the drive aisle (identified as a private street on the plans) which is designed to look like on-street parking. The proposed site plan indicates a variety of off-street parking stalls with the following dimensions:

Garages (60): 8' x 18'

Driveway (47): 12' x 20'

Parking in the Drive Aisle (on-street on marked as "Private Street") (9): 8' x 20'

Total Spaces: 116

The dimensions of the parking indoors (in a garage), on the driveway, and within the drive aisle (made to look like on-street parking) are approved. However, the width of the "driveways" connecting the drive aisle (identified as private roads in the application) to each dwelling is shall be limited to allow for a greater balance with landscaping. The width of each "driveway" connecting the drive aisle (identified as private roads in the application) to each dwelling for units 14-60 shall be limited to 11 feet in width each (with space to allow to transition to the curb cut).

The width of the drive-aisle will be sufficient to permit the average motorist to get into or out of their garage with the available clearances and to allow two vehicles to pass one another, which will be an infrequent and low-speed movement. A typical parking lot with 90-degree parking has a typical aisle width of 20 to 24 feet. The twenty-foot width will allow sufficient space to maneuver into and back out of their garages before using the drive aisle to go north, without encroaching on the ten-foot landscape buffer.

The proposal includes varied parking space dimensions with garage parking and driveway parking that result in safe spaces for pedestrians and automobiles, balanced with more shrubs and groundcover than a traditional parking lot. The intent of the chapter is met because the resulting garages and driveways provide safe spaces, with the conditions of approval, and are more similar to the overall neighborhood than a traditional parking lot.

Prior to issuance of a building permit, the applicant shall provide a revised site plan indicating that all driveways serving garages for the units shall maintain a minimum length of twenty feet and the drive aisle connecting to the driveways (identified as a private street on the submittal) will be a minimum of 20' wide. The "dead-end" design of the drive aisles (turnaround) shall be marked with no-parking signs or markings for large emergency vehicles and other long vehicles in the form of a hammerhead or other design in accordance with Clackamas Fire District No. 1.

The applicant can meet this standard by complying with the conditions of approval. This alternative meets the intent of the standard to provide parking lot landscaping as well as a safe space for automobiles and pedestrians. The city transportation engineering consultant Replinger and Associates, has no concerns with the design due to the limited usage.

Due to the requirement to provide a ten-foot wide landscaped buffer strip on the east side of the development abutting the R-6 zoned property, and the requirement to widen the landscaping area between the subject site and the park to 5', the applicant may relocate or modify the units or reduce some of the parking to provide the landscape buffer and maintain a 20' wide drive aisle and 20' long driveway if used for parking. Any changes shall comply with the applicable standards.

The city adopted a fee for review of alternative parking plans, however the applicant did not submit the associated fee. Prior to issuance of permits, the applicant shall pay \$355 to the City for the alternative parking plan analysis. **The applicant can meet this standard by complying with the conditions of approval.**

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

Finding: Not applicable. This project is entirely residential, so no carpool or vanpool spaces are required.

17.52.040 - Bicycle parking standards.

B. Number of Bicycle Spaces Required. For any use not specifically mentioned in Table A, the bicycle parking requirements shall be the same as the use which, as determined by the Community Development Director, is most similar to the use not specifically mentioned. Calculation of the number of bicycle parking spaces required shall be determined in the manner established in OCMC 17.52.020 for determining automobile parking space requirements. Modifications to bicycle parking requirements may be made through the site plan and design, conditional use, or master plan review process.

TABLE A Required Bicycle Parking Spaces*

Where two options for a requirement are provided, the option resulting in more bicycle parking applies. Where a calculation results in a fraction, the result is rounded up to the nearest whole number.

USE	MINIMUM BICYCLE PARKING	MINIMUM BICYCLE PARKING - COVERED - The following percentage of bicycle parking is required to be covered
Multi-family (five or more units)	1 per 10 units (minimum of 2)	50% (minimum of 1)

* Covered bicycle parking is not required for developments with two or fewer parking stalls.

Finding: Complies with Conditions. This multi-family proposal proposes 116 off street parking spaces, therefore the minimum number of bicycle parking required is 11 bicycle parking spaces, of which six are required to be covered. The applicant shall indicate the required bicycle parking, of suitable design, in suitable locations, distributed as appropriate to serve all building on the revised site plans prior to issuance of a building permit in accordance with OCMC 17.52.040. The garages are an acceptable location for bicycle parking and will not require additional notification, provided a minimum of two bicycle parking spaces are provided in one of the common areas. **The applicant can meet this standard by complying with the conditions of approval.**

C. Design Standards.

1. Bicycle parking facilities shall be in the form of a lockable enclosure onsite, secure room in a building onsite, a covered or uncovered rack onsite, or within the adjacent right-of-way.

2. *Bicycle parking areas shall be clearly marked or visible from on-site buildings or the street. If a bicycle parking area is not plainly visible from the street or main building entrance, a sign shall be posted indicating the location of the bicycle parking area. Indoor bicycle parking areas shall not require stairs to access the space. If sites have more than one building, bicycle parking shall be distributed as appropriate to serve all buildings.*

3. *All bicycle racks shall be designed so that:*

- a. *The frame and at least one wheel of the bicycle can be locked to the rack with a standard U-type lock.*
- b. *The user is not required to lift the bicycle onto the bicycle rack.*
- c. *Each bicycle parking space is accessible without moving another bicycle.*
- d. *It is a minimum of thirty inches tall and eighteen inches wide between the two points of contact.*
- e. *Provides an area of six feet by two feet per bicycle.*
- g. *All bicycle racks and lockers shall be securely anchored to the ground or to a structure.*

Finding: Complies with Conditions. This multi-family proposal proposes 107 off street parking spaces, therefore the minimum number of bicycle parking required is 11 bicycle parking spaces, of which six are required to be covered. The applicant shall indicate the required bicycle parking, of suitable design, in suitable locations, distributed as appropriate to serve all building on the revised site plans prior to issuance of a building permit in accordance with OCMC 17.52.040. The garages are an acceptable location for bicycle parking and will not require additional notification, provided a minimum of two bicycle parking spaces are provided in one of the common areas. **The applicant can meet this standard by complying with the conditions of approval.**

17.52.060 - Parking lot landscaping.

A. *Applicability. Unless otherwise specified, construction of new parking lots and alterations of existing parking lots shall comply with parking lot landscaping standards. Parking lot landscaping requirements within this section do not apply to parking structures or parking garages, except landscaping as required in OCMC 17.62.*

B. Development Standards.

- 1. *The landscaping shall be located in defined landscaped areas that are uniformly distributed throughout the parking or loading area.*
- 2. *All areas in a parking lot not used for parking, maneuvering, or circulation shall be landscaped.*
- 3. *Parking lot trees shall be a mix of deciduous shade trees and coniferous trees. The trees shall be evenly distributed throughout the parking lot as both interior and perimeter landscaping.*
- 4. *Required landscaping trees shall be of a minimum two-inch minimum caliper size (though it may not be standard for some tree types to be distinguished by caliper), planted according to American Nurseryman Standards, and selected from the Oregon City Street Tree List or approved by an arborist;*
- 5. *At maturity, all of the landscaped area shall be planted in ground cover plants, which includes grasses. Mulch (as a ground cover) shall only be allowed underneath plants at full growth and within two feet of the base of a tree and is not a substitute for ground cover.*
- 6. *Landscaped areas shall include irrigation systems unless an alternate plan is submitted, and approved by the Community Development Director, that can demonstrate adequate maintenance;*
- 7. *All landscaping shall be installed according to accepted planting procedures, according to American Nurseryman Standards.*

C. *Perimeter Parking Lot Landscaping and Parking Lot Entryway/Right-of-Way Screening. Parking lots and associated drive aisles shall include a five-foot wide landscaped buffer where the parking lot abuts the right-of-way and/or adjoining properties. In order to provide connectivity between non-single-family sites, the Community Development Director may approve an interruption in the perimeter parking lot*

landscaping for a single driveway where the parking lot abuts property designated as multi-family, commercial or industrial. Shared driveways and parking aisles that straddle a lot line do not need to meet perimeter landscaping requirements.

1. The perimeter parking lot are[a] shall include:

- a. Trees spaced a maximum of thirty feet apart (minimum of one tree on either side of the entryway is required). When the parking lot is adjacent to a public right-of-way, the parking lot trees shall be offset from the street trees;
- b. *An evergreen hedge screen of thirty to forty-two inches high or shrubs spaced no more than four feet apart on average. The hedge/shrubs shall be parallel to and not nearer than two feet from the right-of-way line. The required screening shall be designed to allow for free access to the site and sidewalk by pedestrians. Visual breaks, no more than five feet in width, shall be provided every thirty feet within evergreen hedges abutting public right-of-ways.*

D. Parking Area/Building Buffer. Except for parking lots with fewer than five parking stalls, parking areas (excluding drive aisles with no adjacent parking) shall be separated from the exterior wall of a structure, exclusive of pedestrian entranceways or loading areas, by one of the following:

1. *Minimum five-foot wide landscaped planter strip (excluding areas for pedestrian connection) meeting the standards for perimeter parking lot area landscaping; or:*
2. *Minimum seven foot sidewalks with shade trees spaced a maximum of thirty feet apart in three-foot by five-foot tree wells.*

E. Interior Parking Lot Landscaping. Surface parking lots with more than five parking stalls shall include at least forty-five square feet of interior parking lot landscaping per parking stall to improve the water quality, reduce storm water runoff, and provide pavement shade. Pedestrian walkways or any impervious surface in the landscaped areas are not to be counted in the percentage. Fractions shall be rounded up when calculating the required number of plantings. Interior parking lot landscaping shall include:

- a. *A minimum of one tree per four parking spaces.*
- b. *A minimum of 1.5 shrubs per parking space.*
- c. *No more than eight contiguous parking spaces shall be created without providing an interior landscape strip between them. Landscape strips shall be provided between rows of parking shall be a minimum of six feet in width and a minimum of ten feet in length.*

Finding: Applicable. The applicant proposed to construct parking onsite so this section is applicable, however, the applicant has proposed an alternative landscaping plan in order to accommodate parking within and adjacent to each dwelling rather than a central parking lot.

F. Alternative landscaping plan.

Any applicant may propose an alternative landscaping plan. Such plans are often proposed to address physically constrained or smaller sites, however innovative designs for larger sites may also be considered. Alternative plans may include the use of low impact development techniques and minimized landscaping requirements. In such situations, the Community Development Director may approve variations to the landscaping standards of OCMC 17.52.060 in accordance with A and/or B below.

1. *General Review Standard. The alternative shall meet the standards in OCMC 17.62.015 - Modifications that will better meet design review requirements.*

Finding: Complies with conditions. The applicant proposed an innovative design for the multi-family development. Rather than central parking lot adjacent to a building or series of buildings containing multi-family dwellings, the proposed design is intended to mimic that of a subdivision with duplexes, triplexes, and fourplexes throughout the site and accessed from a central drive aisle (identified as a private road on the application). The overall design is more similar to the detached single-family homes found within the neighborhood than a traditional large multi-family structure.



As the design is uncommon for multi-family development, the applicable codes for parking lot dimensions and associated parking lot landscaping do not apply well. Rather than have a central parking lot surrounded by landscaping, parking for the proposed development consists of indoor parking inside of a garage connected to each unit, adjacent exterior parking stall in front of the garage designed to mimic a driveway for units 14-60, and 9 parking stalls along the interior drive aisle (identified as a private street on the plans) designed to look like on-street parking.

The stated purposes of the parking lot landscaping standards in 17.52.060:

1. To enhance and soften the appearance of parking lots;
2. To limit the visual impact of parking lots from sidewalks, streets and particularly from residential

areas;

3. To shade and cool parking areas;
4. To reduce air and water pollution;
5. To reduce stormwater impacts and improve water quality; and
6. To establish parking lots that are more inviting to pedestrians and bicyclists.

The purpose of the chapter is implemented in a variety of ways. Though the applicant proposed trees near each of the driveways, in order to comply with the intent of this code, the following shall be required:

- a. The driveway width for units 14-60 shall be limited to 11 feet in width each (with space to allow to transition to a 12' curb cut). The minimum width for a parking space is 9-feet wide, and thus the width should provide sufficient space for access. This will allow an opportunity for additional landscaping adjacent to the driveways.
- b. An evergreen hedge screen of thirty to forty-two inches high or shrubs spaced no more than four feet apart on average and ground cover shall be planted along the sides of the driveways for units 1-13 including within the space between the driveway for unit 2/3, 7/8 and 11/12. Units 14-60 shall be designed to have a 5' wide landscaped area with an evergreen hedge screen of thirty to forty-two inches high or shrubs spaced no more than four feet apart on average and ground cover shall be planted along the sides of the driveways. Exceptions are allowed for the following spaces less than 5' in width:
 - Near the private street between units 22 and 23 a narrower space is allowed;
 - The width of the landscaped area may be 4.5' adjacent to the pedestrian path offsite; and
 - The narrow space between garage doors where no landscaping is proposed is not required to be landscaped unless otherwise identified.

The hedge/shrubs shall be parallel to and not nearer than two feet from the right-of-way line. The spaces near the street for units 14-60 is also anticipated to have street trees, to the extent feasible.

- c. A 3.5' wide landscape strip extending the length of the driveway with at least one shrub and groundcover in the space between the driveways on units D, E, and F.
- d. The 10' wide landscape buffer between the subject site and 567 Holmes Lane shall be planted in accordance with the perimeter parking lot landscaping standards in OCMC 17.52.060.C. Existing trees may be utilized for this standard.
- e. The 3.5' landscape strip between the subject site and Stafford Park (tax lot 5200) shall be widened to 5 feet and planted in accordance with the perimeter parking lot landscaping standards in OCMC 17.52.060.C. Existing trees may be utilized for this standard.
- f. The applicant shall plant a large tree which shall reach over eighteen inches dbh at maturity in the open space near Holmes Lane and the proposed new street and in the space behind the retaining wall behind unit 22.
- g. The space behind the retaining wall in the northwest corner of the site shall be landscaped with ground cover and a minimum of 5 shrubs.
- h. All landscaping in accordance with these requirements shall comply with the planting standards in OCMC 17.52.060.B.4-7.

The overall effect will be landscaping throughout the site and buffering the view of the driveways. As a result of buffering the sides of each stall, the site will have more groundcover and shrubs than a traditional multi-family parking lot design. The trees along the drive aisle act as parking lot landscaping trees, so additional large trees have been conditioned to provide shade throughout the site. Overall, the exterior parking will be visually softened by locating some parking inside a garage and obscuring the

view of exterior parking with landscaping while providing shade, reduce air and water pollution, and improve stormwater impacts in a design that is welcoming to all users.

The city adopted a fee for review of alternative landscaping plans however the applicant did not submit the associated fee. Prior to issuance of permits, the applicant shall pay \$355 to the City for the alternative landscaping plan analysis. **The applicant can meet this standard by complying with the conditions of approval.**

2. Credit for Pervious/Low Impact Development. The Community Development Director may count up to fifty percent of the square footage of any pervious hardscaped landscape material within a parking lot that is designed and approved pursuant to the City's adopted stormwater and low impact development design standards toward minimum landscaping requirements for the site. (This includes porous pavement detention, open celled block pavers, porous asphalt, porous concrete pavement, porous turf, porous gravel, etc.).

Finding: Not applicable. The applicant did not propose any pervious hardscaping.

17.52.080 - Maintenance.

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

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

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

Finding: Complies with Conditions. The applicant's narrative did not identify that the landscaped areas will be maintained by the owner in accordance with this section. The applicant shall be responsible for maintenance of the site per OCMC 17.52.080. **The applicant can meet this standard by complying with the conditions of approval.**

17.52.090 - Loading areas.

B. Applicability.

OCMC 17.52.090 applies to uses that are expected to have service or delivery truck visits with a forty-foot or longer wheelbase, at a frequency of one or more vehicles per week. The City Engineer and decision maker shall determine through site plan and design review the number, size, and location of required loading areas, if any.

Finding: Not applicable. The development does not propose loading areas to have service or delivery truck visits with a forty-foot or longer wheelbase, at a frequency of one or more vehicles per week.

C. Standards.

1. The off-street loading space shall be large enough to accommodate the largest vehicle that is expected to serve the use without obstructing vehicles or pedestrian traffic on adjacent streets and driveways. Applicants are advised to provide complete and accurate information about the potential need for loading spaces because the City Engineer or decision maker may restrict the use of other public right-of-way to ensure efficient loading areas and reduce interference with other uses.

Finding: Not applicable. The development does not propose loading areas to have service or delivery truck visits with a forty-foot or longer wheelbase, at a frequency of one or more vehicles per week.

2. *Where parking areas are prohibited between a building and the street, loading areas or drive isles are also prohibited.*

Finding: Not applicable. The development does not propose loading areas to have service or delivery truck visits with a forty-foot or longer wheelbase, at a frequency of one or more vehicles per week.

3. *The City Engineer and decision maker, through site plan and design review, may approve a loading area adjacent to or within a street right-of-way when all of the following loading and unloading operations conditions are met:*

- a. Short in duration (i.e., less than one hour);*
- b. Infrequent (less than three operations daily between 5:00 a.m. and 12:00 a.m. or all operations between 12:00 a.m. and 5:00 a.m. at a location that is not adjacent to a residential zone);*
- c. Does not obstruct traffic during peak traffic hours;*
- d. Does not interfere with emergency response services; and*
- e. Is acceptable to the applicable roadway authority.*

Finding: Not applicable. The development does not propose loading areas adjacent to or within a street right-of-way.

CHAPTER 17.54 – SUPPLEMENTAL ZONING REGULATIONS AND EXCEPTIONS

17.54.100 Fences, Hedges, Walls, and Retaining Walls.

A. A fence, hedge, wall, retaining wall, or combination thereof may be located on real property, not within the right-of-way, subject to all of the following:

- 1. A fence, hedge, wall, retaining wall, or combination thereof located in front of a building may be up to 3.5-feet in total height as measured from the finished grade at any point on the fence.*
- 2. A fence, hedge, wall, located next to, or behind the forward most building, or within more than forty feet of the right-of-way, whichever is less may be up to:*
 - a. Six feet in total height for residential properties with less than five units as measured from the finished grade at any point on the fence; or*
 - b. Eight feet in total height for all other uses as measured from the finished grade at any point on the fence.*
- 3. A retaining wall or combination of a fence, hedge, wall located next to and behind the forward most building, or within more than forty feet of the right-of-way, whichever is less, may be up to (as measured from the finished grade) 8.5 feet in height from the finished grade.*
- 4. Fences, hedges, and/or walls located within two feet above a retaining wall, as measured on a horizontal plane, shall be measured together for the purposes of determining height.*
- 5. Property owners shall ensure compliance with the Traffic Sight Obstruction requirements in Chapter 10.32 of the Oregon City Municipal Code.*
- 6. Retaining walls completely below the elevation of the right-of-way may be up to six feet in height.*
- 7. Minimum fall protection required by the Building Official, such as railings, is not included in the height of a retaining wall but must comply with the fence height requirements.*

Finding: Complies with Conditions. The submitted site plan does not include any fences or hedges, though the applicant mentioned the potential for fences or hedges near the open space. The applicant shall submit documentation identifying if any fences or hedges are proposed. All fences and hedges shall comply with OCMC 17.54.100. **The applicant can meet this standard by complying with the conditions of approval.**

B. When no other practicable alternative exists, the City Engineer may permit a fence, hedge, wall, retaining wall, or combination thereof to be located within the right-of-way subject to all of the following:

- 1. A Revocable Permanent Obstruction in the Right of Way permit is granted per OCMC 12.04.120;*

2. Retaining walls, fences, or hedges comply with OCMC 17.54.100.A, unless determined to be impracticable by the City Engineer.

3. The abutting property owner shall ensure compliance with the Traffic Sight Obstruction requirements in Chapter 10.32 of the Oregon City Municipal Code.

Finding: Not applicable. The applicant has not proposed fences, hedges or walls within the right-of-way.

C. It is unlawful for any person to erect any electric fence or any fence constructed in whole or in part of barbed wire or to use barbed wire, except as erected in connection with security installations at a minimum height of six feet, providing further that prior written approval has been granted by the City Manager.

Finding: Not applicable. No barbed wire or electric fence is proposed.

CHAPTER 17.58 – LAWFUL NONCONFORMING USES, STRUCTURES, AND LOTS

Finding: As identified in the R-2 District within this report, the site contains two single-family homes, one of which is proposed to be demolished and the other which is proposed to be retained. Though the use is not permitted and the lot size is being reduced, the existing single-family dwelling is allowed to be retained per OCMC 17.58.030.

CHAPTER 17.62 – SITE PLAN AND DESIGN REVIEW

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;*
- e. *Building location in OCMC 17.62.055.D;*
- f. *Building Details in OCMC 17.62.050.B.9.055.I;*
- g. *Windows in OCMC 17.62.050.B.10.055.*
- h. *Parking Lot Landscaping in OCMC 17.52.060.*

Finding: Not Applicable. The applicant did not propose any modifications.

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.*

Finding: Not Applicable. The applicant did not propose any modifications under this section.

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.

Finding: Applicable. The applicant has proposed a multi-family development in the high-density residential district, therefore site plan and design review is required.

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:

- Any activity which is included with or initiates actions that require Type II-IV review.
- Any increase in square footage of a conditional or nonconforming use (excluding nonconforming structures).
- Any proposal in which nonconforming upgrades are required under OCMC 17.58.
- Any proposal in which modifications are proposed under OCMC 17.62.015.

Finding: Not applicable. This application does not meet the criteria for minor site plan and design review.

17.62.040 – Items required.

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

- 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
- 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.

Finding: Complies as proposed. In response to notification about the development proposal, the applicant received a copy of separate letters from the Oregon State Historic Preservation Office (SHPO) Archeologist notifying the applicant of applicable state laws ORS 358.905 and ORS 97.74, and from the Archeologist for Confederated Tribes of the Warm Springs Reservation of Oregon. Confederated Tribes of the Warm Springs Reservation of Oregon recommends a cultural resources survey consistent with Oregon SHPO standards. SHPO recommends that archeological investigations be performed prior to any ground disturbing activities and that an Inadvertent Discovery Plan (IDP) be in place. Each letter provides a recommended course of action. These letters are attached to this application and staff report. The applicant's narrative identified that the development proposal will maintain continuous compliance with applicable federal, state, and City standards.

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.

Finding: Complies as Proposed. The application included the removal of all plants listed on the Oregon City Nuisance Plant List 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.

Finding: Complies with conditions. Per OCMC 17.32, the site requires 15% landscaping. The total developable area equals 123,084 square feet requiring a minimum of 18,462 square feet of landscaping.

The Applicant's proposal did not identify the specific square footage of landscaping. The applicant shall submit a revised landscaping plan demonstrating that a minimum of 15% of the site is landscaped. All proposed landscaped areas will be improved with growing plant materials. There are no natural resource overlay districts located on the subject property.

A tentative landscape plan has been submitted that shows that landscape areas will be improved with a mix of vertical (trees and shrubs) and horizontal elements (grass, groundcover, etc.) that within three (3) years will cover 100 percent of the proposed landscape areas. Prior to issuance of a building permit the applicant shall submit a detailed landscape plan prepared in accordance with OCMC 17.50.050.A. by a registered landscape architect. The revised plan shall identify that within three years of planting, landscaping will cover one hundred percent of the landscaped area. No mulch, bark chips, or similar materials shall be allowed at the time of landscape installation except under the canopy of shrubs and within two feet of the base of trees. In order to assure proper sight distance, the applicant shall assure compliance with OCMC 10.32 prior to issuance of any certificate of occupancy for the site. **The applicant can meet this standard by complying with the conditions of approval.**

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.

Finding: Not Applicable. The subject site is not located within the Natural Resource Overlay District.

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.

Finding: Complies with Condition. The landscaping plan submitted does not articulate the location and species of the landscaping proposed to be planted and retained onsite nor does it include a stamp that it was prepared by a registered landscape architect. The applicant indicated that “A tentative landscape plan has been submitted that shows that landscape areas will be improved with a mix of vertical (trees and shrubs) and horizontal elements (grass, groundcover, etc.) that within three (3) years will cover 100 percent of the proposed landscape areas”. However, though the plan submitted demonstrates the location of the landscape area, it does not include information on the plants themselves. Prior to issuance of a permit for construction the applicant shall submit a revised landscaping plan prepared by a registered landscape architect in compliance with OCMC 17.52 and 17.62 and the condition within this report. **The applicant can meet this standard by complying with the conditions of approval.**

5. Landscaping shall be visible from public thoroughfares to the extent practicable.

Finding: Complies as Proposed. Existing and proposed landscaping will be visible from both 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.

Finding: Complies with conditions. The applicant’s transportation engineer indicated that the landscaping proposed would comply with the vision requirements in OCMC 10.32 if maintenance is provided. The applicant shall assure compliance with OCMC 10.32 prior to issuance of any certificate of occupancy for the site and over time. **The applicant can meet this standard by complying with the conditions of approval.**

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.

Finding: Complies as Proposed. All parking areas are proposed to be inside each unit and at the rear or side of the units when viewed from public streets.

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.

Finding: Complies with conditions. The subject site abuts two city parks on either side. No vehicle access easements are proposed; however, the site proposes to pedestrian paths to connect to the park property on either side. One pedestrian connection is proposed between units 5 and 6, and the other pedestrian connection is proposed between units 32 and 33. Prior to issuance of building permits, the applicant shall provide pedestrian access easements in a form approved by the City where these paths connect to the city park property on either side to assure unimpeded public pedestrian access to and from the park properties. **The applicant can meet this standard by complying with the conditions of approval.**

3. *Parcels larger than three acres shall provide streets as required in OCMC 16.12.*

Finding: Complies as Proposed. Please refer to the analysis in 16.12. The subject site is 4.33 acres in size, so the above criterion applies to the Applicant's proposal.

4. *Parking garage entries shall not be more than half of the streetscape.*

Finding: Complies as Proposed. No parking garages are oriented towards the street.

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.*

Finding: Complies as Proposed. The proposal connects the dwellings through driveways from the dwelling to a sidewalk and drive aisle network.

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.*

Finding: Complies as proposed. a well-marked, continuous and protected on-site pedestrian circulation system is proposed. The proposed pedestrian circulation system will connect all main entrances of the proposed condominium units, parking areas (i.e., driveways), common outdoor areas, and any pedestrian amenities on the site. All proposed units will have a hard surface walkway connecting the units' entry way with the sidewalk or the pedestrian accessway system within the drive aisles. The drive aisle system has five-foot wide pathways on one or both sides. The proposed on-site pedestrian walkways will be hard surfaced (i.e., concrete), well drained and at least five (5) feet wide. Surface material will contrast visually to adjoining surfaces, as all streets will be asphalt and the sidewalks will be concrete. All of the pedestrian circulation systems that are parallel to and adjacent to an auto travel lane, the walkway will be raised or separated from the auto travel lane by a raised curb, bollards (pedestrian paths between units 5 & 6 and 32 & 33), landscaping or other physical barrier.

D. All development shall maintain continuous compliance with applicable federal, state, and City standards.

Finding: Complies as proposed. The applicant's narrative identified that the development proposal will 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.

Finding: See findings under Chapter 16.12.

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.

Finding: Complies as proposed. Notice of this application was provided to Tri-Met, who did not comment on the proposal.

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.

Finding: Complies with conditions. The applicant did not respond to this question. It is anticipated that all units may include HVAC equipment typical of single-family dwellings. Prior to issuance of a building permit the applicant shall provide responses and revised site plans indicating screening of any rooftop

mechanical equipment at the time of building permit review. **The applicant can meet this standard by complying with the conditions of approval.**

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.

Finding: Complies with conditions. The applicant did not respond to this question. It is anticipated that all units may include HVAC equipment typical of single-family dwellings. Prior to issuance of a building permit the applicant shall provide responses and revised site plans indicating screening of any wall-mounted mechanical equipment at the time of building permit review. **The applicant can meet this standard by complying with the conditions of approval.**

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.

Finding: Complies with conditions. The applicant did not respond to this question. It is anticipated that all units may include HVAC equipment typical of single-family dwellings. Prior to issuance of a building permit the applicant shall provide responses and revised site plans indicating screening of any ground-mounted mechanical equipment at the time of building permit review. **The applicant can meet this standard by complying with the conditions of approval.**

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.

Finding: Complies with conditions. The applicant did not indicate whether any solar energy panels, photovoltaic equipment, wind power generating equipment, dishes/antennas, pipes, vents, and chimneys are proposed. If proposed, such equipment shall be exempt from the mechanical screening requirements of this section. **The applicant can meet this standard by complying with the conditions of approval.**

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.*

Finding: Not Applicable. The application does not propose any prohibited materials.

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.*

Finding: Complies as proposed. The materials proposed include commonly used residential siding, panel and roofing materials. These include fiber cement paneling, lap siding and trim, and asphalt composition roofing tiles, vinyl windows and paint. None of the special materials listed are proposed.

J. 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

Finding: Applies. The applicable chapters are included within this report.

17.62.055 – Institutional, office, multi-family, retail, and commercial building standards.

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.

Finding: Applicable. The Applicant's proposal is for 60 attached single-family residential condominium units. Condominium units are an ownership type. The Oregon City code does not distinguish ownership types. Since all the units are proposed to be on one parcel, the development is considered multi-family. Due to the Applicant's proposed site layout – a combination of duplex, triplex, and quadplex style condominium buildings clustered throughout the site, the city has determined that Chapter 17.62.055 should be applied to the Applicant's proposal to the extent practicable. The standards principally affect the street facing facades of those units that abut public streets. The condominium unit proposal will be reviewed against the criteria in Chapter 17.62 of the OCMC, however, not all of the criteria in Chapter 17.62.055 will be applicable to the Applicant's proposal.

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.

Finding: Not applicable. No conflicts have been identified.

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.

Finding: Complies as proposed. Multi-family structures may not be more than 20 feet from the site frontage. This applies to all units adjacent to the proposed new street, Mountainview Lane, and Holmes

Lane. The layout of the proposal includes structures in compliance with this requirement along most frontages. However, this section allows a greater setback with the incorporation of at least one design element for every five feet in excess of the 20 foot maximum. The site complies with the mitigation as demonstrated:

- Between unit 14 and the proposed street is approximately 24', though approximately 870 square feet of landscaping is proposed in that location in compliance with (6).
- Between unit 48 and the proposed street is up to approximately 21', though approximately 845 of landscaping is proposed in that location in compliance with (6).
- Between units 53/54 and Holmes Lane is approximately 23', though approximately 500 of landscaping is proposed in that location in compliance with (6).
- Between units 55/56 and Holmes Lane is approximately 23', though approximately 500 of landscaping is proposed in that location in compliance with (6).
- Between units 57/58 and Holmes Lane is approximately 23', though approximately 500 of landscaping is proposed in that location in compliance with (6).
- Between units 59/60 and Holmes Lane is approximately 23', though approximately 500 of landscaping is proposed in that location in compliance with (6).
- Between units 1/2/3 and the proposed street is up to approximately 25', though approximately 650 of landscaping is proposed in that location in compliance with (6).
- Between unit 49 and the proposed street is up to approximately 40', though approximately 1,290 square feet of landscaping, three picnic tables, a large tree, lighting, is proposed in that location in compliance with (1, 3, 6, 8). Bicycle parking in this location may also be utilized if the lighting proposed is not pedestrian scale.

All units are proposed to be setback no more than 25 feet from the street. In all cases there is enhanced landscaping far greater than 20 square feet in the setback area.

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.

Finding: Complies as Conditioned. The proposed design includes a majority of the buildings oriented toward the street with the most architecturally significant elevation facing the street including a primary functional entranceway which is recessed. However, the street facing façade of units 14, 38, 48, and 49 have the main entranceway oriented toward the street with a porch, windows, dormer(s), and varying architectural materials, it does not appear to be the most architecturally significant façade given the balcony and larger size of windows on other facades. The applicant shall submit a revised street-facing elevation for units 14, 38, 48, and 49 with the width of the front porch extended from 12'5" to 25'. Further the depth of the front porch shall be extended from the exterior wall of the home a minimum of 4'.

Lastly, the design of the building for units 38-41 and units 45-48 appear to be the same, however, due to the orientation on the site unit 38 (on the left side of the building) faces the street and unit 48 (on the right side of the building) faces the street. The submittal included elevations for the street facing façade for the right elevation. The applicant shall assure that the design elevation as conditioned for unit 48 is the same as the final street facing façade is the same as the street facing façade for unit 38. **The applicant can meet this standard by complying with the conditions of approval.**

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.

Finding: Complies as proposed. All primary entranceways include a recessed entry of at least five feet, creating a porch, with decorative columns, and decorative doors with windows.

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.*

Finding: Not Applicable. This standard does not apply to multi-family development per (3).

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.*

Finding: Not applicable. The above section does not apply to the Applicant's proposal because none of the proposed duplex, triplex condominium unit's street facing facades are greater than one hundred twenty feet in length.

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*

Finding: Complies as proposed. The Applicant's proposal satisfies the above criterion because all front and side facades include design elements or architectural features that add interest and detail so there are no blank walls of thirty feet in length or greater with windows, balconies, and pillars. For units 13, 14, 36, 38, 48, 49, and 60, the side elevations facing the proposed public street will have side facades that include a variety of window types and sizes to break up the horizontal wall with a side view of the balcony and associated pillar.

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*

Finding: Complies as proposed. The front façade of the structures includes shingles or board and batten on the front facades, through the precise square footage is unknown. However, the front façade of all the buildings is designed with a covered balcony on the second story which is a change in plane that extends throughout the building at a significant depth. Visual interest is further added with posts that repeat at an interval and a recessed entry. This change in plane from the balcony is also visible on the side facades. The right side of unit 14 has a recessed entry with decorative shingles and a decorative roof. The left side of unit 13 has the recess, a balcony with an exterior entry. Units (53, 54, 55, 56, 57, 58, 59, 60) are oriented toward the street with the balcony, pillars, and recess for the balcony and entry.

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.*

Finding: Complies as proposed. The Applicant is proposing a combination of duplex, triplex and four-plex style units that will be alternated throughout the site to minimize having 2 similar duplexes next to each other. There will be instances where two duplex units will be next to each other, but they will have a different facade. In these situations, the Applicant is proposing alternative painting schemes, façade changes with window patterns, building material, and minor architectural variations on the buildings to help create distinction and enhance the street scape within the development. See submitted elevation drawings for location of each unit and appearance.

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.*

<i>Table 17.62.055.J Minimum Windows</i>				
<i>Use</i>	<i>Ground Floor: Front and Street Facing Facades</i>	<i>Upper floor(s): Front and Street Facing Facades</i>	<i>Ground Floor: Side(s) Facades</i>	<i>Upper Floor(s): Side(s) Facades</i>

<i>Multi-Family (or Portions of Buildings Thereof)</i>	15%	15%	10%	10%
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Finding: Complies with Conditions. The applicant stated in their narrative that they comply with the minimum window requirements for multi-family buildings but did not provide any calculations supporting the statement. Measurements by staff indicate that not all floors for each building plan meet the minimum windows requirements. Building plans A, B, and C are front-loaded duplexes with two garage doors and two entry doors on the front elevation, but no windows, except those in the entry doors, which are too high from the ground to be counted towards the window requirements. Building plans D, E, and F are rear-loaded duplexes that appear to meet the standards. Building plan G is a front loaded triplex with three garage doors and three entry doors on the front elevation, but no windows, except those in the entry doors, which are too high from the ground to be counted towards the window requirements. Building plan H is a rear-loaded tri-plex that appears to meet the standards. Building plans J (duplex) and K (fourplex) are front loaded and do not appear to meet the standard for the same reasons that the other front-loaded unit types do not. The applicant shall provide revised elevations at the time of building permit submittal that fully comply with the minimum window requirements of OCMC Table 17.62.055.J - Minimum Windows. Windows provided in doors or garage doors may meet the standard if they are between 3.5 feet and six feet from the ground. **The applicant can meet this standard by complying with the conditions of approval.**

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.

Finding: Complies with conditions. The applicant shall assure that 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. **The applicant can meet this standard by complying with the conditions of approval.**

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.

Finding: Not applicable. The applicant did not propose false windows or door openings.

4. Multi-family windows shall incorporate window trim at least four inches in width when surrounded by horizontal or vertical lap siding.

Finding: Complies as proposed. The applicant has indicated four-inch trim for all windows.

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.

Finding: Complies as proposed. None of the proposed buildings have a continuous roofline on a street-facing façade of seventy-five feet or more. The maximum length of any proposed roof line is 50-feet for the triplex buildings. See submitted elevation drawings for more detail.

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.*

Finding: Not applicable. The proposed development does not include drive-through facilities.

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.

Finding: Not applicable. The Applicant is not proposing new retail, office and/or institutional buildings which front on a transit street. The Applicant's proposal is for a residential condominium project.

17.62.057 - Multifamily Usable Open Space Requirements

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.

Finding: Complies as proposed. Twenty-eight of the proposed sixty units will have at grade rear patios a minimum of one hundred square feet in size (e.g. Units 1 – 13 and 38 – 52) for a total of 2,800 square feet. The remaining thirty-two units (e.g. Units 14 – 37 and 53 – 60), which cannot accommodate at grade patios due to topography issues, have a second story deck each totaling one hundred square feet in size for a total of 3,200 square feet. Additionally, the development proposal includes two open space areas of 3,384 s.f. and 2,287 square feet with benches, picnic tables, community gardens with garden boxes. The applicant has proposed a total of 6,000 square feet of private open space and 5,671 square feet of public open space.

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.

Finding: Not applicable. This is a residential development.

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.

Finding: Complies. The applicant has not proposed both public and private open space. Though none of the private open space is within a setback, some of the public open space is, though it is incorporated into the landscaping and open space areas.

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.

Finding: Complies. The applicant will provide calculations of the minimum landscaping as a condition of approval.

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.

Finding: Complies as proposed. Common open spaces are identified on the proposed plans in locations which are accessible to all without fencing or other barriers.

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.

Finding: Complies with condition. The development includes 60 units and thus is required to provide 6,000 square feet of open space, half of which must be public open space. As the applicant has proposed 6,000 square feet of private open space, the proposal must have a minimum of 3,000 square feet of public open space.

The applicant has proposed two common open spaces areas including the SE corner of the new proposed public street (2,887 sq. ft.) and on the east side of Unit 49 (3,334 sq. ft) for a total of 6,221 square feet. The first common open space area is intended for a entry monument recognizing the

development and ornamental landscaping, the second common open space area is envisioned as a casual gathering area for the tenants with three tables and a large tree. For the purposes of this criteria, only the active open space is being analyzed. The applicant indicated that the open space will feature landscaping, a large tree, pedestrian-scaled lighting, three picnic tables. Prior to issuance of permits the applicant shall submit a landscaping plan including the species of the landscaping and large tree in the open space adjacent to unit 49 with identification of a tree species expected to reach over eighteen inches dbh at maturity as well as a lighting plan. As identified within this report, the applicant is required to install two bicycle parking spaces within this open space as well. **The applicant can meet this standard by complying with the conditions of approval.**

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.

Finding: Complies with condition. The applicant indicated that all proposed common open space areas will be separated from ground level windows and streets, with landscaping and low-level fencing to enhance safety and privacy for both the common open space areas and dwelling units but did not identify the height of the fencing or specifics of location. Prior to issuance of permits the applicant shall submit details demonstrating that the open space adjacent to unit 49 complies with the standard in OCMC 17.62.057.C. **The applicant can meet this standard by complying with the conditions of approval.**

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.

Finding: Complies as proposed. All proposed common open space areas will be accessible from the dwelling units and public streets, drive aisles and sidewalks.

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.).

Finding: Complies as proposed. The applicant has not proposed that private open space count toward common open space requirements, however the Applicant's proposal satisfies all open space requirements for both the private and common open space areas.

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.

Finding: Not applicable. The applicant has not proposed cluster housing.

17.62.065 - Outdoor lighting.

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.*

Finding: Applies. The proposed development is defined as a multi-family residential development and is subject to the outdoor lighting standards of this section.

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.

Finding: Complies with conditions. The proposed development is defined as a multi-family residential development and is subject to the outdoor lighting standards of this section. The applicant shall provide an exterior lighting plan that meets the applicable standards of OCMC 17.62.065 prior to issuance of a building permit. The outdoor lighting plan should indicate compliance with standards C.1-14. A site photometric plan indicating lighting levels at the property line shall be submitted. **The applicant can meet this standard by complying with the conditions of approval.**

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.*

Finding: Not applicable. The applicant has not requested an exception.

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.

Finding: Complies with conditions. The proposed development is defined as a multi-family residential development and is subject to the outdoor lighting standards of this section. The applicant shall provide an exterior lighting plan that meets the applicable standards of OCMC 17.62.065 prior to issuance of a building permit. The outdoor lighting plan should indicate compliance with standards C.1-14. A site photometric plan indicating lighting levels at the property line shall be submitted. **The applicant can meet this standard by complying with the conditions of approval.**

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).

Finding: Complies as proposed. Because the units will be constructed to look as single family attached duplexes, tri-plexes and fourplexes, all trash will be stored in each units and placed for pick up along the drive aisles on garbage day. A communal refuse and recycling facility is neither proposed nor required.

CONCLUSION AND DECISION:

Based on the analysis and findings as described above, staff concludes that the proposed 60-unit condominium project located at 535 Holmes Ln Oregon City, OR 97045, Clackamas County APN: 3-2E-06AA-05001, and 545 Holmes Ln, Oregon City, OR 97045, Clackamas County APN: 3-2E-06AA-05100, can meet the requirements as described in the Oregon City Municipal Code by complying with the Conditions of Approval provided in this report. Therefore, the Community Development Director approves files Planning File GLUA-21-00002: SP-21-00001 / LL 21-00002 with conditions, based upon the findings and exhibits contained in this staff report.

EXHIBITS:

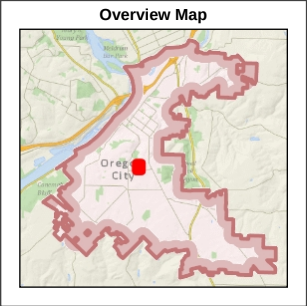
1. Vicinity Map (On File)
2. Applicant's Narrative and Plans (On File)
3. Public Comments
4. Comments from John Replinger of Replinger and Associates
5. Comments from SHPO and Confederated Tribes of Warm Springs



Legend

- Street Names
- Taxlots
- Taxlots Outside UGB
- Unimproved ROW
- City Limits
- UGB
- Basemap

Notes



The City of Oregon City makes no representations, express or implied, as to the accuracy, completeness and timeliness of the information displayed. This map is not suitable for legal, engineering, surveying or navigation purposes. Notification of any errors is appreciated.



0 100 Feet
1: 1,200

City of Oregon City
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Oregon City
OR 97045
(503) 657-0891
www.oregoncity.org

EMERIO *Design*

CIVIL ENGINEERS & PLANNERS

DATE: 12-28-2020
REVISED: 3/22/2021 (Per Incomplete Letter)

PROPERTY OWNERS: Orvetta Herndon – 32E06AA05001 (Owner)
535 Holmes Lane
Oregon City, OR 97405

Christopher Streeter – 32E06AA05100 (Owner)
545 Holmes Lane
Oregon City, OR 97405

**CIVIL ENGINEER,
PLANNING &
SURVEYOR:**

Emerio Design, LLC
Attn: Steve Miller
6445 SW Fallbrook Pl., Suite 100
Beaverton, OR 97008
Cell: (541) 318-7487
E-mail: steven@emeriodesign.com

REQUEST: Lot Line Adjustment and 60-unit residential condominiums in the High-Density Residential District (R-2). The proposal will be developed pursuant to the applicable criteria of the City of Oregon City Land Use and Development Code requirements.

**SITE
LOCATION:** 535 and 545 Holmes Lane

ZONING: High Density Residential District (R-2)

**TOTAL
SITE SIZE:** 1.83 Acres (TL 5001) and 2.50 Acres (TL 5100); Total Acres: 4.33 Acres

LEGAL DESCRIPTION: Tax Map 32E06AA, Tax Lots 5001 and 5100

LIST OF EXHIBITS:

- 1 - Vicinity Map and Washington Co Assessor Map
- 2 – Detailed Development Plan and Landscape Plans
- 3 – Preliminary Drainage Report

4 – Pre-Application Notes

5 – Elevation Drawings

6 – Neighborhood Meeting Notices and Notes

7 – Title Report

Municipal Code Standards and Requirements: The following sections of the Oregon City Municipal Code are applicable to this land use approval:

- Chapter 12.04 – Streets, Sidewalks, and Public Places
 - Chapter 12.08 – Public and Street Trees
 - Chapter 13.12 – Stormwater Management
 - Chapter 15.48 – Grading, Filling and Excavating
 - Chapter 16.08 – Land Divisions – Process and Standards
 - Chapter 16.12 – Minimum Public Improvements and Design Standards For Development
 - Chapter 17.41 – Tree Protection, Preservation, Removal and Replanting Standards
 - Chapter 17.47 – Erosion and Sediment Control
 - Chapter 17.50 – Administration and Procedures
 - Chapter 17.52 – Off-Street Parking and Loading
 - Chapter 17.62 – Site Plan and Design Review
-

I. INTRODUCTION

Background Information: The subject site consists of two (2) tax lots totaling approximately 4.33 acres in size. Together the site area is generally square in shape with street frontage along both Holmes Lane and Mountain View Street. The site is currently developed with two single-family dwellings, one on each tax lot, as well as accessory structures on both tax lots. The site area is vegetated with a mix of trees, shrubs, and grass fields, and has a generally flat topography. In addition, the site area is bound by the Stafford City Park on both sides.

With this proposal, the applicant is proposing to develop the site into a 61-unit residential condominium development for single-family attached residential dwellings. In order to achieve the goals of the project, the application also includes a lot line adjustment request to increase the size of tax lot 5001 (i.e. project site area) and reduce the size of tax lot 5100 (i.e. existing house to remain on reduced tax lot).

The subject site has an underlying zoning district of High-Density Residential District (R-2) and will be developed utilizing the requirements of the City's Site Plan and Design Review section. As part of proposal, the applicant is requesting modifications to the Site Plan and Design Review "Siting of Structures" requirement, driveway spacing, and the use of the adjacent Stafford City Park to help satisfy the open space requirement.

II. CONFORMANCE WITH CITY OF OREGON CITY MUNICIPAL CODE APPROVAL CRITERIA

OREGON CITY MUNICIPAL CODE (Code) TITLE 12 – STREETS, SIDEWALKS AND PUBLIC PLACES

CHAPTER 12.04 – STREETS SIDEWALKS AND PUBLIC SPACES

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.**
- 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.**

RESPONSE: The above standards are not actual development approval criteria for the Applicant's 60-unit condominium proposal, but rather the City's jurisdictional and regulatory management requirements for all public rights-of-way within the City. The Applicant is aware of these requirements and understands all rights-of-ways within the proposal will be managed pursuant to the above standards.

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.

RESPONSE: The above code language is not actual land-use review development approval criteria for the Applicant's 60-unit condominium proposal, but rather the City's review procedures for driveways within the City. The Applicant understands that all future driveways will be reviewed in accordance with OCMC 16.12.035, and that the 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.

12.04.032 - 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.

RESPONSE: The above code language is not actual land-use review development approval criteria for the Applicant's 60-unit condominium proposal, but rather the City's maintenance and repair requirements for land abutting the street where a sidewalk has been constructed. The Applicant is aware of this code section and understands that the owner of land abutting the street where a sidewalk has been constructed will be responsible for maintaining said sidewalk and abutting curb, if any, in good repair.

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.

RESPONSE: The above code language is not actual land-use review development approval criteria for the Applicant's 60-unit condominium proposal, but rather the City's standards for retaining walls 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. The Applicant is aware of this code section and understands that any required retaining wall abutting an improved street must be so constructed 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.

It's not anticipated that any retaining walls will be required for the proposed public and private streets within the proposed development.

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.

RESPONSE: The above code language is not actual land-use review development approval criteria for the Applicant's 60-unit condominium proposal, but rather the City's standards for any excavation made in any pavement or other street improvement on any street or alley in the City. The Applicant is aware of these requirements and understands that any excavation made in any pavement or other street improvement on any street or alley in the City will be subject to these standards.

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.

RESPONSE: The above code section is not actual land-use review development approval criteria for the Applicant's 60-unit condominium proposal, but rather the City's requirements for any permanent obstructions in any public street or alley in the City. No permanent obstructions within any public street or alley is being proposed, therefore, this code section does not apply to the Applicant's proposal.

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.

RESPONSE: This code section does not apply to the Applicant's proposal because no street or ally vacation is being proposed as part of this development proposal.

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.

RESPONSE: The above code section is not actual land-use review development approval criteria for the Applicant's 60-unit condominium proposal, but rather the City's street design standards that are addressed during the civil plan review upon gaining land-use approval for a development. The Applicant is aware of these street standards and all proposed public streets have been designed to be in conformance with the city's public facility master plans, public works policies, standard drawings and engineering specifications. Should the Applicant's development proposal be approved by the Planning Department, then the Applicant will submit detailed civil plans to the City's Engineering Department demonstrating compliance with the above code section.

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.

RESPONSE: The above code section is not actual land-use review development approval criteria for the Applicant's 60-unit condominium proposal, but rather the City's standard construction specifications that are addressed during the civil plan review upon gaining land use approval for a development. The Applicant is aware of this code section and upon gaining land use approval for the proposed 59-unit condominium project will be submitting detailed civil plans to the City's Engineering Department to demonstrate compliance with this code section.

Chapter 12.08 - PUBLIC AND STREET TREES

12.08.015 - Street tree selection, planting and maintenance requirements.

All development shall provide street trees adjacent to all street frontages. Species and locations of trees shall be selected based upon vision clearance requirements, but shall in all cases be selected from the Oregon City Street Tree List, an approved street tree list for a jurisdiction in the Metropolitan region, or be approved by a certified arborist unless otherwise approved pursuant to this section. If a setback sidewalk has already been constructed or the public works department determines that the forthcoming street design shall include a setback sidewalk, then all street trees shall be installed with a planting strip or within tree wells. If existing street

design includes a curb-tight sidewalk, then all street trees shall be placed according to OCMC 12.08.035.C.

- A. One street tree shall be planted for every thirty-five feet of property frontage. The tree spacing shall be evenly distributed throughout the total development frontage to meet the clearance distances required in subsection B below. The community development director may approve an alternative street tree plan, or accept fee-in-lieu of planting pursuant to OCMC 12.08.035, if site or other constraints prevent meeting the required total number of tree plantings.
- B. The following clearance distances shall be maintained when planting trees:
 - 1. Fifteen feet from streetlights;
 - 2. Five feet from fire hydrants;
 - 3. Twenty feet from intersections;
 - 4. Five feet from all public utilities (i.e. sewer, storm and water lines, utility meters, etc.).
- C. All street trees planted in conjunction with development shall be a minimum of two inches in caliper at six inches above the root crown and installed to city specifications. Larger caliper size trees may be approved if recommended by a certified arborist or registered landscape architect.
- D. All established trees shall be pruned tight to the trunk to a height that provides adequate clearance for street cleaning equipment and ensures ADA complaint clearance for pedestrians.
- E. All trees planted within the right-of-way shall be planted with root barriers at least eighteen inches in depth adjacent to the sidewalk and curb to ensure proper root growth and reduce potential damage to sidewalks, curbs and gutters.
- F. All trees planted beneath powerlines shall be selected based on what is appropriate for the location. In addition, the tree species shall be approved by the associated franchise powerline utility company.
- G. Tree species, spacing and selection for stormwater facilities in the public right-of-way and in storm water facilities shall conform to requirements of OCMC 13.12 and the adopted stormwater and grading design standards and be approved by the city engineer.

H. Any public or street trees planted within the natural resource overlay district shall conform to the applicable requirements of OCMC 17.49, Natural Resources Overlay District (NROD).

RESPONSE: As shown on Sheet 4 of the submitted plan set, required street trees will be planted within the newly installed planter strips for both Holmes Ln. and the proposed new public street within the development. In addition, street trees will also be planted along the proposed private streets where space is provided. As noted on Sheet 4 the street trees shall have a minimum trunk diameter of two caliper inches, measured six inches above the soil line, and a minimum height of six feet when planted. The street tree will be selected from the Oregon City Street Tree List, an approved street tree list for a jurisdiction in the Metropolitan region or be approved by a certified arborist unless otherwise approved pursuant to this section. Lastly, Sheet 4 of the submitted plan set shows the proposed planting of one street tree, spaced every 30 feet, in the planter strips along the north side of Holmes Ln., along both sides of the proposed north/south public street, and along both sides of the private street where space exists.

**OREGON CITY MUNICIPAL CODE (Code)
TITLE 13 – STORMWATER MANAGEMENT**

13.12.050 - Applicability and exemptions.

This chapter establishes performance standards for stormwater conveyance, quantity and quality. Additional performance standards for erosion prevention and sediment control are established in OCMC 17.47.

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

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

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

RESPONSE: As part of the submitted application materials, the Applicant has provided a preliminary stormwater management report. Additionally, the submitted plans show that the proposed stormwater facility will be located entirely on one privately owned parcel, the conveyance facilities will be privately maintained, and the conveyance facilities will receive not stormwater runoff from outside the parcel's property limits.

A final stormwater management plan will be submitted with the civil plans upon gaining land use approval for the project.

B. Water Quality and Flow Control. The water quality and flow control requirements of this chapter shall apply to the following proposed uses or developments, unless exempted under subsection C:

- 1. Activities located wholly or partially within water quality resource areas pursuant to OCMC 17.49 that will result in the creation of more than five hundred square feet of impervious surface within the NROD or will disturb more than one thousand square feet of existing impervious surface within the NROD as part of a commercial or industrial redevelopment project. These square footage measurements will be considered cumulative for any given five-year period; or**
- 2. Activities that create or replace more than five thousand square feet of impervious surface, cumulated over any given five-year period.**

RESPONSE: The above code section is not actual development approval criteria for the Applicant's 60-unit condominium proposal, but rather the City's Water Quality and Flow Control construction requirements for these features should a development gain land use approval.

As part of the submitted application materials, the Applicant has provided a preliminary stormwater management report addressing water quality and flow control for the proposed Water Quality Facility (WQF). Should the Applicant's proposal gain land use approval, then a final stormwater management plan will be submitted with the civil plans demonstrating compliance with this code section.

C. Exemptions. The following exemptions to subsection B of this section apply:

RESPONSE: This code section does not apply to the Applicant's proposal as none of the exemptions are relevant to the subject site.

D. Uses Requiring Additional Management Practices. In addition to any other applicable requirements of this chapter, the following uses are subject to additional management practices, as defined in the Public Works Stormwater and Grading Design Standards:

RESPONSE: This code section does not apply to the Applicant's proposal because none of the uses listed in this code section are being proposed by the Applicant.

13.12.080 - Submittal requirements.

- A. Applications subject to stormwater conveyance, water quality, and/or flow control requirements of this chapter shall prepare 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.**
- B. Each project site, which may be composed of one or more contiguous parcels of land, shall have a separate valid city approved plan and report before proceeding with construction.**

RESPONSE: The above code section is not actual submittal requirements for a land use application, which is what the Applicant is applying for at this time. The submittal requirements listed above are for the required civil plans that are submitted after gaining land use approval for a specific development proposal. Should the Applicant's land use review application be approved by the Planning Department, then the Applicant will submit detailed civil plans pursuant to the above submittal requirements.

13.12.090 - Approval criteria for engineered drainage plans and drainage report.

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

- A. The plan and report demonstrate how the proposed development and stormwater facilities will accomplish the purpose statements of this chapter.**
- B. The plan and report meet the requirements of the public works stormwater and grading design standards adopted by resolution under OCMC [13.12.020](#).**
- C. The storm drainage design within the proposed development includes provisions to adequately control runoff from all public and private streets and roof, footing, and area drains and ensures future extension of the current drainage system.**
- D. Streambank erosion protection is provided where stormwater, directly or indirectly, discharges to open channels or streams.**
- E. Specific operation and maintenance measures are proposed that ensure that the proposed stormwater quantity control facilities will be properly operated and maintained.**

RESPONSE: As part of the submitted application materials, the Applicant has provided a preliminary stormwater management report. The submitted preliminary stormwater report has been prepared in accordance with the above criteria and demonstrates that the proposed development includes provisions to adequately control runoff from all public and private streets and roof, footing, and area drains and ensures future extension of the current drainage system.

A final stormwater management plan will be submitted with the civil plans upon gaining land use approval for the project.

13.12.100 - Alternative materials, alternative design and methods of construction.

The provisions of this chapter are not intended to prevent the use of any material, alternate design or method of construction not specifically prescribed by this chapter or the Public Works Stormwater and Grading Design Standards, provided any alternate has been approved and its use authorized by the City Engineer. The City Engineer may approve any such alternate, provided that the City Engineer finds that the proposed design is satisfactory and complies with the intent of this chapter and that the material, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed by this chapter in effectiveness, suitability, strength, durability and safety. The City Engineer shall require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding its use. The details of any action granting approval of an alternate shall be recorded and entered in the City files.

RESPONSE: At this time, it's unclear if any alternative materials, alternative design and/or methods of construction per the provisions of this chapter will be necessary for the construction of the proposed 60-unit condominium project. Should alternative materials, alternative design and/or methods of construction be necessary, then it will be determined by the City Engineer during the review of the civil plans upon gaining land use approval for the project.

13.12.110 - Transfer of engineering responsibility.

Project drainage plans shall always have a project engineer. If the project engineer is changed during the course of the work, the City shall be notified in writing and the work shall be stopped until the replacement engineer has agreed to accept the responsibilities of the project engineer. The new project engineer shall provide written notice of accepting project responsibility to the City within seventy-two hours of accepting the position as project engineer.

13.12.120 - Standard construction specifications.

The workmanship and materials shall be in accordance with the current edition of the "Standard Specifications for Public Works Construction," as prepared by the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the City, in effect at the time of application. The exception to this requirement is where this chapter and the Public Works

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

13.12.140 - Maintenance of public stormwater facilities.

A. A stormwater facility that receives stormwater runoff from a public right-of-way shall be a public facility. Upon expiration of the warranty period and acceptance by the City as described below, the City shall be responsible for maintenance of those public stormwater facilities. Access for maintenance of the stormwater facilities shall be provided to the City through the granting of a stormwater easement or other means acceptable to the City.

B. Responsibility for maintenance of stormwater facilities including all landscaping, irrigation systems, structures and appurtenances shall remain with the property owner/developer for two years (known as the warranty period). The owner/developer shall provide the City a separate two-year landscaping maintenance surety bond for one hundred ten percent of the landscaping cost. Transfer of maintenance of stormwater conveyance systems shall occur when the City accepts the stormwater conveyance system.

C. The City will perform an inspection of the development's entire publicly maintained stormwater system approximately forty-five days before the two-year warranty period expires. The stormwater system shall be found to be in a clean, functional condition by the City engineer before acceptance of maintenance responsibility by the City.

13.12.145 - Maintenance of private stormwater facilities.

A. An applicant shall submit an operation and maintenance plan for each proposed stormwater facilities, unless exempted in the Public Works Stormwater and Grading Design Standards. The information in the operation and maintenance plan shall satisfy the requirements of the Public Works Stormwater and Grading Design Standards.

B. Private owners are required to inspect and maintain stormwater facilities on their property in accordance with an approved operation and maintenance plan. A maintenance log is required to document facility inspections and specific maintenance activities. The log shall be available to City inspection staff upon request.

C. Failure to operate or maintain a stormwater facility according to the operation and maintenance plan may result in an enforcement action under Section 13.12.150.

RESPONSE: None of the code sections listed above are actual land-use review approval criteria applicable to the Applicant's development proposal for Site and Design Review. Instead, these sections listed above apply to the review of the civil plans that are submitted to the City's

Engineering Department upon gaining land use approval for a proposed development project from the City's Planning Department. Should the Applicant's development proposal gain land use approval from the City's Planning Department, then detailed civil plans will be prepared pursuant to the above code requirements for review and approval by the City's Engineering Department. The Applicant anticipates that these code sections will be referenced as Engineering conditions of approval as part of any land use approval.

13.12.170 - Permits from other jurisdictions.

A. The Oregon State Department of Environmental Quality (DEQ) currently issues NPDES 1200-C permits for projects that cover areas of one acre or greater. No permit shall be issued for projects of this size (or any other size as modified by DEQ) without a copy of said DEQ permit being on file with Oregon City. DEQ is responsible for policing its own permits; however, if City personnel observe conditions that are believed to be in violation of any such permit, and cannot get corrections made, the City will bring such conditions to the attention of the appropriate DEQ representatives.

B. Projects may require Oregon State Division of State Lands (DSL) and/or United States Army Corps of Engineers (USACE) permits. If such permits are required, no permission to construct will be granted until such a time as a copy of such permit is on file with the City or notice is received from those agencies that a permit is not required. DSL/USACE is responsible for enforcing its own permits; however, if City personnel observe conditions that are believed to be in violation of any such permit, and cannot get corrections made, the City will bring such conditions to the attention of the appropriate DSL/USACE representatives.

C. Projects may require Oregon State Department of Fish and Wildlife (ODFW) permits. When ODFW permits are required, no work will be authorized until the receipt of a copy of the ODFW permit. ODFW is responsible for policing its own permits; however, if City personnel observe conditions that are believed to be in violation of any such permit, and cannot get corrections made, the City will bring such conditions to the attention of the appropriate ODFW representatives.

RESPONSE: Upon gaining land use approval for the proposed project, the Applicant will be working with the DEQ to secure a 1200-C permit for the development. No permits from DSL, Army Corps of Engineers, or ODFW are required for the proposed project.

OREGON CITY MUNICIPAL CODE (Code) **TITLE 15 – BUILDINGS AND CONSTRUCTION**

Chapter 15.48 - GRADING, FILLING AND EXCAVATING

15.48.030 - Applicability—Grading permit required.

A. A city-issued grading permit shall be required before the commencement of any of the following filling or grading activities:

- 1. Grading activities in excess of ten cubic yards of earth;**
- 2. Grading activities which may result in the diversion of existing drainage courses, both natural and man-made, from their natural point of entry or exit from the grading site;**
- 3. Grading and paving activities resulting in the creation of impervious surfaces greater than two thousand square feet or more in area;**
- 4. Any excavation beyond the limits of a basement or footing excavation, having an unsupported soil height greater than five feet after the completion of such a structure; or**
- 5. Grading activities involving the clearing or disturbance of one-half acres (twenty-one thousand seven hundred eighty square feet) or more of land.**

B. Those fill and grading activities proposed to be undertaken in conjunction with a land use application, including but not limited to subdivisions, planned unit developments, partitions and site plan reviews, are subject to the standards of this chapter. However, a separate grading permit is not required. Approval of the construction plans submitted through the land use application process shall constitute the grading permit required under this chapter.

RESPONSE: Sheet 3 of the submitted plan set is the proposed grading plan for the project. Upon receiving land use approval from the Planning Department for the proposed development, the Applicant will be submitting a detailed civil plan set to the City Engineering Department that includes a detailed grading plan in order to receive a city-issued grading permit for the project.

15.48.040 - Grading permit exemptions.

The following filling and grading activities shall not require the issuance of a grading permit:

A. Excavation for utilities, or for wells or tunnels allowed under separate permit by other governmental agencies;

- B. An excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit. The placement of any fill material removed from such an excavation requires a grading permit if:**
- 1. It exceeds fifty cubic yards,**
 - 2. More than ten cubic yards are removed from the site, or**
 - 3. The fill is placed on the site to a depth greater than one foot;**
- C. Farming practices as defined in ORS 30.930 and farm uses as defined in ORS 215.203, except that buildings associated with farm practices and farm uses are subject to the requirements of this chapter;**
- D. Excavation for cemetery graves;**
- E. Sandbagging, diking, ditching, filling or similar work when done to protect life or property during an emergency;**
- F. Repaving of existing paved surfaces that does not alter existing drainage patterns;**
- G. Maintenance work on public roads performed under the direction of the city, Clackamas County or Oregon State Department of Transportation personnel.**

RESPONSE: Understood – Sheet 3 of the submitted plans is the proposed grading plan for the project. Upon receiving land use approval from the Planning Department for the proposed development, the Applicant will be submitting a detailed civil plan set to the City Engineering Department that includes a detailed grading plan in order to receive a city-issued grading permit for the project. Any exemptions will be addressed with the review of the civil plans.

15.48.090 Submittal requirements.

An engineered grading plan or an abbreviated grading plan shall be prepared in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards whenever a city approved grading permit is required. In addition, a geotechnical engineering report and/or residential lot grading plan may be required pursuant to the criteria listed below.

A. Abbreviated Grading Plan. The city shall allow the applicant to submit an abbreviated grading plan in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards if the following criteria are met:

1. No portion of the proposed site is within the flood management area overlay district pursuant to [Chapter 17.42](#), the unstable soils and hillside constraints overlay district pursuant to [Chapter 17.44](#), or a water quality resource area pursuant to [Chapter 17.49](#); and

2. The proposed filling or grading activity does not involve more than fifty cubic yards of earth.

B. Engineered Grading Plan. The city shall require an engineered grading plan in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards to be prepared by a professional engineer if the proposed activities do not qualify for abbreviated grading plan.

C. Geotechnical Engineering Report. The city shall require a geotechnical engineering report in compliance with the minimum report requirements of the Public Works Stormwater and Grading Design Standards to be prepared by a professional engineer who specializes in geotechnical work when any of the following site conditions may exist in the development area:

1. When any publicly maintained facility (structure, street, pond, utility, park, etc.) will be supported by any engineered fill;

2. When an embankment for a stormwater pond is created by the placement of fill;

3. When, by excavation, the soils remaining in place are greater than three feet high and less than twenty feet wide.

D. Residential Lot Grading Plan. The city shall require a residential lot grading plan in compliance with the minimum report requirements of the Public Works Stormwater and Grading Design Standards to be prepared by a professional engineer for all land divisions creating new residential building lots or where a public improvement project is required to provide access to an existing residential lot.

RESPONSE: None of the code sections listed above are actual land use review approval criteria applicable to the Applicant's development proposal for Site and Design Review. Instead, these sections listed above apply to the submittal requirements for the civil plans that are submitted to the City's Engineering Department upon gaining land use approval for a proposed development project from the City's Planning Department. Should the Applicant's development proposal gain land use approval from the City's Planning Department, then detailed civil plans we be prepared pursuant to the above code requirements for review and approval by the City's Engineering Department. The Applicant anticipates that these code sections will be referenced as Engineering conditions of approval as part of any land use approval.

OREGON CITY MUNICIPAL CODE (Code)
TITLE 16 – LAND DIVISIONS

Chapter 16.12 - MINIMUM PUBLIC IMPROVEMENTS AND DESIGN STANDARDS FOR DEVELOPMENT

16.12.010 - Purpose and general provisions.

All development shall be in conformance with the policies and design standards established by this chapter and with applicable standards in the city's public facility master 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.

RESPONSE: The above code section is not an actual approval criterion for Site and Design Review, but rather a general-purpose statement relating to the City's Engineering Department's review of the required civil plans after the Applicant has received Land-Use approval for the proposed project. The Applicant is aware of this code section and will work closely with the City's Engineering Staff upon gaining Site and Design Review approval from the City's Planning Department for the proposed development.

16.12.011 - 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. 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.

RESPONSE: The above code section does not contain any actual approval criteria for Site and Design Review proposals. Instead, it is an applicability statement indicating the types of developments that are subject Chapter 16.12. Because the Applicant is applying for Site and Design Review approval, the applicable sections of Chapter 16.12 will apply to the Applicant's request. The applicable sections of Chapter 16.12 are addressed below in detail.

16.12.012 - 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.

RESPONSE: Yes, understood, the Applicant is aware that 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.

16.12.013 - 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. Compliance with the following criteria is required:

- A. The modification meets the intent of the standard;**
- B. The modification provides safe and efficient movement of pedestrians, motor vehicles, bicyclists and freight;**
- C. The modification is consistent with an adopted transportation or utility plan; and**
- D. The modification is complementary with a surrounding street design; or, in the alternative;**
- E. 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.**

RESPONSE: As part of the proposed development, the Applicant is proposing three (3) short private streets. As required by OCMC 16.12.016(E) below, any new street proposed with a pavement width of less than thirty-two feet will be processed through OCMC 16.12.013 and meet minimum life safety requirements.

The Applicant is proposing a series of internal private streets that will access the new public street running north/south through the site. The proposed private streets will have a paved width of 22-feet and a five-foot sidewalk on one (1) side. In addition, to accommodate fire suppression vehicles/devices, there will be a hammerhead turnaround located at the southern end of the private street system to help assure an adequate level of fire and life safety.

The proposed private street system meets the intent of the above standard, and the requested street modification provides for a safe and efficient movement of pedestrians, motor vehicles, bicyclists, delivery vehicles, as well as fire and life safety apparatuses. Additionally, the proposed private street system is complimentary to the existing surrounding transportation system, as well as with the proposed new local street running north/south through the site. Lastly, the proposed private streets will be owned and maintained by the Homeowners Association (HOA) in order to assure that the streets remain functional and in good shape.

16.12.015 - 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.**

RESPONSE: As part of the proposed development, the Applicant will be constructing a new north/south public street through the project that will connect Holmes Lane with Mountainview Street. In addition, the Applicant will be providing two (2) pedestrian connections, one on the east side and one on the west side of the project, to provide access to Stafford Park and Singer Creek Park, respectively. All proposed public and private streets, right-of-way dedications, and pedestrian connections satisfy the above criteria.

16.12.016 - 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.

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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.

RESPONSE: As part of the proposed development, the Applicant will be making required right-of-way dedications for Holmes Ln. and Mountainview St., as well as dedicating a new local street right-of-way through the development to connect Holmes Ln. to Mountainview Street. All proposed right-of-way dedications and proposed public street improvements satisfy the requirements of this section.

- 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.**

RESPONSE: The Applicant's proposal satisfies the above criterion because sidewalks are proposed along both sides of the proposed new public street, along the sites Holmes Ln. and Mountainview St. frontages, as well as along one side of the proposed private street.

- 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.**

RESPONSE: The above criterion does not apply to the Applicant's proposal because there are no existing or planned pedestrian and/or bicycle routes in the area. All bicycles and pedestrians will use the existing and proposed public street system to access the surrounding area.

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.

RESPONSE: All required street names and traffic control devices will be installed as directed by the City Engineer and 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.

RESPONSE: Any required streetlights will be located and installed pursuant to City standards and regulations. The Applicant respectfully requests this criterion to be made a condition of any final approval to be reviewed concurrently with the civil plans for the construction of the project.

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.

RESPONSE: As part of the proposed development, The Applicant is proposing 22-foot wide paved unobstructed travel lanes for the private streets. The Applicant has addressed this above under OCMC 16.12.013.

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.

RESPONSE: The Applicant's proposal satisfies this criterion because vegetated planter strips that are five feet in width and located between the sidewalk and curb are proposed on both sides of the new local public street, as well as along the sites Holmes Ln. and Mountainview St. frontages. See sheet 4 for more detail.

- 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.**

RESPONSE: The above criteria do not apply to the Applicant's proposal because no vehicle and/or pedestrian access easements are proposed or are necessary to serve in lieu of streets.

16.12.017 - 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."**

RESPONSE: The above criteria do not apply to the Applicant's proposal because no stubbed street dedications terminating at the boundary of the development or half streets dedicated along a boundary are being proposed as part of the development proposal.

16.12.018 - 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.**

RESPONSE: The Applicant's proposal satisfies the above criteria because the new proposed public street aligns with the center line of Rilance Ln., which is located across Holmes Ln. from the subject site. No offset centerlines are being proposed and there are no twenty-four-foot-wide driveways proposed as part of the development proposal.

16.12.019 - Traffic sight obstructions.

All new streets shall comply with the Traffic Sight Obstructions in Chapter 10.32.

RESPONSE: The submitted application includes a Transportation Impact Analysis (TIA) prepared by Global Transportation Engineering that addresses the traffic impacts of the proposal and suggests no off-site improvements are necessary to mitigate the traffic impacts associated with the proposed condominium project. In addition, the TIA further concludes that there will be no traffic sight obstruction created by the proposed 60-unit condominium project (the findings and designs included in the TIA are incorporated by reference herein). The Applicant's proposal satisfies this criterion.

16.12.020 - 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.

RESPONSE: The Applicant's proposal satisfies the above criterion because all proposed streets, both public and private, have been laid out to intersect at angles as near as possible to right angles. The proposed new public street will intersect with Holmes Ln. and Mountainview Street at right angles, and the proposed private streets will intersect with the new public street at right angles in two (2) places. This criterion has been met.

16.12.021 - Street design—Grades and curves.

Grades and center line radii shall conform to standards approved by the City Engineer.

RESPONSE: The proposed street grades and center line radii have been designed to conform to the standards approved by the City Engineer. This will be further reviewed during the civil plan review should the Applicant's request receive land use approval. The Applicant's proposal satisfies the above criterion.

16.12.022 - 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.

RESPONSE: The subject property abuts Holmes Lane along the site's front property boundary. Holmes Lane is functionally classified as a "Collector" street per the City's Transportation System Plan (TSP). Per the Public Works Pre-Application notes the Applicant received from the City, it's not anticipated that any access control, screen planting, and/or wall within an easement will be necessary for the project to protect residential properties or afford separation of through and local traffic. Additionally, not reverse frontage lots are being proposed and there are no other jurisdiction facilities impacted by the Applicant's proposal. The Applicant's proposal satisfies the above criterion.

16.12.023 - 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.

RESPONSE: There is an existing bicycle lane located along Holmes Lane adjacent to the subject property. With the required Holmes Lane right-of-way dedication and improvements along the site's frontage, the existing bicycle lane will remain and be enhanced. There is no existing sidewalk along the sites Holmes Lane frontage. With the required right-of-way dedication for Holmes Ln., the Applicant will be installing a sidewalk along the site's Holmes Ln. frontage. In addition, sidewalks will be added along both sides of the new proposed public street, as well as along one side of the new private streets. No crosswalks are proposed or required for the proposal. The Applicant's proposal satisfies the above criterion.

16.12.024 - 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.

RESPONSE: The above criterion does not apply to the Applicant's proposal because no half street designs are proposed or necessary for the proposed development.

16.12.025 - 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).**

RESPONSE: The Applicant is proposing a small street network consisting of public and private streets that will connect in a looping fashion. However, the southern portion of the private street(s) will terminate in a "hammer-head" style turnaround to accommodate emergency, garbage, and delivery vehicles. Due to the location of the proposed new public street, as well as the designation of Holmes Lane as a Collector street, access restrictions preclude the connection of the proposed private street with Holmes Ln. as it would not meet the spacing standards for a Collector street. The Applicant's proposal satisfies the above criteria.

16.12.026 - 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.

RESPONSE: The above criterion does not apply to the Applicant's proposal because no alleys are being proposed as part of the development proposal. All proposed dwelling units will be accessed by either the new public street or the proposed private streets.

16.12.027 - 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.

RESPONSE: The submitted application includes a Transportation Impact Analysis (TIA) prepared by Global Transportation Engineering that addresses the traffic impacts of the proposal and suggests no off-site improvements are necessary to mitigate the traffic impacts associated with the proposed condominium project. In addition, the TIA further concludes that there will be no traffic sight obstruction created by the proposed 60-unit condominium project (the findings and designs included in the TIA are incorporated by reference herein). The Applicant's proposal satisfies this criterion.

16.12.028 - 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.

RESPONSE: All proposed and existing streets within and adjacent to the site have been designed and laid out to promote pedestrian and bicycle circulation. Holmes Lane is not designated as

a transit street. With that being said, there is an existing transit stop located approximately 0.21 miles west of the site at the Linn Ave./Holmes Ln. intersection, as well as a transit stop located approximately 0.25 miles east of the site at the intersection of Holmes Ln. and Molalla Ave. Both existing transit stops are located within an easy walking distance of the proposed development. As such, no additional transit stops are required for the proposed development.

The Applicant's proposal satisfies the above criterion.

16.12.029 - 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.

RESPONSE: The above code language is not actual land-use review development approval criteria for the Applicant's 60-unit condominium proposal, but rather the City's Engineering requirements for restoration of pavement resulting from any excavation done to any pavement or other street improvements on any street or alley in the City. The Applicant is aware of this code section and understands that it will be the requirement under any excavation permit granted by the City Engineer.

16.12.030 - Blocks—Width.

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

RESPONSE: As part of the proposed development, the Applicant will be dedicating a new local public street running north/south through the development. The proposed public street will intersect with Mountainview St. at the north end of the site and align with Rilance Ln. where it intersects with Holmes Ln. at the south end of the site. As noted in the Engineering Pre-App notes, "To ensure City block length standards are met (530' maximum), the development will be required to provide a north-south "Local" road. The new road shall align with Rilance Lane, in the south, and connect to Mountainview Street, in the north. The applicant has provided a concept of such a road which meets city block length requirements". The proposed new local public street is in the same location as provided in the concept plan for the Pre-App. meeting. The Applicant's proposal satisfies the above criterion.

16.12.031 - 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.

RESPONSE: At this time the Applicant has not chosen a street name for the new local public street. It's possible that it could be considered an extension of an existing street since it will align with Rilance Ln. located across Holmes Ln. from the site. If the City determines this to be the case, then the new local public street will be Rilance Ln. However, if the Applicant is able to offer an alternative street name, then the Applicant respectfully request the opportunity to provide a new street name for the new public street with the dedication of the street.

16.12.032 – 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.

RESPONSE: No dedicated bicycle accessways are proposed or required for the proposed development. All bicycles will share the public street system with other vehicles and the proposed new local public street will provide direct and safe access between residential areas.

Similar to the bicycles, pedestrians will also utilize the existing and proposed public street system for access to surrounding residential areas, retail and office areas, parks, and transit streets. However, the Applicant is proposing two (2) open space/pedestrian access areas to connect the subject site to the adjacent public parks on either side of the subject site. The open space/pedestrian access areas will be located between units 5 and 6, and 33 and 34 to provide convenient access to both Stafford Park and Singer Creek Park, respectively.

The Applicant's proposal satisfies the above criterion.

16.12.033 - 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.

RESPONSE: The Applicant has provided a Traffic Impact Analysis (TIA) prepared by Global Transportation Engineering that addresses the traffic impacts of the proposal. The TIA concludes that with the proposed development, all intersection mobility standards will continue to be met, and suggests no off-site improvements are necessary to mitigate the traffic impacts associated with the proposed condominium project (the findings and designs included in the TIA are incorporated by reference herein). The Applicant's proposal satisfies this criterion.

16.12.035 - Driveways.

- A. All new development and redevelopment shall meet the minimum driveway spacing standards identified in Table 16.12.035.A.**
- B. Nonresidential or multi-family residential driveways that generate high traffic volumes shall be treated as intersections and shall adhere to requirements of OCMC 16.12.020.**
- C. One driveway may be allowed per frontage, unless otherwise restricted. In no case shall more than two driveways 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.**

RESPONSE: The Applicant is proposing 12-foot wide side-by-side driveways for both the duplex and triplex style condominiums. Each driveway will serve an individual unit and single-car

garage. Thirteen (13) of the proposed driveways will have access to the new proposed local public street, while all other units will take access from the proposed private streets. Except for the eight (8) triplex structures, which will have three (3) driveways taking access from the public and private streets, no more than two (2) driveways are proposed for the attached single-family units. The minimum spacing between the driveways serving each condominium building will be 15-feet. The Applicant respectfully request approval from the City Engineering Department for the three (3) driveways serving the triplex style condominium buildings.

D. When a property fronts multiple roads, access shall be provided from the road with the lowest classification in the Transportation System Plan whenever possible to minimize points of access to arterials and collectors. 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.***

E. All driveway approaches shall be limited to the dimensions identified in Table 16.12.035.D.

F. 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.***

RESPONSE: All proposed driveways will be taking access from either the proposed new local residential street, or from the proposed private streets, which are the lowest classification streets supporting the proposed development. The Applicant's proposal satisfies the above criteria.

G. 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.**

RESPONSE: All proposed driveways will be reviewed for compliance with the above criteria during the civil plan and building permit review processes. No driveways will have a slope greater than 15%.

H. 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 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.

RESPONSE: At this time no exceptions to the City's driveway standards are anticipated for the proposed development. However, during the civil plan review, should a deficiency be identified, then the Applicant preserves its rights to request an exception per the above criterion for any driveway that does not meet the City's driveway design standards.

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.

RESPONSE: The above code language is not actual land-use review development approval criteria for the Applicant's 60-unit condominium proposal, but rather the City's Engineering requirements for grading of building sites. The Applicant is aware of this code section and has provided a preliminary grading plan has been provided as part of the submitted plan set. Nevertheless, the Applicant understands that grading plan for the structures is required for each building permit and it must conform to the State of Oregon Structural Specialty Code, Title 18.

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

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

RESPONSE: Utility easements will be required where necessary as determined by the City Engineer during the civil construction plan review. Easements will be continuous and aligned from block-to-block within the development as practicable. Easements for unusual facilities such as drainage channels and stormwater detention facilities will be adequately sized for their intended purpose, including any necessary maintenance roads. The subject property is not traversed or bound by any watercourse. Access easements are not anticipated for the proposed development and not resource protection easement or other protective measures are necessary.

16.12.090 - Minimum improvements—Procedures.

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

- A. Improvement work shall not commence until construction plans have been reviewed and approved by the City Engineer and to the extent that improvements are 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 franchise utility easement within private property.**

- 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.**

RESPONSE: The above code language is not actual land-use review development approval criteria for the Applicant's 60-unit condominium proposal, but rather the City's Engineering procedures for improvements installed by the applicant either as a requirement of these or other regulations. The Applicant is aware of this code section and will submit detailed civil plans for review by the Engineering Department upon gaining land-use approval for the proposed project. The civil plans will 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.

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 or 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. Existing and new electrical lines and other wires, including but not limited to communication, street lighting and cable television, shall be placed underground.
- 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.

RESPONSE: The above code language is not actual land-use review development approval criteria for the Applicant's 60-unit condominium proposal, but rather the City's Engineering minimum improvement requirements for public facilities and services serving a proposed development. The Applicant is aware of this code section and has provided Sheet 5 of the submitted plan set, which is an overall utility plan for the proposed development. Upon gaining land use approval for the proposed development, the Applicant will be submitting detailed civil plans for review by the Engineering Department for the proposed project. The detailed civil plans will demonstrate compliance with the above public facilities and services requirements, as well as 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.

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.

RESPONSE: As part of the development proposal, the Applicant is proposing a new local public street running north/south through the site. The creation of the new public street and the resultant separate land parcels will be established by deed. The tract of land which the street is

to be dedicated is within an isolated ownership of the proposed condominium project's Homeowners Association (HOA).

Since the proposed application does not require a public hearing, the Applicant respectfully requests that a copy of a preliminary plan and the proposed deed be submitted to the Community Development Director and City Engineer as a condition of any final approval. The following condition of approval is suggested: Prior to beginning any site development work, the Applicant shall submit a copy of a preliminary plan and the proposed deed to dedicate the new public right-of-way to the Community Development Director and City Engineer.

The Applicant's proposal satisfies the above criteria.

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.**

RESPONSE: The above criterion does not apply to the Applicant's proposal because no land division is being proposed that requires final plat approval.

- 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.**

RESPONSE: The above code language is not actual land-use review development approval criteria for the Applicant's 60-unit condominium proposal, but rather the City's Engineering requirements for constructing required public improvements for projects that require the recording of a final plat. Since the applicant is not proposing any land divisions as part of the proposed development project, the above criterion does not apply to the Applicant's proposal as no final plat is required to be recorded for the project.

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.

RESPONSE: The Applicant is aware of this code section and is agreeable to providing the City with a performance guarantee in accordance with OCMC 17.50.140 should it be necessary. The Applicant further understands that upon completion of the required public improvements for the project, the Applicant will be required to record a maintenance bond for the public improvements 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.

RESPONSE: No Local Improvement District (LID) is anticipated or required for the proposed development. All required on-site improvements will be completed with the development of the site. No off-site improvements are warranted or required for the Applicant's proposal.

Chapter 16.20 - PROPERTY LINE ADJUSTMENTS AND ABANDONMENT PROCESS AND STANDARDS

16.20.020 - Adjustment/abandonment submission requirements.

An application for a property line adjustment or abandonment shall include two copies of the following documents submitted to the Community Development Director:

- A. Application requirements as identified in OCMC [17.50.080](#);**
- B. A boundary survey prepared by an Oregon professional land surveyor in accordance with ORS 92.060(7) except where the application proposes the relocation of a currently monumented common boundary of a lot in a subdivision or a parcel in a partition when the adjusted property line is a distance of even width along the common boundary. The survey shall include in its title the following: "Proposed Property Line Adjustment Survey," shall identify the city planning file number and approval date immediately below the title block with space for signature and date by the community development director;**

C. Legal descriptions of the parent parcels to be adjusted and the resulting parcels to be created;

D. A current preliminary title report or trio for the subject property(ies);

E. A receipt from the county assessor's office indicating that all taxes for the lot or parcels involved are paid in full for the preceding tax year; and

F. Documentation indicating there are not any liens favoring the city on the subject site.

RESPONSE: As part of the overall proposal, the Applicant is proposing a lot line adjustment between the two (2) subject properties that comprise the site area.

The Applicant has included a boundary survey and title reports for the subject properties. Upon gaining approval from the City for the proposed lot line adjustment, the Applicant will submit new legal descriptions for the reconfigured parcels, a receipt from the County Assessor's office noting that all taxes for the lots involved are paid in full for the preceding tax year, and documentation indicating there are not any liens favoring the city on the subject site. The Applicant respectfully requests that these items be made a condition of any land use approval.

16.20.040 - Adjustment/abandonment approval standards.

All parcels resulting from a lot line adjustment or abandonment shall conform to the applicable requirements of Title OCMC 16 and 17 including the standards within the zoning designation such as, but not limited to, lot width, depth, lot coverage, subdivision density requirements, setbacks, as well as access and frontage requirements, ORS 92.010 to ORS 92.160, and any other city regulation deemed applicable by the community development director or state law. In no case shall a lot line adjustment result in a parcel that is unbuildable due to the presence of an overlay district or other physical constraint unless the parcel is recorded as a "tract" as defined by OCMC [17.04.1303](#).

The community development director shall determine if the applicant's submission complies with these standards, and issue to the applicant a notice of decision consistent with OCMC [17.50.120](#). The community development Director decision is final and not appealable to any other decision-maker within the city.

RESPONSE: All parcels resulting from the proposed lot line adjustment conform to the applicable requirements of Title OCMC 16 and 17 including the standards within the zoning designation such as, but not limited to, lot width, depth, lot coverage, density requirements, setbacks, as well as access and frontage requirements.

Currently the subject properties have the following lot sizes: Tax Lot 5001 is 1.80 acres in size, and Tax Lot 5100 is 2.50 acres in size. With the proposed lot line adjustment Tax Lot 5001 will be increased to 3.8 acres or 165,615 square feet and Tax lot 5100 will be decreased to 0.53 acres or 23,206 square feet. There are two (2) parcels now and there will only be two (2) parcels after the lot line adjustment. No additional lots are being created. The subject parcels are located in the R-2 zoning district which has a minimum lot size requirement of 2,000 square feet. Both of the reconfigured parcels meet or exceed the minimum lot size requirement.

OREGON CITY MUNICIPAL CODE (Code)
TITLE 17 – ZONING

Chapter 17.12 HIGH DENSITY RESIDENTIAL DISTRICT

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 the ordinance codified in this chapter;**
- B. Internal conversions of existing single-family detached residential units constructed prior to the effective date of the ordinance codified in this chapter;**
- C. Duplexes;**
- D. Corner duplexes;**
- E. Single-family attached residential units;**
- F. 3—4 plex residential;**
- G. Multi-family residential;**
- H. Cluster housing;**
- ...**

RESPONSE: The subject site area is identified on the City of Oregon City's (City) Official Zoning Map as being in the High Density Residential (R-2) Zoning District.

The Applicant is proposing to develop the subject site as a 60 Unit condominium development consisting of twenty-five duplex style buildings and three triplex style buildings. Thus, the Applicant's proposal qualifies as a permitted use in the R-2 zone as single-family

attached residential units per item E above. The Applicant's proposal satisfies the above criteria.

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	4,000 square feet
• Single-family attached	2,000 square feet
• 3—4 plex and multi-family	6,000 square feet
Maximum height	
All, except	35 feet, except
Multi-family	45 feet
Maximum building lot coverage	85%
Minimum lot width	
All, except	50 feet, except
Single-family attached	20 feet
Minimum lot depth	
All, except	70 feet, except
Multi-family	75 feet
Minimum front yard setback	5 feet, except
	0 feet — Porch
Maximum front yard setback	20 feet
Minimum interior side yard setback	
All, except	5 feet ¹
Single-family attached	0 feet (attached)/5 feet (side)
Minimum corner side yard setback	5 feet
Minimum rear yard setback	10 feet ¹ , except
	5 feet — Porch
Garage setbacks	20 feet from ROW, except
	5 feet from alley
Minimum required landscaping (including landscaping within a parking lot)	15%

Notes:

1. If a multi-family residential development abuts a parcel zoned R-10, R-8, R-6, there shall be a landscaped yard of ten feet on the side abutting the adjacent zone in order to provide a buffer area.

RESPONSE: As noted above, the Applicant's proposal is for a 60 Units condominium project that qualifies as a single-family attached residential housing project. All units will be located on a single parcel of land with a gross site area of 165,615 square feet.

In calculating the density for the proposed 60-unit condominium project, Sections 17.04.808 and 17.04.810 of the Code define Net density and Net developable area to mean the number of dwelling units divided by the net developable area, as measured in acres. The net developable area, as defined in Section 17.04.810, "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.

Based on the City's definitions defining how to calculate the net density for the site, the net developable area is calculated below.

The gross and net square footages are shown below.

Deductions from Gross Square Footage:

Holmes Ln. right-of-way	2,796 Sq. Ft.
New Public Street right-of-way	26,269 Sq. Ft.
Mountain View St. right-of-way	1,112 Sq. Ft.
Public Open Space	6,232 Sq. Ft.
Private Open Space	1,200 Sq. Ft.
Water Quality pone	4,922 Sq. Ft.
Total =	42,531 Sq. Ft. in Deductions

Gross Square Footage	165,615 Sq. Ft.
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-Deductions	42,531 Sq. Ft.
Net Square Footage =	123,084 Sq. Ft. or 2.82 Net Acres

In this case, there are 123,084 Sq. Ft. or 2.82 net buildable acres because of right-of-way dedications, open space areas, and water quality areas are all excluded in the overall calculation of net buildable acreage. Calculating net density per the dimensional standards listed above provides for up to 61 units (123,084 Sq. Ft. divided by 2,000 Sq. Ft. (single-family attached) = 61.5 or 62 units). The Applicant's proposal is for 60 units, which is slightly below the maximum allowed in the R-2, thus satisfying the density requirements.

All proposed structures will not exceed the 45-foot height requirement for multi-family buildings and all applicable setbacks will be satisfied. The building heights and setbacks will be reviewed for compliance during the building permit review process. The proposed building lot coverage is 33.09%, which does not exceed the 85% requirement. As proposed, the Applicant's 60-unit condominium project satisfies the dimensional requirements listed above for the R-2 zone.

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.

RESPONSE: It's anticipated that some of the proposed units will have building projections such as cornices, eaves, overhangs, canopies, sunshades, gutters, chimneys, flues, sills, or similar architectural features projecting into the required yards by up to twenty-four inches. This will be reviewed for compliance during the building permit review process.

No through lots are proposed as part of this development proposal, therefore, criterion B above does not apply to the Applicant's proposal.

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.

RESPONSE: As noted previously, there are 2.73 net buildable acres because right-of-way dedications, open space areas, and water quality areas are all excluded in the overall calculation of net buildable acreage. Thus, the proposed density is 21.7 dwelling units per net buildable acre, which satisfies the maximum density requirements for the R-2 Zoning District.

Chapter 17.41 - TREE PROTECTION, PRESERVATION, REMOVAL AND REPLANTING STANDARDS

17.41.050 - Compliance options. modified

Applicants for review shall comply with these requirements through one or a combination of the following procedures:

- A. Option 1—Mitigation. Retention and removal of trees, with subsequent mitigation by replanting pursuant to OCMC [17.41.060](#);**
- B. Option 2—Dedicated Tract. Protection of trees or groves by placement in a tract within a new subdivision or partition plat pursuant to OCMC [17.41.080](#);**
- C. Option 3—Restrictive Covenant. Protection of trees or groves by recordation of a permanent restrictive covenant pursuant to OCMC [17.41.110](#); or**
- D. Option 4—Cash-in-lieu of planting pursuant to OCMC [17.41.120](#).**

RESPONSE: The Applicant proposes meeting the tree protection, preservation, removal and replanting standards through options 1 and 4 above. Except for the existing vegetation and trees to remain on the lot being reconfigured through the lot line adjustment, the remainder of the existing trees will need to be removed to accommodate the proposed development.

As part of the proposed development, the Applicant is proposing street trees along both sides of the new public street, along the site's Holmes Lane and Mountain Street frontages, and long one side of the proposed private street(s). In addition, the Applicant is proposing trees in the open space area on the east side of units 49 and 50. Should additional trees be necessary to satisfy the City's mitigation requirements, then the Applicant is requesting to pay a cash-in-lieu of planting pursuant to OCMC 17.41.120.

Chapter 17.47 – EROSION AND SEDIMENT CONTROL

17.47.030 - Applicability.

- A. This chapter, which may also be referred to as "erosion control" in this Code, applies to development that may cause visible or measurable erosion on any property within the city limits of Oregon City.**
- B. This chapter does not apply to work necessary to protect, repair, maintain or replace existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements in response to emergencies, provided that after the emergency has passed, adverse impacts are mitigated in accordance with applicable standards.**

RESPONSE: The above code language is not actual land-use review development approval criteria for the Applicant's 60-unit condominium proposal, but rather the applicability statement of the City's Erosion and Sediment control code.

The Applicant is aware of this code section and will comply with the required erosion control requirements as determined necessary during the Engineering Department's review of civil plans for the construction of the proposed development.

17.47.070 - Erosion and sediment control plans.

- A. An application for an erosion and sediment control permit shall include an erosion and sediment control plan, which contains methods and interim measures to be used during and following construction to prevent or control erosion prepared in compliance with City of Oregon City public works standards for erosion and sediment control. These standards are incorporated herein and made a part of this title and are on file in the office of the city recorder.**
- B. Approval Standards. An erosion and sediment control plan shall be approved only upon making the following findings:**

RESPONSE: The above code language is not actual land-use review development approval criteria for the Applicant's 60-unit condominium proposal, but rather the Public Works requirements for erosion and sediment control plans necessary for a permit to be used during and following construction.

The Applicant is aware of this code section and will comply with the required erosion control permitting and requirements as determined necessary during the Engineering Department's review of civil plans for the construction of the proposed development.

17.47.080 - Plan implementation.

An approved erosion control and sediment control plan shall be implemented and maintained as follows:

- A. Plan approval, where required, shall be obtained prior to clearing or grading. No grading, clearing or excavation of land requiring a plan shall be undertaken prior to approval of the plan.**
- B. The erosion and sediment control facilities shall be constructed prior to any clearing and grading activities, and maintained in such a manner as to ensure that sediment laden water does not enter the drainage system or violate applicable water standards.**
- C. The implementation of an erosion and sediment control plan and the construction, maintenance, replacement, and upgrading of erosion and sediment control facilities is the responsibility of the owner or his/her designated representative until all construction is completed and approved, and vegetation, landscaping or approved finished surfaces is established.**
- D. The erosion and sediment control facilities herein are the minimum requirements for anticipated site conditions. During the construction period, these erosion and sediment control facilities shall be upgraded as needed for unexpected storm events and to ensure that sediment-laden water does not leave the site.**
- E. Any observation of visible or measurable erosion, or an observation of more than a ten-percent increase in downstream channel turbidities, will result in an enforcement action by the city.**
- F. The owner or his/her designated representative shall implement the measures and construct facilities as provided for and according to the implementation schedule in the approved plan. The manager shall be allowed reasonable access to the development site for inspection purposes.**

RESPONSE: The above code language is not actual land-use review development approval criteria for the Applicant's 60-unit condominium proposal, but rather the Public Works requirements for implementation of an approved erosion and sediment control plans and permit to be used during and following construction.

The Applicant is aware of this code section and will comply with the required erosion control permitting and implementation requirements as determined necessary during the Engineering Department's review of civil plans for the construction of the proposed development. Not approval criteria.

17.47.090 - Plan performance guarantee and security.

After the plan is approved by the manager and prior to construction or grading, the owner shall provide a financial guarantee. Erosion and sediment control shall be included in the cost estimate for the primary project, such as land division or site plan, and included in that project's performance guarantee.

RESPONSE: The above code language is not actual land-use review development approval criteria for the Applicant's 60-unit condominium proposal, but rather the Public Works erosion and sediment control plans performance guarantee and security requirements.

The Applicant is aware of this code section and will comply with the required erosion control permitting, implementation, and Plan performance guarantee and security requirements as determined necessary during the Engineering Department's review of civil plans for the construction of the proposed development. Not approval criteria.

Chapter 17.52 - OFF-STREET PARKING AND LOADING

17.52.020 - Number of automobile spaces required. modified

- A. The number of parking spaces shall comply with the minimum and maximum standards listed in Table 17.52.020. The parking requirements are based on spaces per one thousand square feet net leasable area unless otherwise stated.**

RESPONSE: Even though the Applicant's proposal is for a 60-unit condominium project, it's the Applicant's understanding that the City will be reviewing it as a multi-family project. Thus, pursuant to the minimum and maximum standards listed in Table 17.52.020, the minimum parking requirement is 1.00 off-street parking space per unit, and the maximum parking requirement is 2.50 off-street parking spaces per unit. Based on these requirements, the minimum off-street parking requirement for the Applicant's proposal is 60, and the maximum off-street parking requirement is 150. The Applicant is proposing 120 off-street parking spaces consisting of a single car garage and 20-foot driveways for a total of two (2) off-street parking spaces per unit. The Applicant's proposal satisfies the minimum off-street parking requirement per Table 17.52.020.

Chapter 17.62 - SITE PLAN AND DESIGN REVIEW

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 fifteen percent 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.

RESPONSE: The Applicant's proposal satisfies the above criteria because the amount of proposed landscaping exceeds the required minimum landscaping standard. All proposed landscaped areas will be improved with growing plant materials. To the best of the Applicant's knowledge, there are no natural resource overlay districts located on the subject property.

A tentative landscape plan has been submitted that shows that landscape areas will be improved with a mix of vertical (trees and shrubs) and horizontal elements (grass, groundcover, etc.) that within three (3) years will cover 100 percent of the proposed landscape areas. The Applicant respectfully requests, as a condition of any final approval, to require the Applicant to submit a detailed landscape plan prepared by a registered landscape architect as part of the civil plan review process.

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.**

RESPONSE: The above criterion does not apply to the Applicant's proposal because no stand along parking area or parking lot is proposed. Instead, each proposed condominium unit will have its own single-car garage and driveway, similar to a single-family dwelling.

- 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.**

RESPONSE: The Applicant's proposal satisfies the above criterion because two (2) pedestrian connections are proposed from the rights-of-ways to the adjoining property to the east and west to provide access to the City's Stafford Park. One pedestrian connection is proposed between units 5 and 6, and the other pedestrian connection is proposed between units 32 and 33. This criterion has been met.

- 3. Parcels larger than three acres shall provide streets as required in OCMC [16.12](#).**

RESPONSE: The subject site is 4.33 acres in size, so the above criterion applies to the Applicant's proposal. All proposed streets, both public and private, have been provided as required in OCMC 16.12. The proposed public street will run north and south through the site connecting with Holmes Ln. to the south and Mountain View St. to the north. The public street has been designed with street pavement, curbs, gutters, sidewalks and planter strips, and street trees as required by OCMC 16.12. In addition, the Applicant has proposed improvements along the sites Holmes Ln. street frontage consistent with OCMC 16.12. The frontage improvements include dedicating necessary right-of-way, adding additional pavement, new 5-foot sidewalk, 5-foot planter strip, and 6-foot raised bike lane as required by OCMC 16.12.

- 4. Parking garage entries shall not be more than half of the streetscape.**

RESPONSE: The above criterion does not apply to the Applicant's proposal because no large parking garages are being proposed as part of the development proposal. Instead, as noted previously, each proposed condominium unit will have its own single-car garage and driveway, similar to a single-family dwelling.

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.

RESPONSE: The Applicant's proposal satisfies all of the above criteria because a well-marked, continuous and protected on-site pedestrian circulation system has been provided. The proposed pedestrian circulation system will connect all main entrances of the proposed condominium units, parking areas (i.e., driveways), common outdoor areas, and any pedestrian amenities on the site. All proposed condominium units will be fronting on the streets, so the proposed sidewalks will be used to satisfy this standard. In addition, each unit will have a hard surface walkway connecting the units entry way with the sidewalk.

The proposed on-site pedestrian walkways will be hard surfaced (i.e., concrete), well drained and at least five (5) feet wide. Surface material will contrast visually to adjoining surfaces, as all streets will be asphalt and the sidewalks will be concrete. All of the pedestrian circulation systems that are parallel to and adjacent to an auto travel lane, the walkway will be raised or separated from the auto travel lane by a raised curb, bollards (pedestrian paths between units 5 & 6 and 32 & 33), landscaping or other physical barrier.

**17.62.055 - Institutional, office, multi-family, retail, and commercial building standards.
modified**

- 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.***

RESPONSE: The Applicant's proposal is for 60 attached single-family residential condominium units. Due to the Applicant's proposed site layout – combination of duplex and triplex style condominium buildings clustered throughout the site, the City has determined that Chapter 17.62 of the OCMC should be applied to the Applicant's proposal to the extent practicable. To that end the Applicant is not opposed to having the proposed 60 attached single-family residential condominium unit proposal reviewed against the criteria in Chapter 17.62 of the OCMC, however; because the project is not an institutional, office, multi-family, retail and/or commercial building(s), not all of the criteria in Chapter 17.62 will be applicable to the Applicant's proposal.

The Applicant has reviewed Chapter 17.62 to determine what criteria would be applicable to the proposed 60 attached single-family residential condominium units and has listed them below and has provided detailed responses as to how the proposal satisfies the criteria.

- 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.***

RESPONSE: The Applicant is aware of the above criterion and understands how the code will be applied when a conflict between a design standard in this section and a standard or requirement in the underlying zoning district arises.

- 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.**

RESPONSE: Because the Applicant is not proposing a large Institutional, office, multi-family, retail, and/or commercial building, The Applicant's condominium proposal has conflicts with the siting of structures requirements. For example, all proposed condominium units will have street frontage and face the street, but they need to be setback 20-feet to provide for a driveway. With the exception of units 53 – 60, which will be rear-loaded along the private street with the front of the units facing Holmes Ln., all other units will be front loaded along the new public street or the proposed private street.

Units 53 – 60 will be setback between 25 – 30 feet from Holmes Lane, but there will be at least twenty square feet of landscaping or planter boxes for each unit facade fronting on the street. Units 1 – 52 will be setback 20 feet from the new public street and private streets to accommodate a driveway. However, the Applicant will provide pedestrian scale lighting for these units to meet the intent of this code section.

By providing at least twenty square feet of landscaping and/or planter boxes for each unit facade fronting on Holmes Lane (i.e. Units 53 – 60), and street pedestrian scale lighting for all other units (i.e. Units 1 -52), the Applicant is respectfully requesting larger front yard setbacks for all units through site plan and design review to meet the intent of this code 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.

RESPONSE: The Applicant's proposal satisfies the above criterion because all proposed condominium units will have the front most architecturally significant façade toward the street and have a functional primary entrance also facing the street. However, due to the need to create a looping private street system, units 14, 38, 48, 49, and 60 will also have a side elevation facing the street, but it will not be the street providing access to the unit. To help off-set the impact of the side elevation facing the street, the Applicant has enhanced this sides of these units to increase the window glazing to minimize a large blank wall facing the street.

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.**

RESPONSE: Because the Applicant's proposal is for attached single-family condominiums and not an Institutional, office, multi-family, retail, and/or commercial building, The Applicant's proposal is a bit of a hybrid as it relates to the above criterion. With that being said, the proposed units include peaked roofs, distinct materials, architectural details, and a canopy in the form of a second story deck. Based on the single-family operational characteristics of the proposed units, the entryways to each unit more closely resemble what you would find with a detached single-family dwelling. Because the Applicant's proposal is different in nature to the types of uses contemplated for Design Review under this section, it is the Applicant's belief that the proposal satisfies the intent of the "Entryways" requirement by providing a clear and inviting entryway.

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.**

RESPONSE: The above criteria do not apply to the Applicant's proposal because the subject site is not a corner lot and no new lots are being proposed as part of the development proposal.

H. Variation in Massing. For street facing facades greater than one hundred twenty 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.**

RESPONSE: The above section does not apply to the Applicant's proposal because none of the proposed duplex or triplex condominium unit's street facing facades are greater than one hundred twenty feet in length.

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.**

RESPONSE: The Applicant's proposal satisfies the above criterion because all front and side facades will provide design elements or architectural features that will add interest and detail so there are no blank walls of thirty feet in length or greater. For units 14, 38, 48, 49, and 60, the side elevations facing the proposed public street will have side facades that include a variety of window types and sizes to break up the horizontal wall. See submitted elevation drawings for more detail.

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.**

RESPONSE: The Applicant's proposal satisfies the above criterion because all proposed triplex buildings have been designed with decorative materials on more than ten percent of the total front facade area (e.g., shingles, ornamentation, and pillars or posts), decorative roof lines, and balcony. In addition, because the Applicant's proposal is for duplex and triplex style condominium buildings, the buildings will be separated from each other by a minimum of five feet, which will help to break up the buildings and create a better street scape.

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.**

RESPONSE: The Applicant is proposing a combination of duplex and triplex style units that will be alternated throughout the site to minimize having 2 similar duplexes next to each other. With

that being said, there will be instances where two duplex units will be next to each other, but they will have a different facade. In these situations, the Applicant is proposing alternative painting schemes, façade changes, and minor architectural variations on the buildings to help create distinction and enhance the street scape within the development. See submitted elevation drawings for location of each unit and appearance.

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.**

RESPONSE: Because the Applicant's proposal is for a residential use and not a commercial use, it's reasonable to assume that the "multi-family" standards listed above would apply to the Applicant's 60-unit condominium project. The Applicant's proposal satisfies this requirement because all proposed elevations will have the minimum windows required. See submitted elevation drawings for more detail.

- 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.**

RESPONSE: The Applicant's proposal satisfies the above criterion because none of the proposed buildings have a continuous roofline on a street-facing façade of seventy-five feet. The maximum length of any proposed roof line is 50-feet for the triplex buildings. See submitted elevation drawings for more detail.

- 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.**

RESPONSE: The above criteria do not apply to the Applicant's proposal because a drive-through facility is not warranted for the proposed residential condominium project.

- 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.*

RESPONSE: The above criteria do not apply to the Applicant's proposal because the Applicant is not proposing new retail, office and/or institutional buildings which front on a transit street. The Applicant's proposal is for a residential condominium project.

17.62.057 - Multi-family 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 nonresidential, 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.**

RESPONSE: Even though the Applicant's proposal is not for a multi-family development, the Applicant's proposal has been designed with the above criteria in mind. Twenty-eight of the proposed sixty units will have at grade rear patios a minimum of one hundred square feet in size (e.g. Units 1 – 13 and 38 – 52). The remaining thirty-two units (e.g. Units 14 – 37 and 53 – 60), which cannot accommodate at grade patios due to topography issues, will have a second story deck totaling one hundred square feet in size. The Applicant's proposal satisfies the above criterion.

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.***

RESPONSE: As part of the proposed development, the Applicant has proposed three (3) common open spaces areas. The three common open space areas are located in the following areas: 1) SE corner of the new proposed public street (2,887 sq. ft.), 2) on the east side of Unit 49 (3,334 sq. ft.), and 3) between Units 5 and 6 (1,127 sq. ft.) and between Units 32 and 33 (1,015 sq. ft.). The first common open space area is intended for a entry monument recognizing the development and ornamental landscaping, the second common open space area is envisioned as a casual gathering area for the tenants with tables and benches, and the third common open space areas will function as a pedestrian connection to the adjoining Stafford City Park and will include benches. All open space areas will feature landscaping to enhance the spaces, as well as Pedestrian-scaled lighting.

Since the subject property is surrounded by the Stafford City Park on both sides of the proposed development, the Applicant would like to take advantage of this unique arrangement by making it easily accessible for the future condominium owners. Even though Stafford City Park is not currently improved with typical park like amenities, the Applicant foresees this area being used by the future tenants as a dog park, a place to play catch or to throw a frisbee, pick-up soccer game, or to simply relax and have a picnic.

As part of this proposal, the Applicant would like to work with the City to enhance Stafford City Park so it can provide additional recreational opportunities for the future residents. Given the proximity of the subject property to Stafford City Park, it makes sense to utilize this area as usable open space for the proposed condominium project. To that end, the Applicant is willing to make a proportionate financial contribution to the City so the City can purchase a play structure or similar type of amenity to enhance the park.

Based on the proposed open space, as well as the site's proximity to Stafford City Park, the believes the proposal satisfies the above criterion.

- 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.

RESPONSE: All proposed common open space areas will be separated from ground level windows and streets, with landscaping and low-level fencing to enhance safety and privacy for both the common open space areas 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.**

RESPONSE: All proposed common open space areas will be accessible from the dwelling units and public/private streets and sidewalks. The Applicant's proposal stratifies this criterion.

- 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.).**

RESPONSE: As proposed, the Applicant's proposal satisfies all open space requirements for both the private and common open space areas.

17.62.065 - Outdoor lighting.

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.

RESPONSE: The Applicant's proposal is for a 60-unit single-family attached condominium project consisting of mix of duplex and triplex style buildings. Based on the listed criteria above, the Applicant's proposal is excepted from the lighting requirements of this section.

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 ten p.m. and six 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.**

RESPONSE: As noted previously, the Applicant's proposal is excepted from the lighting requirements of this section.

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).

RESPONSE: As a single-family residential proposal, all trash will be handled by the individual residents by wheeling out their respective trash receptacles on "trash day". The Applicant's proposal satisfies the above criteria.



OREGON CITY

Community Development - Planning

Item 3a.

221 Molalla Ave. Suite 200 | Oregon City OR 97045

Ph (503) 722-3789 | Fax (503) 722-3880

LAND USE APPLICATION FORM

Type I (OCMC 17.50.030.A)

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

Type II (OCMC 17.50.030.B)

- ☐ Extension
- ☐ Detailed Development Review
- ☐ Geotechnical Hazards
- ☐ Minor Partition (<4 lots)
- ☐ Minor Site Plan & Design Review
- ☐ Non-Conforming Use Review
- ☒ Site Plan and Design Review
- ☐ Subdivision (4+ lots)
- ☐ Minor Variance
- ☐ Natural Resource (NROD) Review

Type III / IV (OCMC 17.50.030.C)

- ☐ Annexation
- ☐ Code Interpretation / Similar Use
- ☐ Concept Development Plan
- ☐ Conditional Use
- ☐ Comprehensive Plan Amendment (Text/Map)
- ☐ Detailed Development Plan
- ☐ Historic Review
- ☐ Municipal Code Amendment
- ☐ Variance
- ☐ Zone Change

File Number(s): _____

Proposed Land Use or Activity:

59 Unit Condominium Development

Project Name:

Holmes Ln. Condominiums

Number of Lots Proposed (If Applicable):

N/A

Physical Address of Site:

535 Holmes Ln. Oregon City 97045

Clackamas County Map and Tax Lot Number(s):

32E06AA05001**Applicant(s):**

Applicant(s) Signature:

Steve Miller

Applicant(s) Name Printed:

Emerio Design LLC - Steve Miller

Date:

Mailing Address:

6445 SW Fallbrook Pl. #100, Beaverton, OR 97008

Phone:

(541) 318-7487

Fax:

Email:

SteveM@emeriodesign.com**Property Owner(s):**

Property Owner(s) Signature:

Carl Herndon

Property Owner(s) Name Printed:

Orvella Herndon

Date:

11/30/2020 | 1:36 PM PST

Mailing Address:

535 Holmes Ln., Oregon City 97045

Phone:

Fax:

Email:

Representative(s):

Representative(s) Signature:

Steve Miller

Representative (s) Name Printed:

Emerio Design LLC

Date:

Mailing Address:

6445 SW Fallbrook Pl. #100, Beaverton, OR 97008

Phone:

(541) 318-7487

Fax:

Email:

SteveM@emeriodesign.com

All signatures represented must have the full legal capacity and hereby authorize the filing of this application and certify that the information and exhibits herewith are correct and indicate the parties willingness to comply with all code requirements.



OREGON CITY

Community Development – Planning

 221 Molalla Ave. Suite 200 | Oregon City OR 97045
 Ph (503) 722-3789 | Fax (503) 722-3880

PROPERTY LINE ADJUSTMENT OR ABANDONMENT APPLICATION

File Number: LL-21-00002
Applicant(s):
Applicant(s) Signature: Steve Miller **Date:** _____

Applicant(s) Name Printed: Emerio Design, LLC - Steve Miller
Mailing Address: 6445 SW Fallbrook Pl. #100 Beaverton OR 97008
Phone: (541) 318-7487 **Email:** steve@emeriodesign.com
Property A Owner(s):
Property Address: 545 Holmes Ln. Oregon City 97045
Clackamas County Map and Tax Lot Number: 32E06AA05100
Property Owner(s) Signature: Christopher Streeter **Date:** 11/30/20
Property Owner(s) Name Printed: Christopher Streeter
Mailing Address: _____

Phone: _____ **Email:** _____

Property B Owner(s):
Property Address: 535 Holmes Ln. Oregon City 97045
Clackamas County Map and Tax Lot Number: 32E06AA0501
Property Owner(s) Signature: Carl Herndon **Date:** 01/06/2021 | 7:02 PM PST
Property Owner(s) Name Printed: Orvetta Herndon
Mailing Address: _____

Phone: _____ **Email:** _____

All signatures represented must have the full legal capacity and hereby authorize the filing of this application and certify that the information and exhibits herewith are correct and indicate the party's willingness to comply with all code requirements.



OREGON CITY

Community Development – Planning

221 Molalla Ave. Suite 200 | Oregon City OR 97045

Ph (503) 722-3789 | Fax (503) 722-3880

PROPERTY LINE ADJUSTMENT OR ABANDONMENT APPLICATION

File Number: _____

Applicant(s):

Applicant(s) Signature: _____

Date: _____

Applicant(s) Name Printed: _____

Mailing Address: _____

Phone: _____

Email: _____

Property A Owner(s):

Property Address: _____

Clackamas County Map and Tax Lot Number: _____

Property Owner(s) Signature: _____

Date: _____

Property Owner(s) Name Printed: _____

Mailing Address: _____

Phone: _____

Email: _____

Property B Owner(s):

Property Address: _____

Clackamas County Map and Tax Lot Number: _____

Property Owner(s) Signature: _____

Date: _____

Property Owner(s) Name Printed: _____

Mailing Address: _____

Phone: _____

Email: _____

All signatures represented must have the full legal capacity and hereby authorize the filing of this application and certify that the information and exhibits herewith are correct and indicate the party's willingness to comply with all code requirements.



Sale Agreement # 545
Addendum # 7

ADDENDUM TO REAL ESTATE SALE AGREEMENT

1 This is an Addendum to: ☒ Real Estate Sale Agreement ☐ Seller's Counter Offer ☐ Buyer's Counter Offer ☐ Other _____
2 Buyer: Samm- Miller LLC., and or assigns
3 Seller: Chris Streeter, Barb Streeter

4 The real property described as: 545 Holmes Ln, Oregon City, OR 97045-3703
5 **SELLER AND BUYER HEREBY AGREE THE FOLLOWING SHALL BE A PART OF THE REAL ESTATE SALE AGREEMENT REFERENCED ABOVE.**

6 _____
7 _____
8 The purchase price of \$1,000,000 includes a 2.5 acre parcel of land of which approximately 85,504 sq. ft. will be sold
9 to Samm-Miller LLC, & or assigns. The remaining approximate 23,396 sq. ft. will be used to create a legal lot of record for the home
10 located at 545 Holmes Ln, Oregon City, Oregon 97045. Both Seller and Buyer agree the back property line will be directly behind the
11 existing backyard hedge, near the front of the red out building. The west property line will come of the South/West corner of the existing
12 red out building to Holmes Lane. Both parties are in agreement the red out building will be torn down.

13 _____
14 The land to the West of the gravel driveway to the entrance of the development will be open space, which will be maintained by the new
15 owners of the development. Both Buyer and Seller are in agreement that no structures will every be built in this open space highlighted
16 on the attached Exhibit "A".

17 _____
18 _____
19 _____
20 _____
21 _____
22 _____
23 _____
24 _____
25 _____
26 _____
27 _____
28 _____
29 Buyer Signature _____ Date _____ a.m. ____ p.m. ←
Samm- Miller LLC., and or assigns

30 Buyer Signature _____ Date _____ a.m. ____ p.m. ←

31 Seller Signature Chris Streeter Date 11/30/20 a.m. ____ p.m. ←
Chris Streeter

32 Seller Signature Barb Streeter Date 11/30/20 a.m. ____ p.m. ←
Barb Streeter

33 Buyer's Agent Jim McCartan Seller's Agent Jim McCartan

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LINES WITH THIS SYMBOL ← REQUIRE A SIGNATURE AND DATE

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OREF 002

Submittal Requirements:

The following information is required to be submitted:

- ☒ This Completed Application Form
- ☒ A Survey Prepared by Qualified Personnel which includes property lines, structures, water and sewer services, storm pipes, and location of a septic system.
- ☒ Title Reports or Trios for Each Property
- ☒ Deed Descriptions

1. Size

Identify the size of the properties subsequent to the Lot Line Adjustment.

- ☒ Lot Line Adjustment ☐ Lot Line Abandonment

Zoning Designation: High Density (R-Z)

Property A:

Area Prior to Adjustment 1.83 Ac (tax lot 5001)

Area After Adjustment 3.8 Ac

Total Area Adjusted 4.33 Ac

Property B:

Area Prior to Adjustment 2.5 Ac (tax lot 5100)

Area After Adjustment 0.53 Ac

Total Area Adjusted 4.33 Ac

Does the proposal include property within a previously platted subdivision? ☐ Yes ☒ No

If so, please attach the lot size calculations to demonstrate the average lot size within the subdivision and the proposal would not create lot size less than 80% of the minimum.

Subdivision Name: _____ File Number: _____

Average Lot Size: _____

Minimum Lot Size Allowed (80% of minimum): _____ Minimum Lot Size Proposed: _____

Planning Staff Only

Lot Size Approved? ☐ Yes ☐ No ☐ Not Applicable Initial _____

2. Lot Dimensions

Identify the lot width and depth of proposed lots. Lot width is measured between the midpoints of the two principal opposite side lot lines and generally at approximately right angles to the lot depth. Lot depth is measured from the midpoint of the front lot line to the midpoint of the opposite, usually rear lot line and generally at approximately right angles to the lot width. The minimum lot dimensions may be found in Title 17 of the Oregon City Municipal Code.

Zoning Designation: (R-Z)

Lot A
Lot Width: 280 feet

Lot Depth: 450 feet

Lot B
Lot Width: 120 feet

Lot Depth: 187 feet

Planning Staff Only

Lot Dimensions Approved? ☐ Yes ☐ No ☐ Not Applicable Initial _____

3. Setbacks

Identify the building setbacks (distance between the proposed foundation/support and the property line) for all structures onsite. The minimum distances may be found in dimensional standards of your zoning designation in Title 17 of the Oregon City Municipal Code. Please write N/A if the setback referenced is not affected by the proposal.

Zoning Designation: R-2

Lot A

Identify the closest point between the structures identified below and the proposed property line subsequent to the lot line adjustment/abandonment.

Dwelling

- Existing Dwelling to be removed

Closest Left Setback: _____

Closest Right Setback: _____

Closest Garage Setback: _____

Closest Rear Setback: _____

Closest Front Setback: _____

Closest Rear Porch Setback: _____

Closest Front Porch Setback: _____

Closest Projection into Setback: _____

Accessory Structure(s)

- Existing Accessory structures to be removed

Closest Left Setback: _____

Closest Right Setback: _____

Closest Garage Setback: _____

Closest Rear Setback: _____

Closest Front Setback: _____

Closest Rear Porch Setback: _____

Closest Front Porch Setback: _____

Closest Projection into Setback: _____

Lot B

Identify the closest point between the structures identified below and the proposed property line subsequent to the lot line adjustment/abandonment.

Dwelling

Closest Left Setback: 38 feet

Closest Right Setback: 20 feet

Closest Garage Setback: 60 feet

Closest Rear Setback: 93 feet

Closest Front Setback: 60 feet

Closest Rear Porch Setback: N/A

Closest Front Porch Setback: N/A

Closest Projection into Setback: N/A

Accessory Structure(s)

- Existing Accessory structure to be removed

Closest Left Setback: _____

Closest Right Setback: _____

Closest Garage Setback: _____

Closest Rear Setback: _____

Closest Front Setback: _____

Closest Rear Porch Setback: _____

Closest Front Porch Setback: _____

Closest Projection into Setback: _____

Planning Staff Only

Building Setback Approved? ☐ Yes ☐ No ☐ Not Applicable Initial _____

4. Lot Coverage

- N/A - property is zoned R-2

Structures 200 square feet or greater (excluding decks, covered and uncovered porches and eave overhangs), are limited to the following lot coverage:

- R-10, R-8 and R-6 Dwelling Districts: 40% Maximum Lot Coverage
 R-5 Dwelling District: 50% Maximum Lot Coverage
 R-3.5 Dwelling District: 55% Maximum Lot Coverage

Lot A

1. Square footage of all existing building footprints over 200 square feet (see exclusions above): _____
2. Square footage of all proposed building footprints over 200 square feet (see exclusions above): _____
3. Total square footage of all building footprints over 200 square feet (line 1+2): _____
4. Total square footage of property subsequent to the lot line adjustment/abandonment: _____
5. Line 3 divided by line 4 and multiply by 100: _____

Lot B

1. Square footage of all existing building footprints over 200 square feet (see exclusions above): _____
2. Square footage of all proposed building footprints over 200 square feet (see exclusions above): _____
3. Total square footage of all building footprints over 200 square feet (line 1+2): _____
4. Total square footage of property subsequent to the lot line adjustment/abandonment: _____
5. Line 3 divided by line 4 and multiply by 100: _____

Planning Staff Only

Lot Coverage Approved? ☐ Yes ☐ No ☐ Not Applicable Initial _____

5. Frontage

Each lot is required to have a minimum of 20 feet of frontage, unless a flag lot is proposed. Frontage means that portion of a parcel of property which abuts a dedicated public street or highway or an approved private way.

Proposed Frontage for Lot A: 280 feet Proposed Frontage for Lot B: 120 feet

☐ Not Applicable, a flag lot configuration is proposed

Planning Staff Only

Frontage Approved? ☐ Yes ☐ No ☐ Not Required Initial _____

6. 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

☒ Not Applicable, a flag lot configuration is not proposed

The pole must connect to a public street.

Does the pole portion connect to a public street? ☐ Yes ☐ No

The pole must be at least 8 feet wide for its entire length.

Is the pole portion a minimum of 8 feet in width? ☐ Yes ☐ No Width: _____

The pole must be part of the flag lot and must be under the same ownership as the flag portion of the lot.

Is the pole portion of the lot under the same ownership as the remaining portion of the lot? ☐ Yes ☐ No

A joint accessway shall be provided unless the existing topography of the site or the dwelling unit is located on the property to prevent a joint accessway. A perpetual reciprocal access easement and maintenance agreement shall be recorded for the joint accessway, in a format acceptable to the city attorney.

Is a joint accessway proposed? ☐ Yes ☐ No

Item 3a.

If so, please describe the dimensions and location of the easement and provide a draft with the application.

Explanation: _____

Accessways shall have a minimum pavement width of 16 feet to service one to two units or 20 feet to service three or more units. A fire access corridor of at least 20 feet shall be provided to all parcels with a minimum pavement width of 16 feet to service two units or 20 feet to service three or more units. At least 6 inches of shoulder on each side of the access corridor shall be provided in order that construction work does not infringe on adjacent properties. A narrower pavement width may be approved by the Fire District and Planning Division. The approval may require that additional fire suppression devices be provided to assure an adequate level of fire and life safety. No obstruction, including trees, fences, landscaping or structures, shall be located within the access corridor.

Number of Units Utilizing the Accessway? _____

Width of Pavement Proposed? _____

Explanation: _____

Planning Staff Only

Flag Lot Approved? ☐ Yes ☐ No ☐ Not Applicable Initial _____

7. Plat Restrictions

Identify the size and location of all restrictions on your proposed plan. Plats may be obtained on OCMap or from the Development Services Division.

Easements (PUE, SSE, etc.): _____

Non-Vehicular Access Strip (NVA): _____

Other Restrictions: _____

☒ Not Applicable

DS Staff Only

Plat Restrictions Approved? ☐ Yes ☐ No ☐ Not Required Initial _____

8. Utilities

Please indicate the location of all water, sanitary sewer, and stormwater facilities on the survey.

Does the proposal include:

1. A drainfield? ☐ Yes ☒ No.

If yes, is it affected by proposal? ☐ Yes ☐ No

If yes, please explain _____

2. Septic tank? ☐ Yes ☒ No

If yes, is it affected by proposal? ☐ Yes ☐ No

If yes, please explain _____

3. Stormwater Facility or piping? ☐ Yes ☒ No

If yes, is it affected by proposal? ☐ Yes ☐ No

Item 3a.

If yes, please explain _____

4. Water Service? ☒ Yes ☐ No

If yes, is it affected by proposal? ☐ Yes ☒ No

If yes, please explain _____

5. Sewer Service? ☒ Yes ☐ No

If yes, is it affected by proposal? ☐ Yes ☒ No

If yes, please explain _____

Note that an easement is required if the proposal would result in a utility being located on another property.

DS Staff Only

Utilities Approved? ☐ Yes ☐ No ☐ Not Applicable Initial _____

City Decision

Planning Division Approval? ☐ Yes ☐ No Date: _____ Signature: _____

Development Services Approval? ☐ Yes ☐ No Date: _____ Signature: _____

Building Division Approval? ☐ Yes ☐ No Date: _____ Signature: _____

Please note that approval of this Property line Adjustment does not affect any existing easements or encumbrances which may be located on the subject properties.

APPROVAL PROCESS:

1. The current deed holders or their assigns shall sign the revised deeds for the approved legal descriptions. These deeds shall be recorded at the Clackamas County Clerk's Office.
2. The applicant shall submit a mylar copy of the record of survey for signature by the Community Development Director prior to recordation at the Clackamas County Surveyor's Office.
3. The applicant shall provide the City Technical Services Department a CAD file of the final survey. The preferred file type is an AutoCAD*.dwg. If AutoCAD is not the CAD system used, a *.dxf format will be sufficient.
4. Provide the City of Oregon City a file copy of the final Property line Adjustment as filed by Clackamas County, including the Clackamas County Survey Number.
5. The applicant shall record the final property descriptions with Clackamas County within **two years of the Community Development Director's approval**, after which the decision shall be null and void.

HOLMES LANE

A PORTION OF THE NE 1/4 OF THE NE 1/4 OF SECTION 6, T.3S., R.2E., W.M.
CITY OF OREGON, OREGON

LEGEND

EXISTING	DESCRIPTION	PROPOSED
	MAILBOX	N/A
	CLEANOUT	
	SEWER MANHOLE	
	STORM MANHOLE	
	STORM CATCH BASIN	
	SIGN	N/A
	GUY ANCHOR	N/A
	UTILITY POWER POLE	N/A
	ELECTRICAL VAULT	N/A
	STREET LIGHT	
	FIRE HYDRANT	
	WATER VALVE	
N/A	WATER BEND	
N/A	WATER TEE	
	OVERHEAD POWER	N/A
	CHAIN LINK FENCE	N/A
	SANITARY SEWER	
	STORM DRAINAGE	
	GAS	N/A
	UNDERGROUND WATER	
	GRAVEL	N/A
	CONCRETE	
	ASPHALT	

ENGINEER'S NOTE TO CONTRACTOR:

THE EXISTENCE AND LOCATION OF ANY UNDERGROUND UTILITIES OR STRUCTURES SHOWN ON THESE PLANS ARE OBTAINED BY A SEARCH OF AVAILABLE RECORDS. TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO EXISTING UTILITIES EXCEPT THOSE SHOWN ON THESE PLANS. THE CONTRACTOR IS REQUIRED TO TAKE DUE PRECAUTIONARY MEASURES TO PROTECT THE UTILITY LINES SHOWN ON THESE DRAWINGS. THE CONTRACTOR FURTHER ASSUMES ALL LIABILITY AND RESPONSIBILITY FOR THE UTILITY PIPES, CONDUITS OR STRUCTURES SHOWN OR NOT SHOWN ON THESE DRAWINGS.

THE CONTRACTOR AGREES THAT HE SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR THE JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY; THAT THIS SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS; AND THAT THE CONTRACTOR SHALL DEFEND, INDEMNIFY AND HOLD THE OWNER AND THE ENGINEER HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPT FOR LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE OWNER OR THE ENGINEER.

CONTRACTOR SHALL VERIFY ALL CONDITIONS AND DIMENSIONS AND SHALL REPORT ANY DISCREPANCIES TO THE ENGINEER PRIOR TO THE COMMENCEMENT OF WORK.

PROJECT CONTACTS

DEVELOPER:
SAMM-MILLER, LLC
1327 JAY COURT
WEST LINN, OR 97068
CONTACT: SCOTT MILLER

CIVIL ENGINEER:
EMERIO DESIGN, LLC
6445 SW FALLBROOK PL. SUITE 100
BEAVERTON, OR 97008
CONTACT: ERIC EVANS
(503) 746-8812 (P)

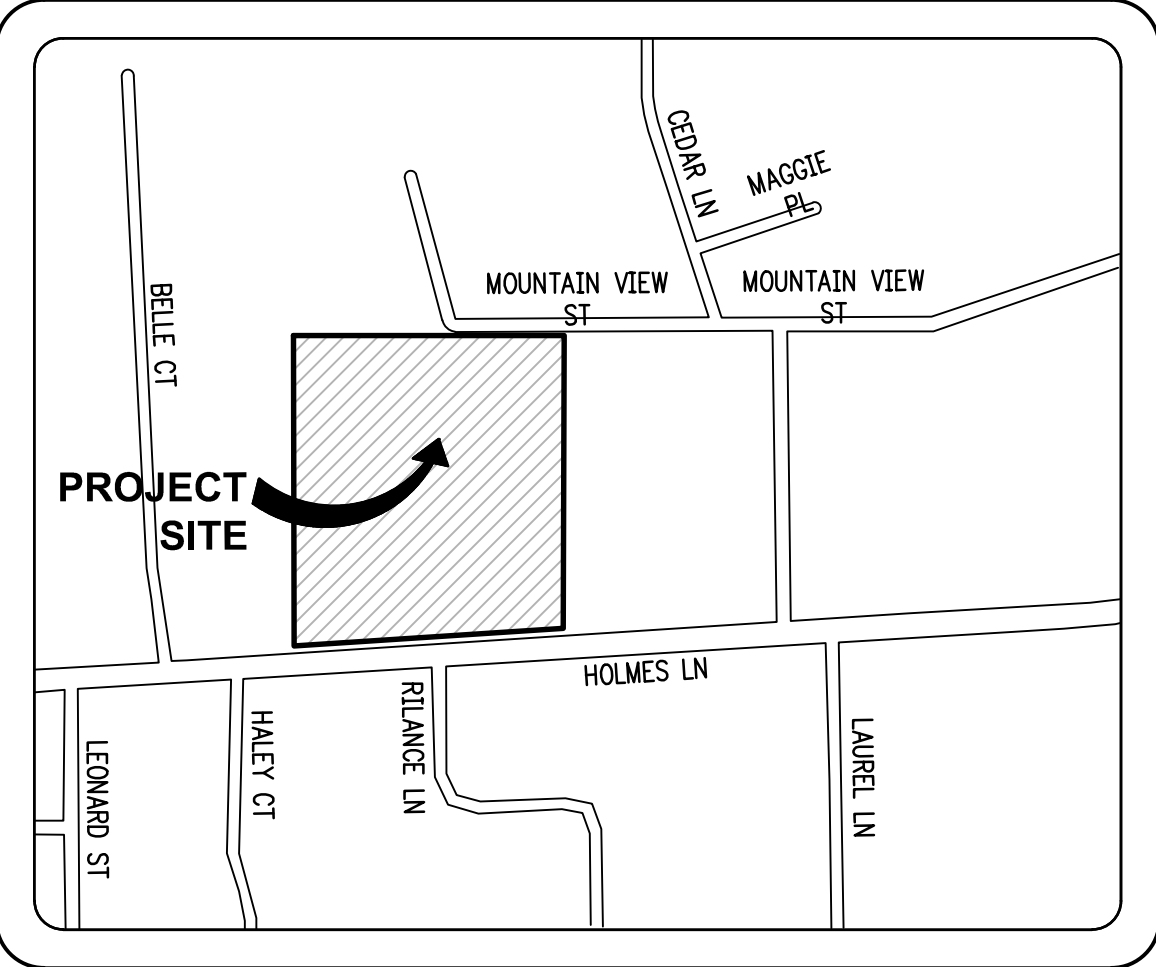
SURVEYOR:
EMERIO DESIGN, LLC
6445 SW FALLBROOK PL. SUITE 100
BEAVERTON, OR 97008
CONTACT: DWAYNE KUFCHAK
(503) 971-724-2125 (P)

SITE INFORMATION

SITE AREA: 188,821 SF (4.33 AC)
ZONING: R-2
TAX MAP: 03_3S2E06AA
TAX LOT: 05001 & 05100
NUMBER OF LOTS: 535 & 545

BENCH MARK

ALL ELEVATIONS FOR THIS SURVEY ARE BASED UPON CITY OF OREGON CITY, BENCHMARK BM-PID#AE1867.
THE ELEVATION OF BENCHMARK IS 441.409.



VICINITY MAP

NTS



DRAWING INDEX

#	SHEET TITLE
01	COVER SHEET
02	EXISTING CONDITIONS & DEMO PLAN
03	GRADING PLAN
04	SITE PLAN
05	OVERALL UTILITY PLAN
06	PUBLIC ST 0+00 TO 5+50
07	NORTH PRVT ST 0+00 TO 4+84
08	MIDDLE PRVT ST 0+00 TO 1+61 & SOUTH PRVT ST 0+00 TO 1+53
09	DETAILS

REVISIONS

NO.	DATE	DESCRIPTION
-----	------	-------------

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FAX: (503) 638-8892
www.emeriodesign.com

SHEET

01

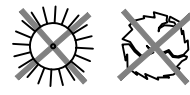
OF

09



Know what's below.
Call before you dig.

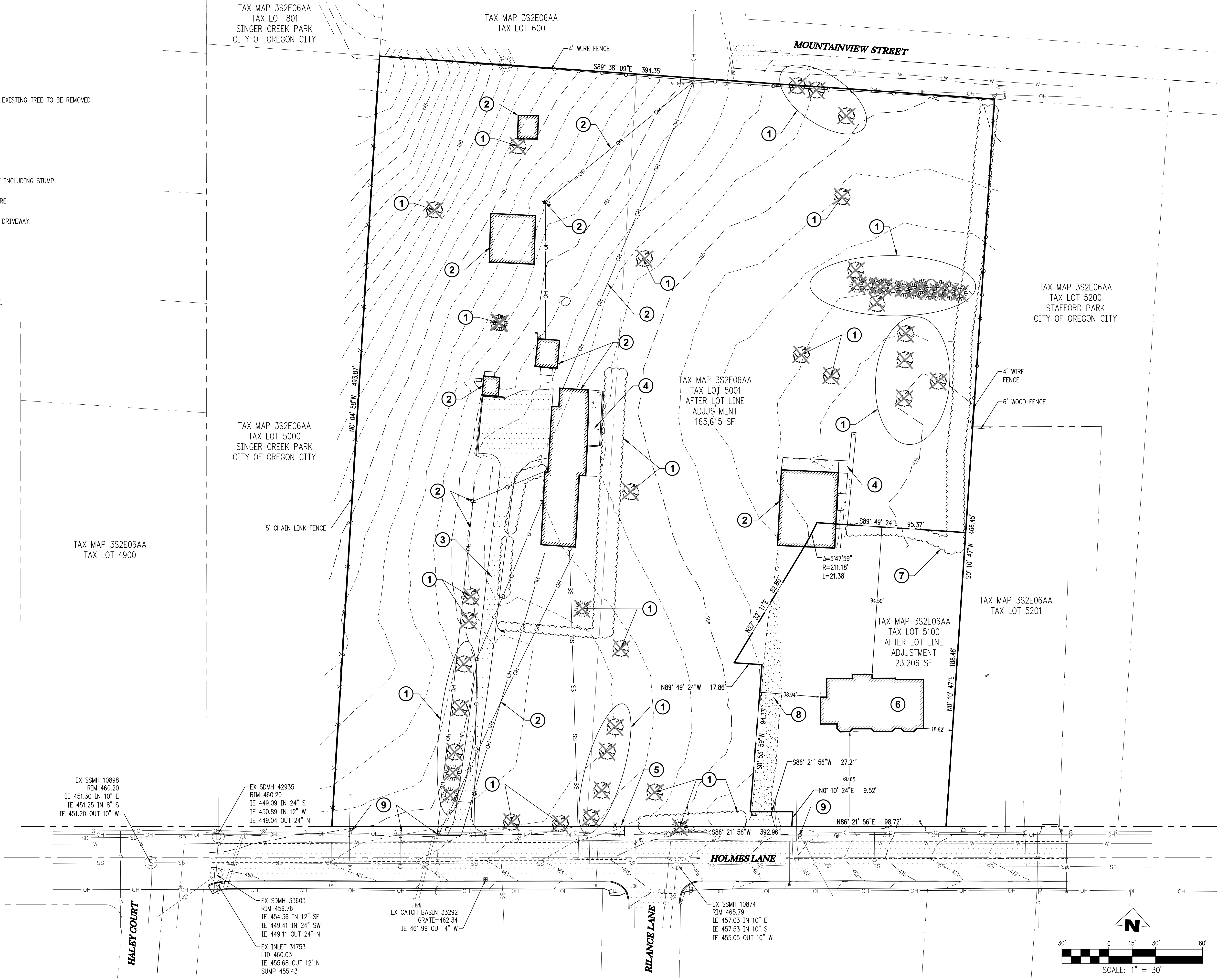
DEMOLITION LEGEND



EXISTING TREE TO BE REMOVED

DEMOLITION KEYNOTES:

- 1 REMOVE EXISTING VEGETATION/TREE INCLUDING STUMP.
- 2 REMOVE EXISTING UTILITY/STRUCTURE.
- 3 REMOVE EXISTING GRAVEL/ASPHALT DRIVEWAY.
- 4 REMOVE EXISTING CONCRETE PAD.
- 5 REMOVE EXISTING FENCE.
- 6 EXISTING HOUSE TO REMAIN.
- 7 PROTECT & RETAIN EXISTING HEDGE.
- 8 RETAIN EXISTING GRAVEL DRIVEWAY
- 9 RETAIN EXISTING UTILITY POLE



EXISTING CONDITIONS &
DEMO PLAN

REVISIONS	
NO.	DATE

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SHEET
02
OF
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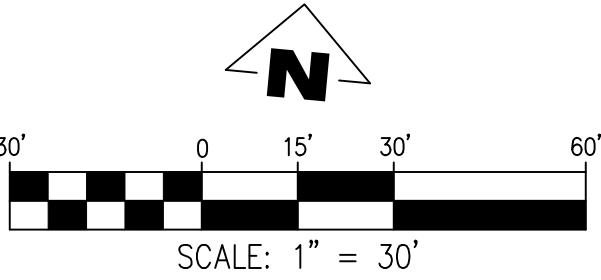


GRADING LEGEND:

- CONSTRUCTION ENTRANCE, MIN. 15' X 100', 1" OF 4"-8" QUARRY SPALLS.
- PROJECT CLEARING LIMITS
- SILT FENCE
- DIRECTION OF STORMWATER FLOW
- INLET PROTECTION

PRELIMINARY CUT/FILL QUANTITIES:

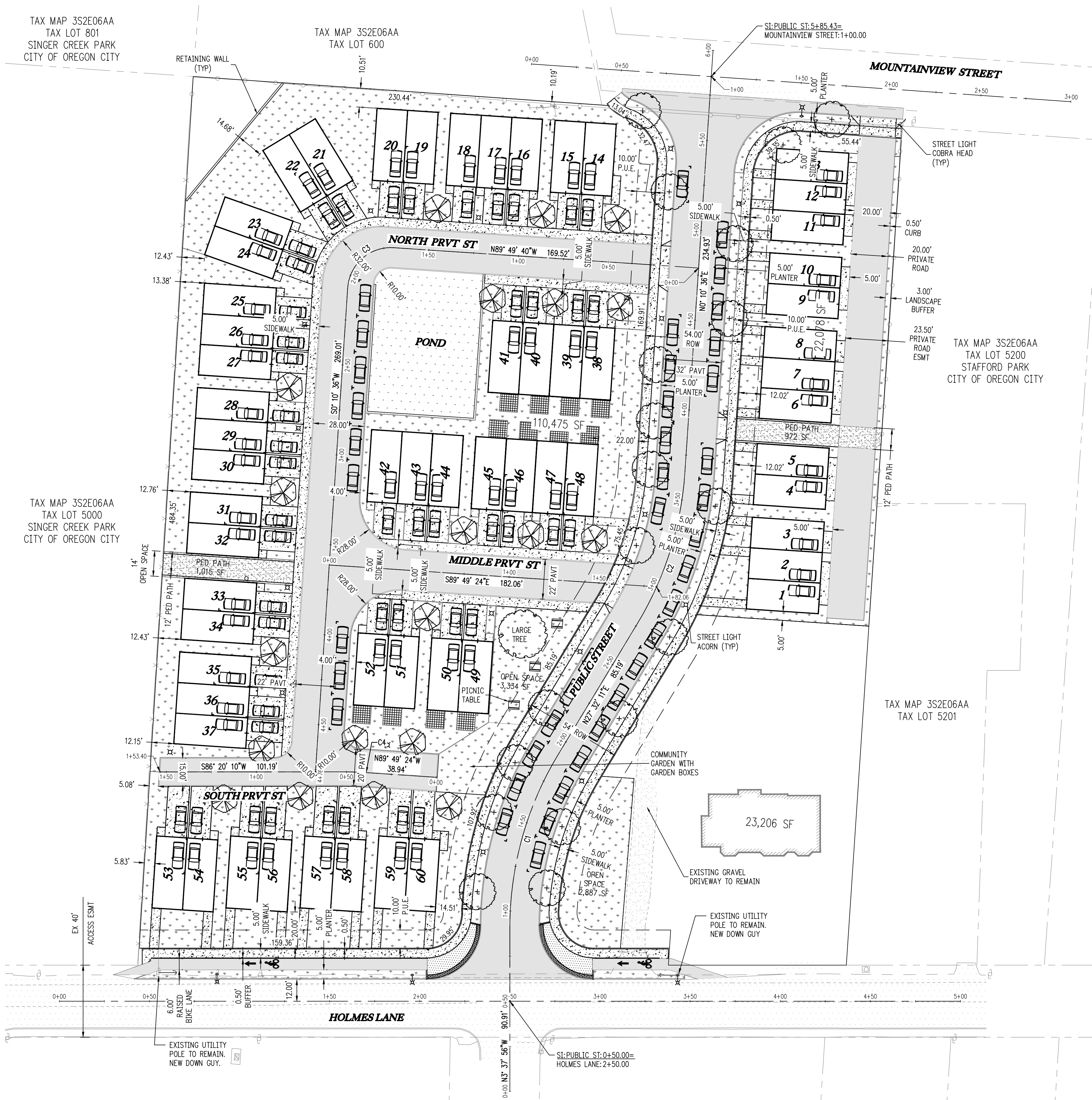
CUT	1,706 CY
FILL	11,673 CY
NET FILL	9,967 CY



0550-002_03GPL - 03
GRADING PLAN

REVISIONS	
NO.	DATE

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CENTERLINE CURVE TABLE					
CURVE #	RADIUS (FT)	LENGTH (FT)	DELTA	START STATION	END STATION
C1	185.00	100.64	31°	0+90.91	1+91.55
C2	185.00	88.34	27°	2+76.73	3+65.07
C3	23.98	37.66	90°	1+69.52	2+07.19
C4	198.00	13.27	4°	0+38.94	0+52.21

BASIS OF BEARING

S89°38'09"E, ALONG THE NORTH LINE OF PARTITION PLAT 1999-036 AND ITS EASTERLY EXTENSION ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF MOUNTAINVIEW STREET.

HORIZONTAL AND VERTICAL DATUM

THE HORIZONTAL DATUM IS BASED UPON STATE PLANE NAD83 OREGON-NORTH, NAV-88. THE VERTICAL DATUM IS BASED UPON NAV-88. VERTICAL DATUM ADJUSTED FROM NAVD88 TO NGVD 29 (-3.49') PER GPS SHOTS ON CONTROL PNTS 101 & 102

ZONING AND DENSITY

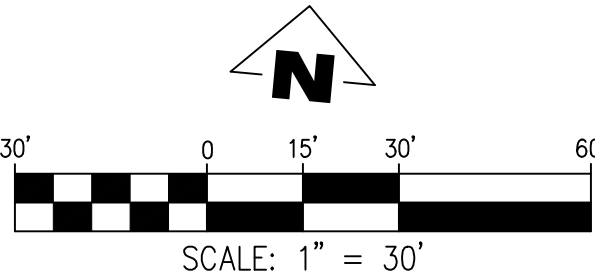
ZONING: R-2 (HIGH DENSITY RESIDENTIAL)

SITE AREAS	
TOTAL SITE ARE (PRE-R/W DEDICATION).	165,615 SF
SITE AREA DEDUCTIONS	
PROPOSED SITE PUBLIC R/W	30,177 SF
POND	4,922 SF
TOTAL	35,099 SF
OPEN SPACE	
PUBLIC OPEN SPACE	6,232 SF
PRIVATE OPEN SPACE (PATIO) 12(MAX 50% OF TOTAL UNITS) X 100 SF/PATIO (10x10)	1,200 SF
TOTAL OPEN SPACE	7,432 SF
TOTAL SITE AREA DEDUCTIONS	42,531 SF
TOTAL DEVELOPABLE AREA	123,084 SF
MAXIMUM UNITS (123,084 SF/2,000 SF)	
61 UNITS	
LOT COVERAGE (54,774 SF/123,084 SF) x 100	44.50%

LEGEND:



STREET TREES WILL BE A MINIMUM OF TWO INCHES IN CALIPER AT SIX INCHES ABOVE THE ROOT CROWN AND INSTALLED TO CITY SPECIFICATIONS. STREET TREES SHALL BE SELECTED FROM THE OREGON CITY STREET TREE LIST, AN APPROVED STREET TREE LIST FOR A JURISDICTION IN THE METROPOLITAN REGION, OR APPROVED BE A CERTIFIED ARBORIST UNLESS OTHERWISE APPROVED PURSUANT TO CITY CODE.



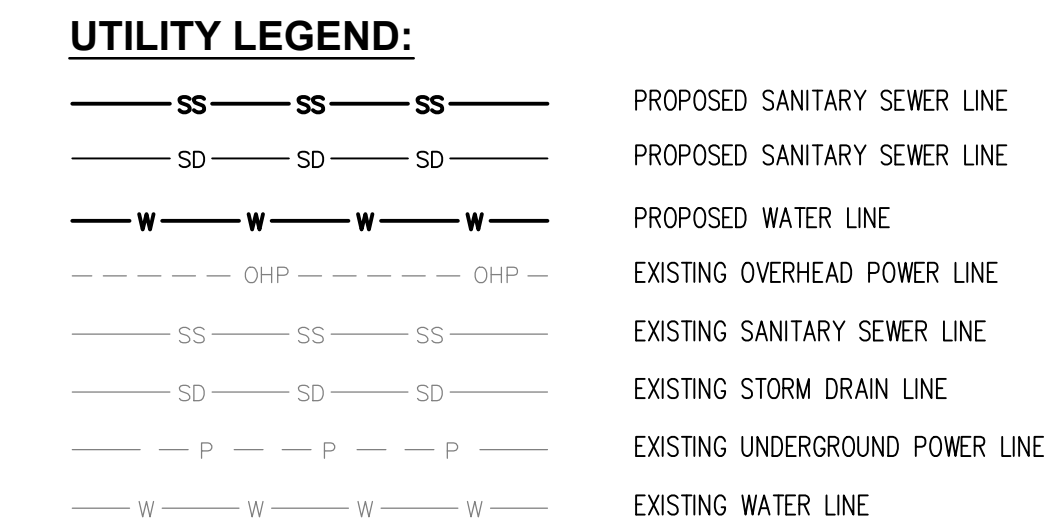
SITE PLAN

REVISIONS

NO.	DATE	DESCRIPTION
-----	------	-------------

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SHEET
04



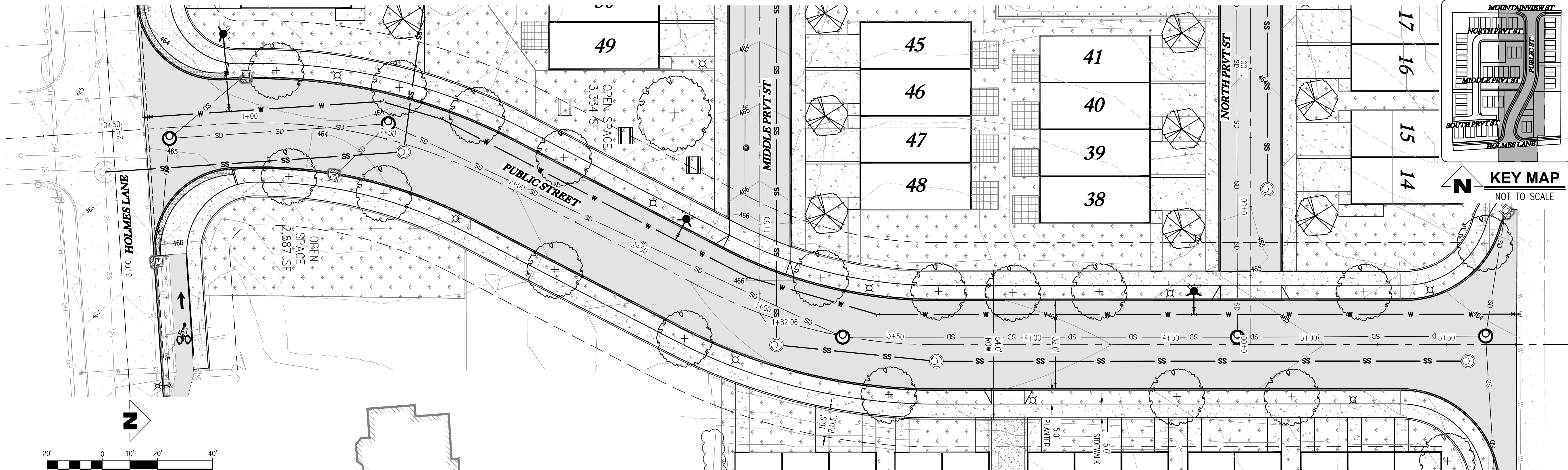
PERVIOUS & IMPERVIOUS AREAS	
TOTAL SITE AREA	165,676 SF
PERVIOUS AREA	51,476 SF
IMPERVIOUS AREA	114,200 SF

OVERALL UTILITY PLAN

[illegible]

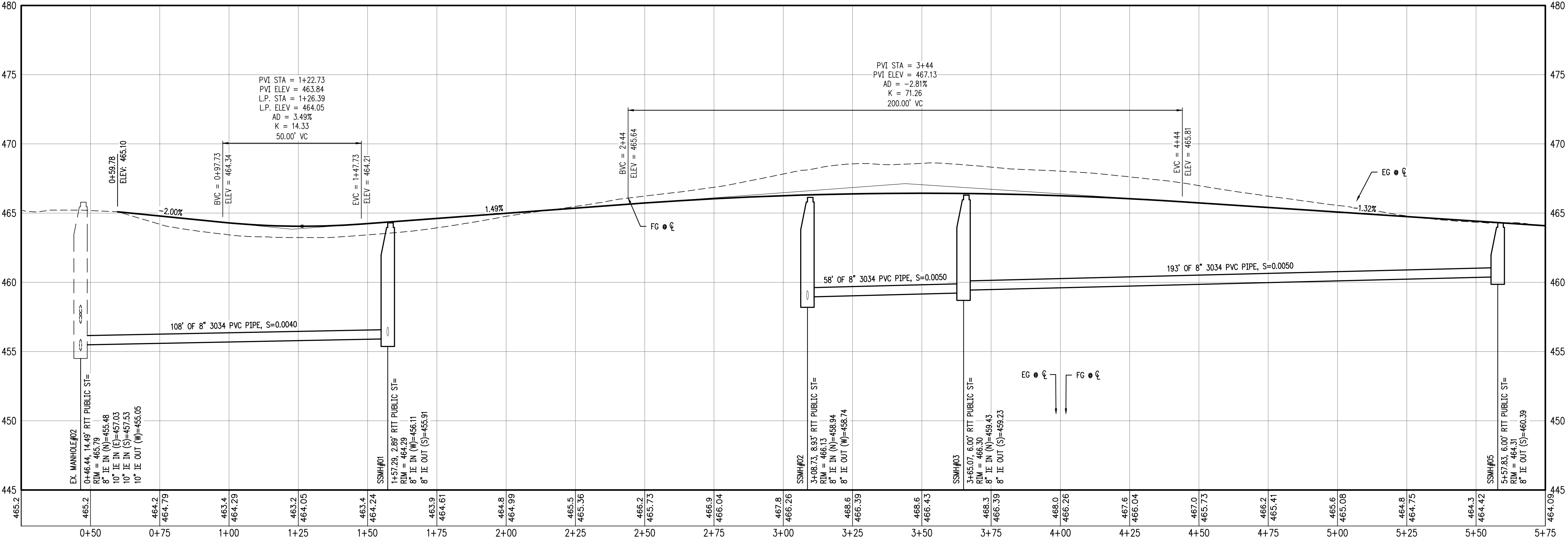
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FAX: (503) 639-9592
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PUBLIC ST 0+00 TO 5+50 PLAN

SCALE: 1" = 20'



PUBLIC ST 0+00 TO 5+50 PROFILE

SCALE: H: 1" = 20' V: 1" = 4'

REVISIONS

NO.	DATE	DESCRIPTION
-----	------	-------------

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SHEET

06

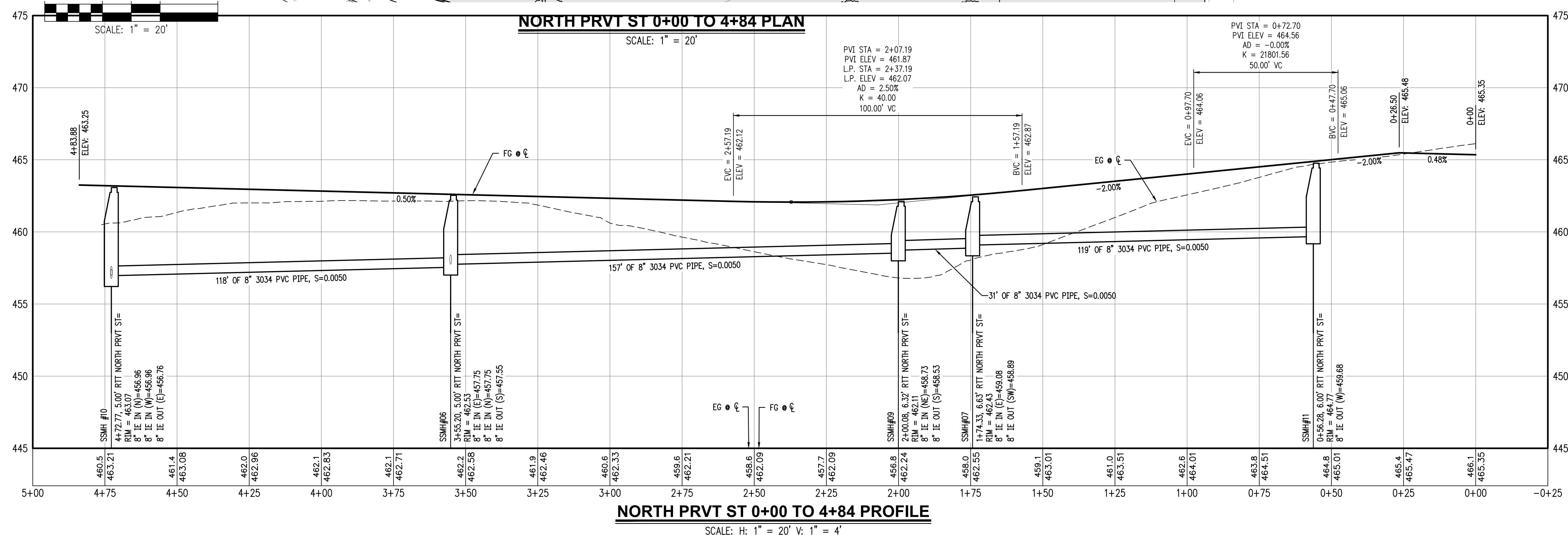
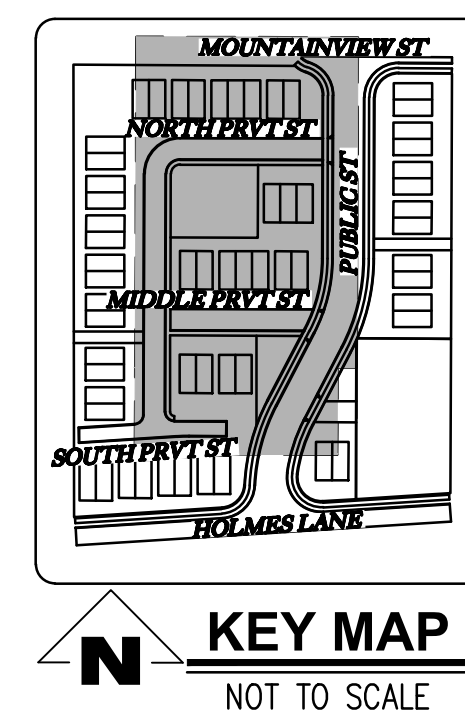
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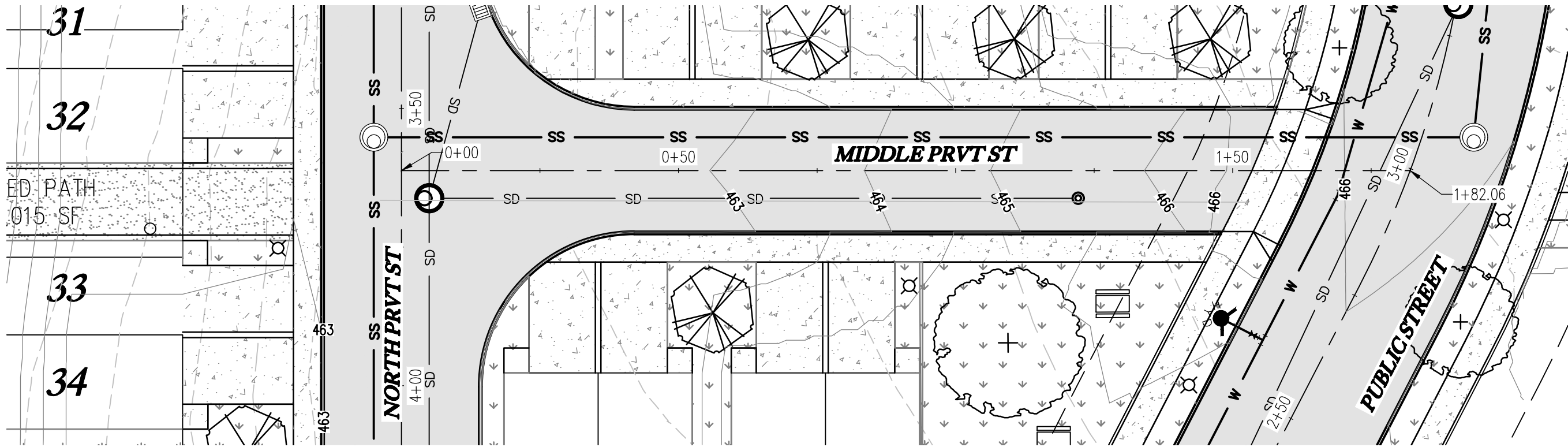
09

PUBLIC ST 0+00 TO 5+50

E:\P\10550-002\535 & 545 Holmes Lane\dwg\civil\0550-002_06s101_Layout: 06 PUBLIC ST 0+00 TO 5+50, Plot Date: 4/30/2021 10:00 AM, by: David Burnett

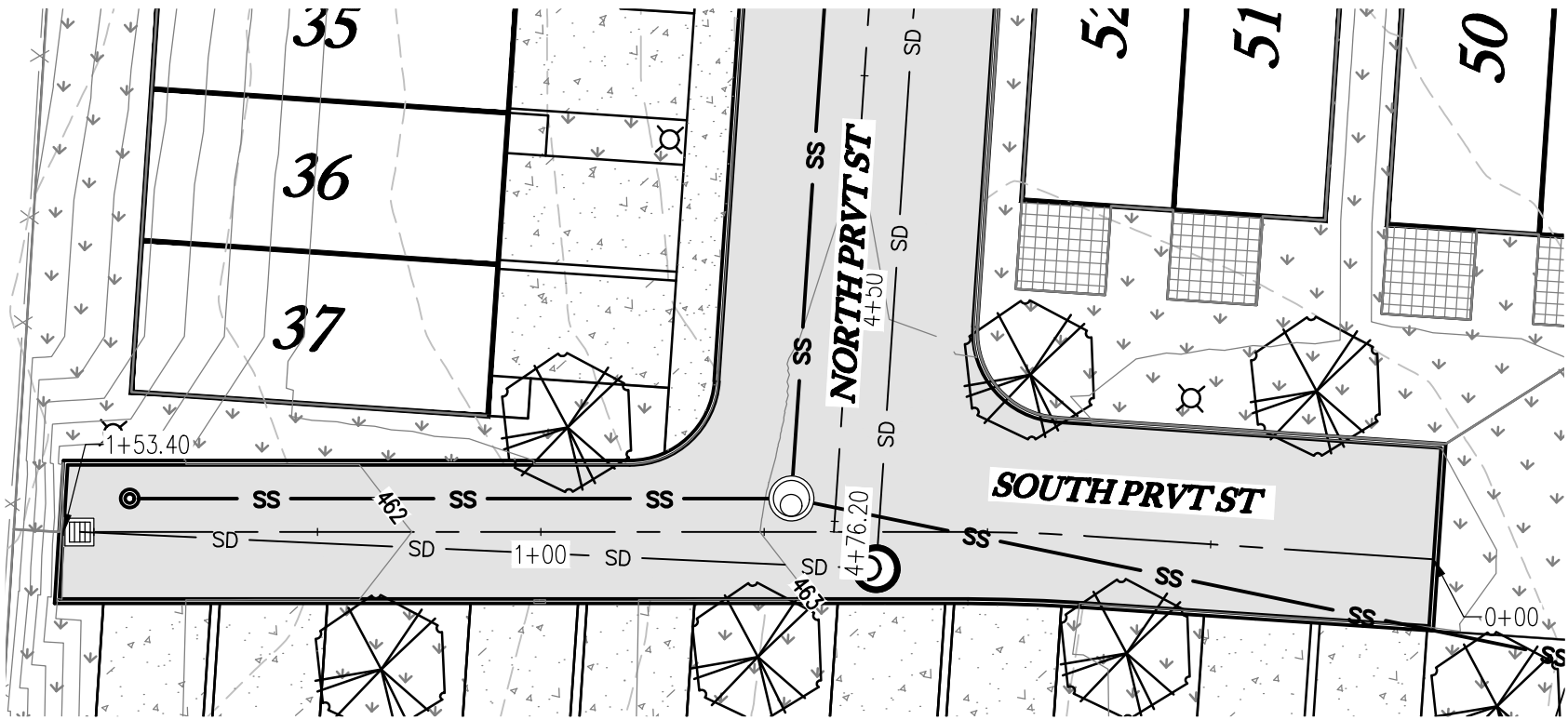
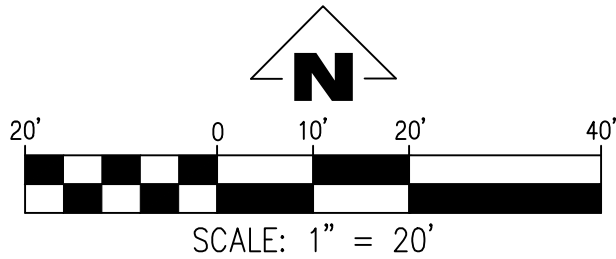
Page 642





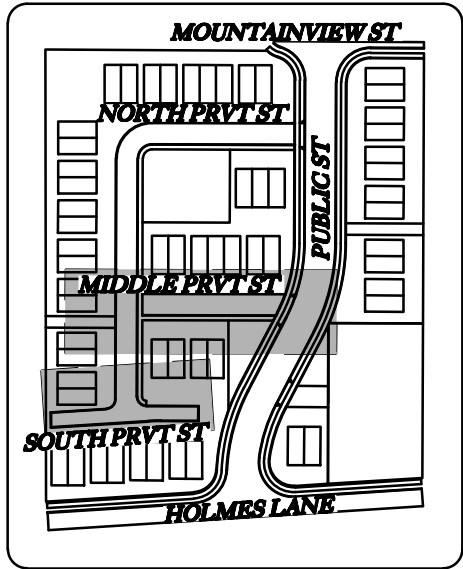
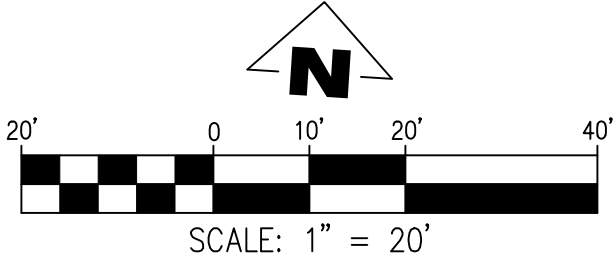
MIDDLE PRVT ST 0+00 TO 1+61 PLAN

SCALE: 1" = 20'



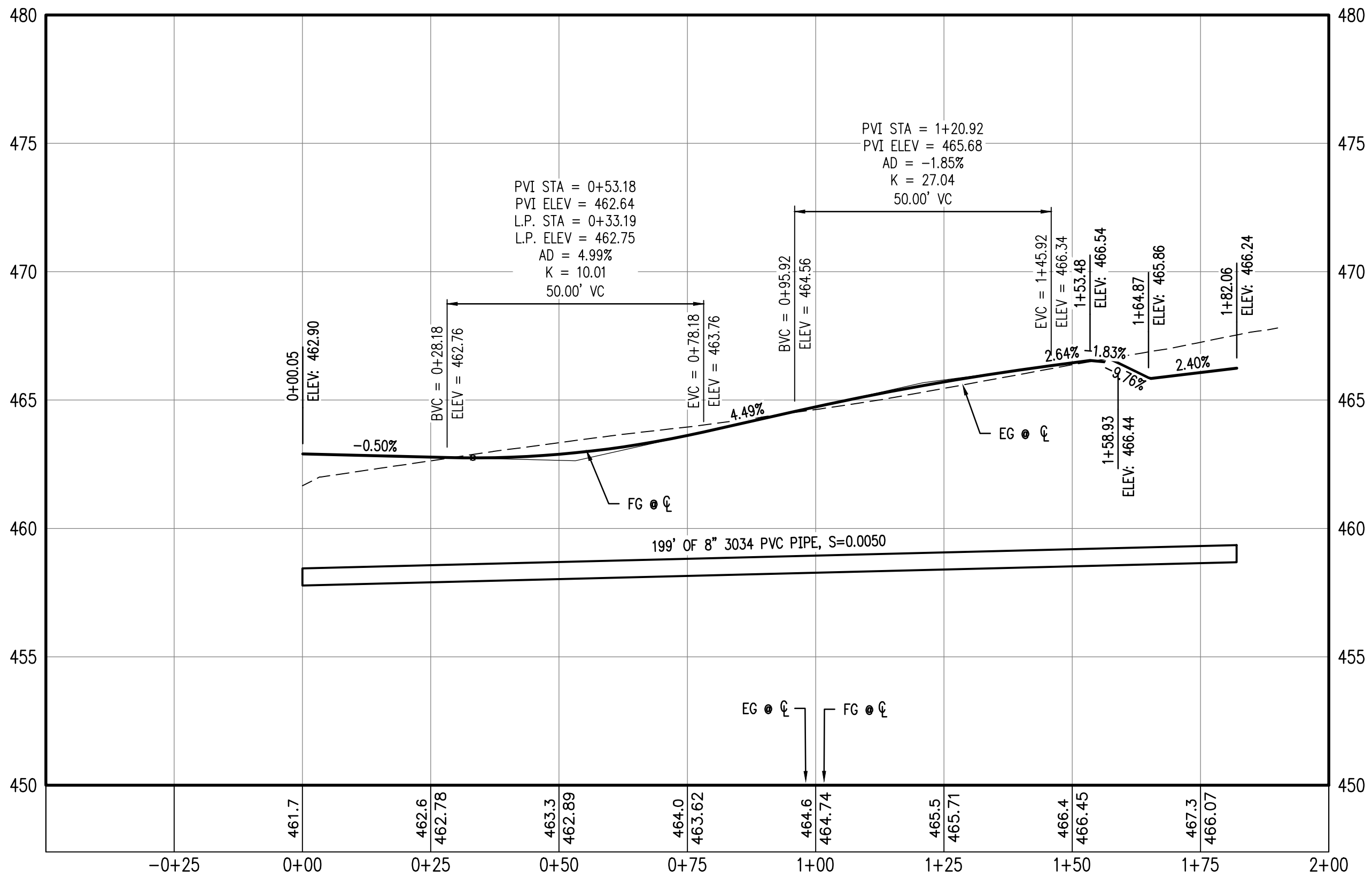
SOUTH PRVT ST 0+00 TO 1+53 PLAN

SCALE: 1" = 20'



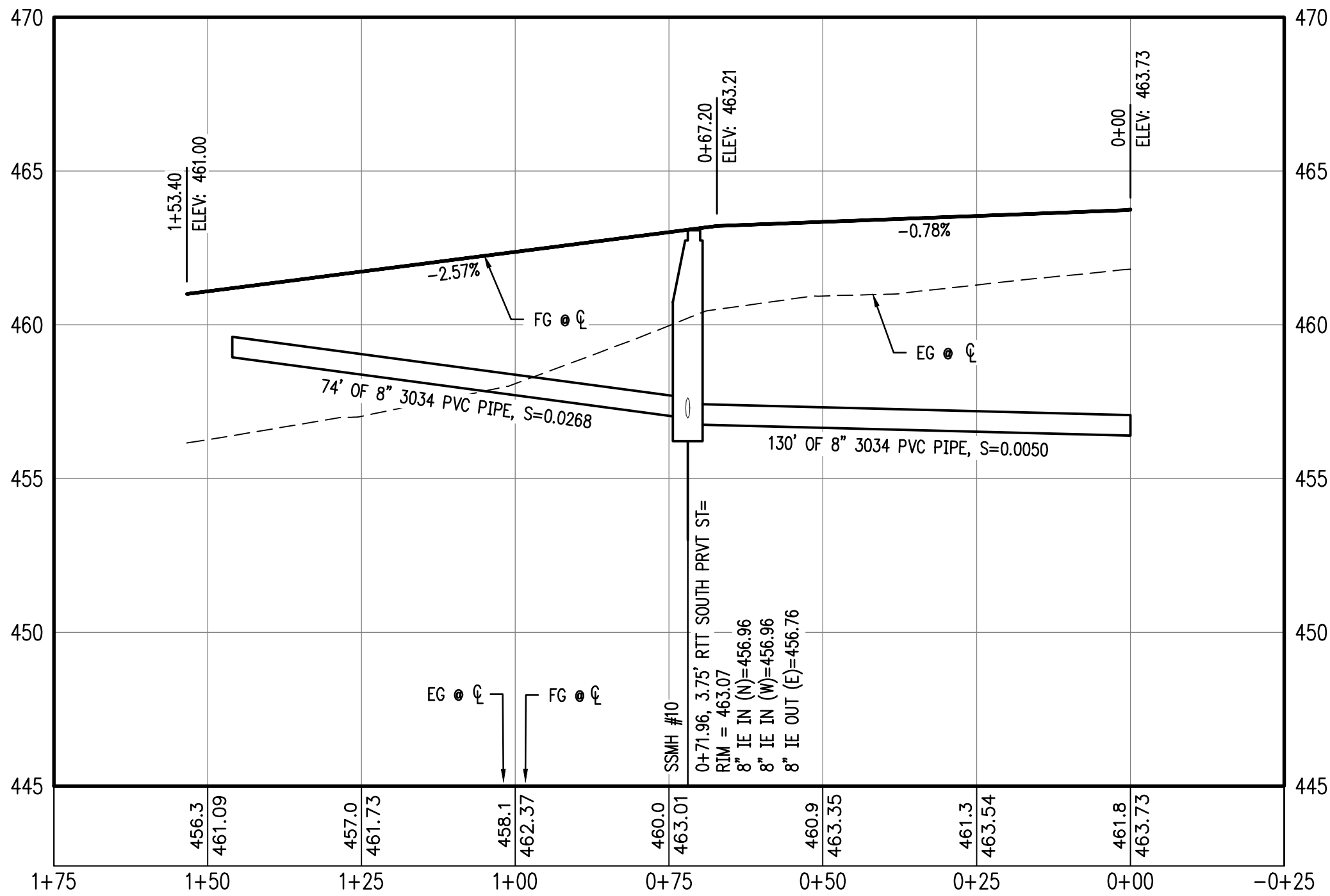
KEY MAP

NOT TO SCALE



MIDDLE PRVT ST 0+00 TO 1+61 PROFILE

SCALE: H: 1" = 20' V: 1" = 4'



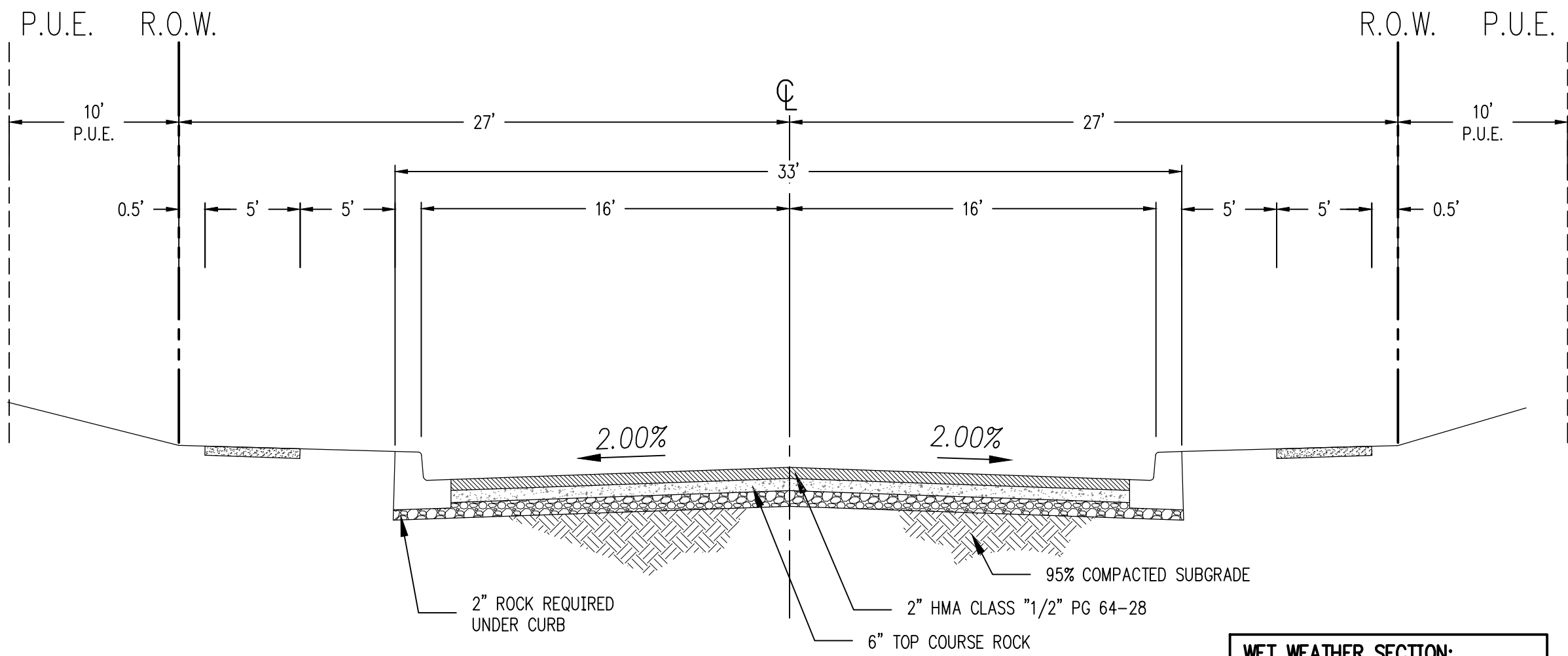
SOUTH PRVT ST 0+00 TO 1+53 PROFILE

SCALE: H: 1" = 20' V: 1" = 4'

MIDDLE PRVT ST 0+00 TO 1+61 & SOUTH PRVT ST 0+00 TO 1+53

REVISIONS	
NO.	DESCRIPTION

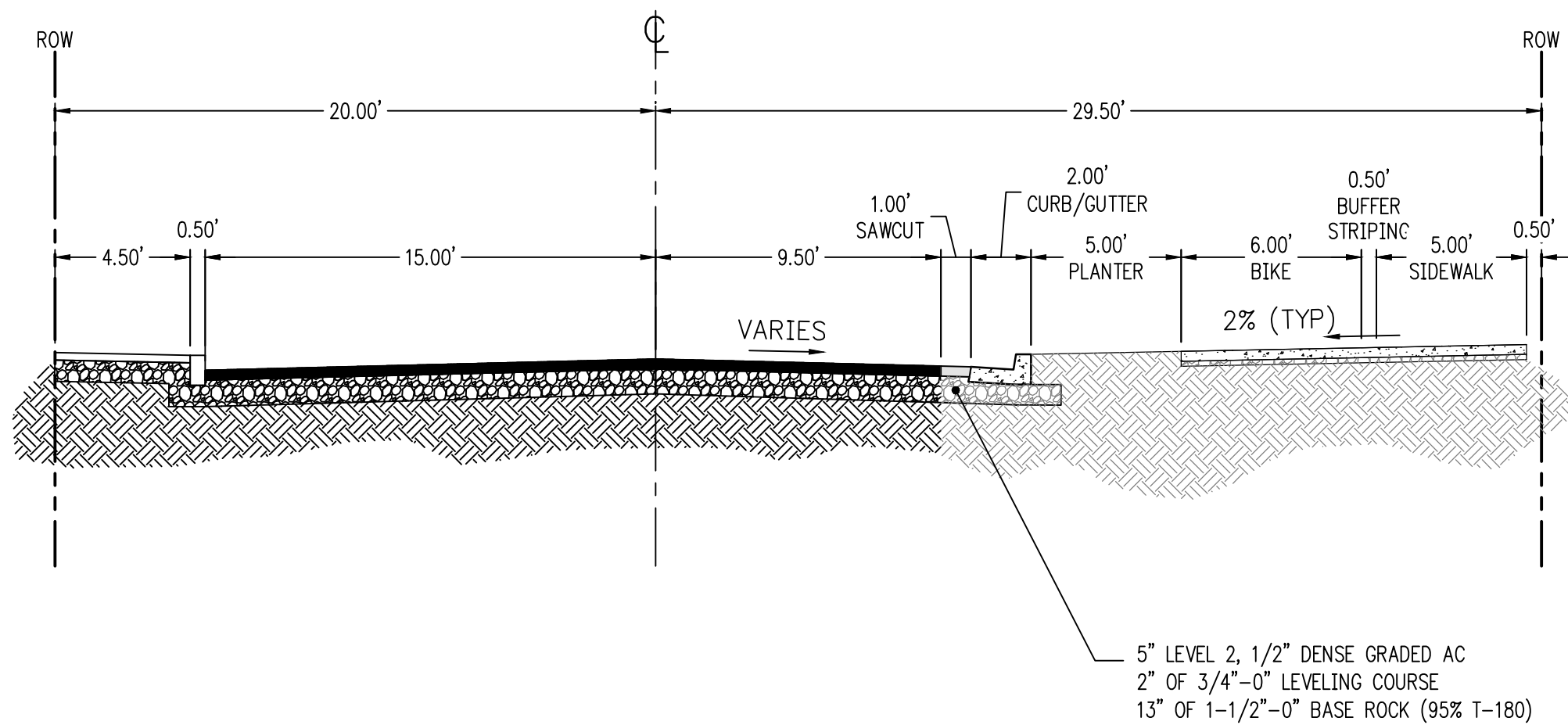
EMERIO
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TEL: (503) 639-8992
FAX: (503) 639-8992
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PUBLIC ROAD - TYPICAL SECTION

N.T.S.

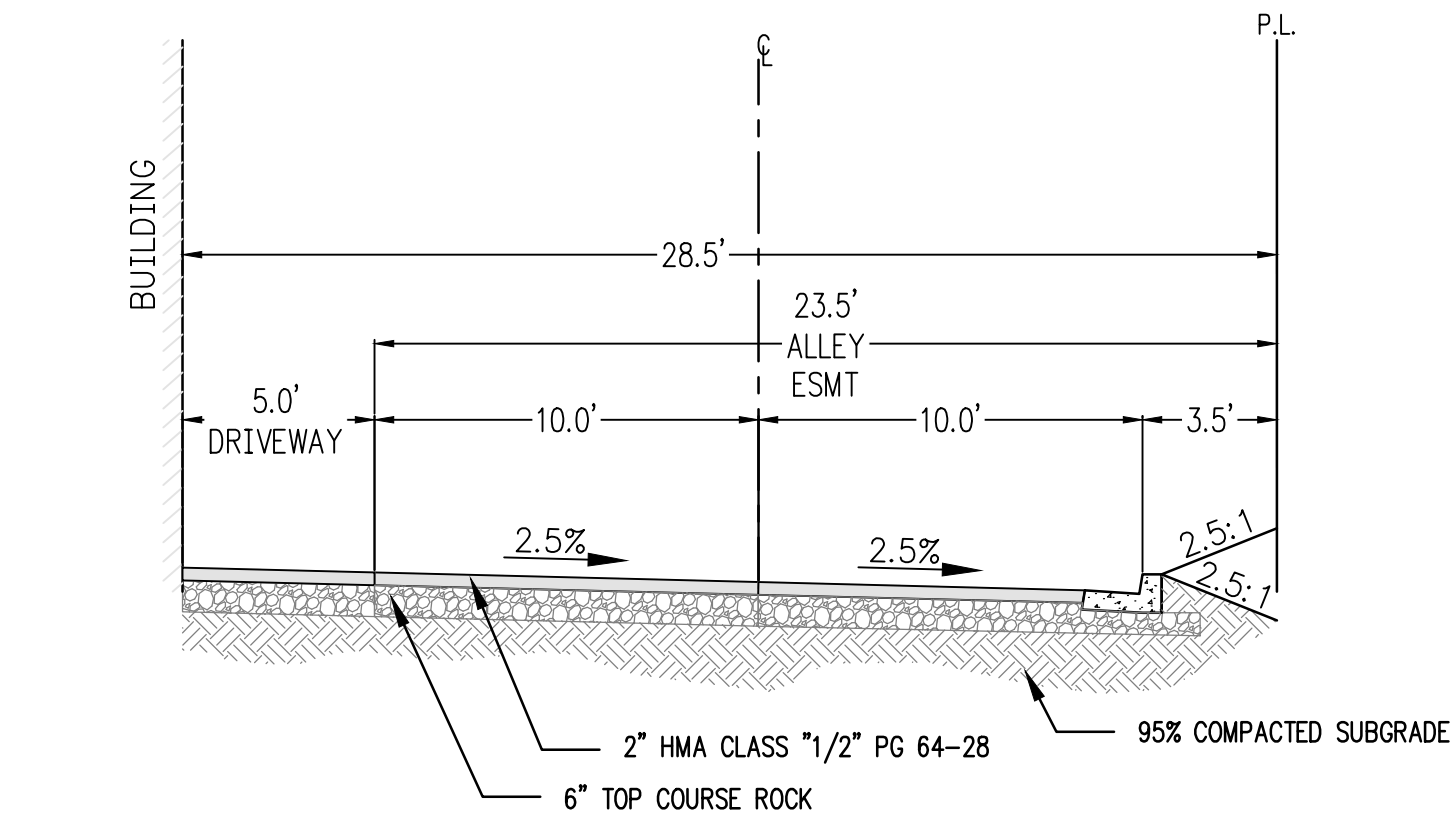
WET WEATHER SECTION:
ADD 6" OF 1 1/2"-0" (95% T-180)
BASE ROCK INSTALLED OVER
MIRAFI 500x OR EQUIVALENT
GEOTEXTILE FABRIC



HOLMES LANE - TYPICAL SECTION

N.T.S.

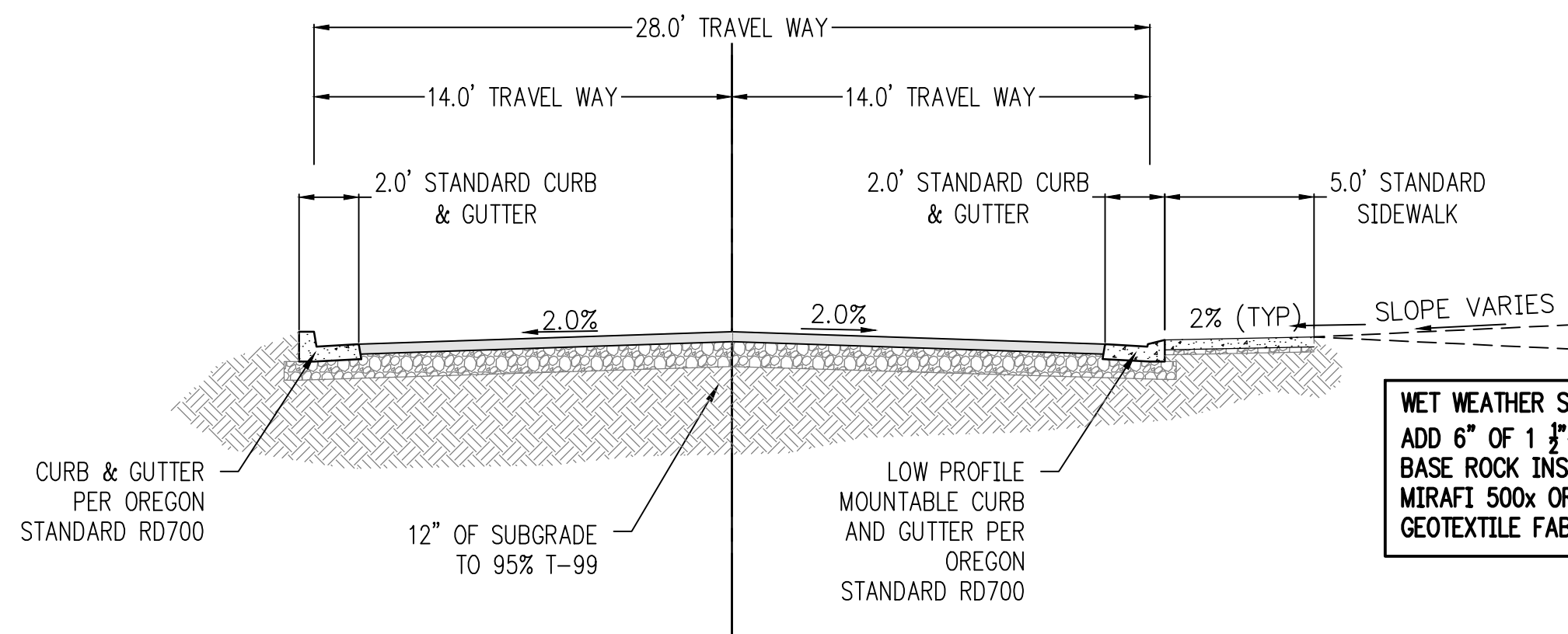
WET WEATHER SECTION:
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MIRAFI 500x OR EQUIVALENT
GEOTEXTILE FABRIC



PRIVATE ALLEY - TYPICAL SECTION

N.T.S.

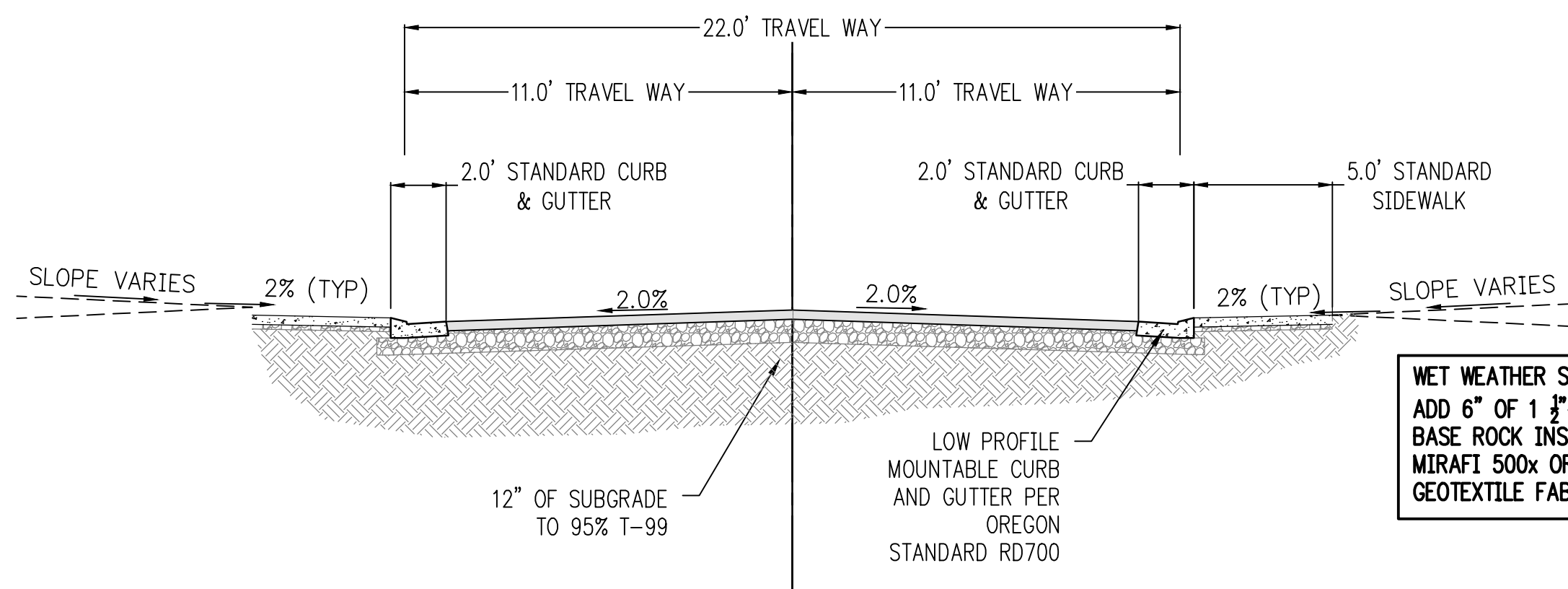
WET WEATHER SECTION:
ADD 6" OF 1 1/2"-0" (95% T-180)
BASE ROCK INSTALLED OVER
MIRAFI 500x OR EQUIVALENT
GEOTEXTILE FABRIC



NORTH-SOUTH PRIVATE ROAD - TYPICAL SECTION

SCALE: N.T.S.

WET WEATHER SECTION:
ADD 6" OF 1 1/2"-0" (95% T-180)
BASE ROCK INSTALLED OVER
MIRAFI 500x OR EQUIVALENT
GEOTEXTILE FABRIC



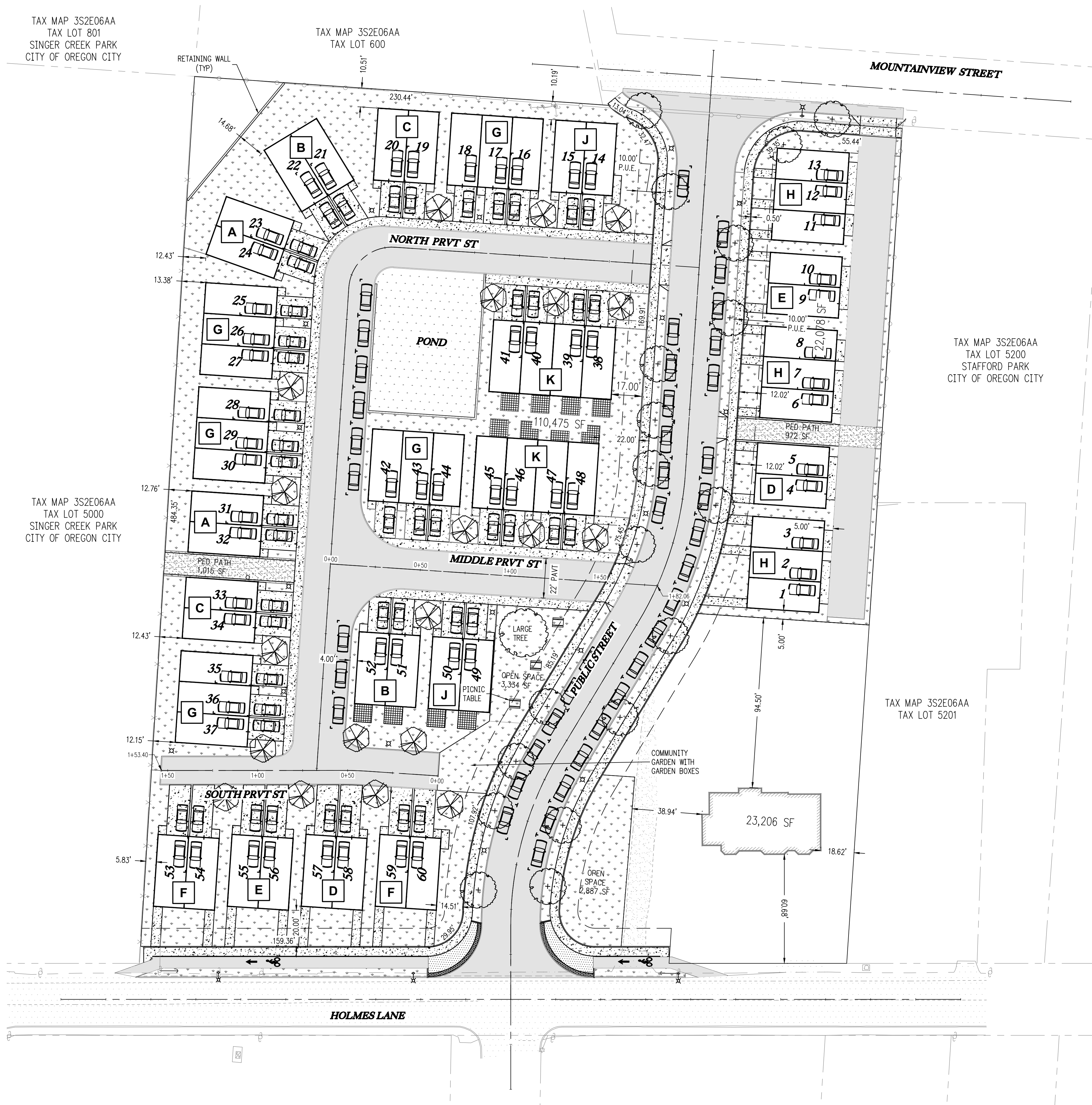
EAST-WEST PRIVATE ROAD - TYPICAL SECTION

SCALE: N.T.S.

WET WEATHER SECTION:
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BASE ROCK INSTALLED OVER
MIRAFI 500x OR EQUIVALENT
GEOTEXTILE FABRIC

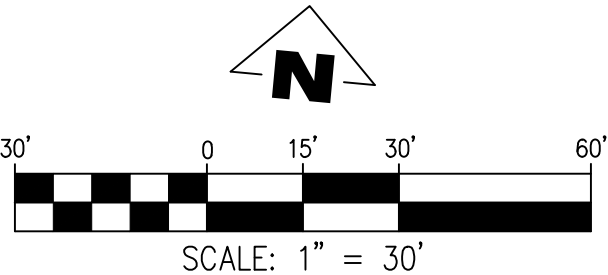
NO.	DATE	DESCRIPTION

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BUILDING TYPE	
A	UNITS: 23-24 AND 31-32
B	UNITS: 21-22 AND 51-52
C	UNITS: 19-20 AND 33-34
D	UNITS: 4-5 AND 57-58
E	UNITS: 9-10 AND 55-56
F	UNITS: 53-54 AND 59-60
G	UNITS: 16-18, 25-30, 65-37 AND 42-44
H	UNITS: 1-3, 6-8 AND 11-13
J	UNITS: 14-15 AND 49-50
K	UNITS: 38-41 AND 45-48

REFER TO ARCHITECTURAL ELEVATION PLANS
FOR BUILDING TYPE AND DESIGN.

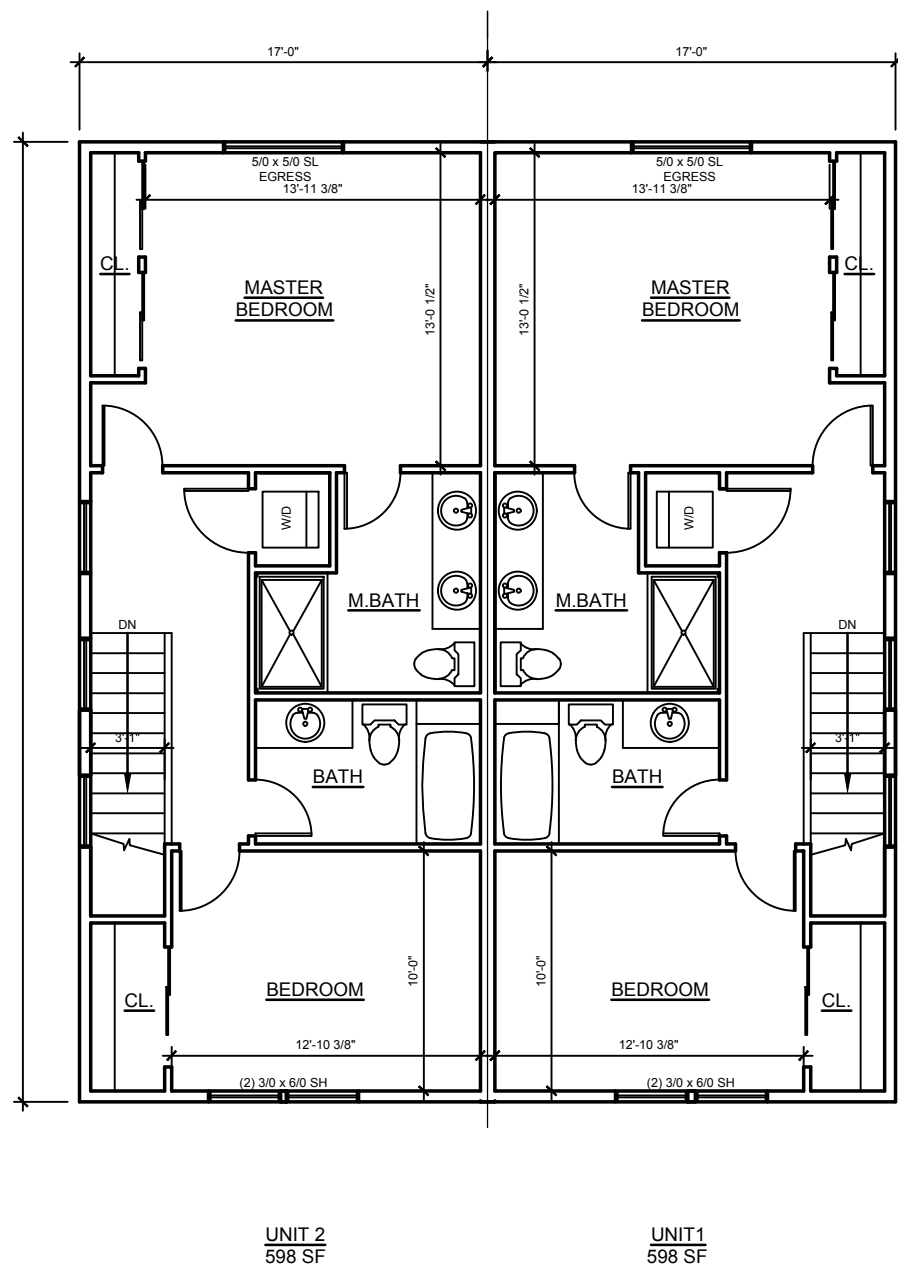
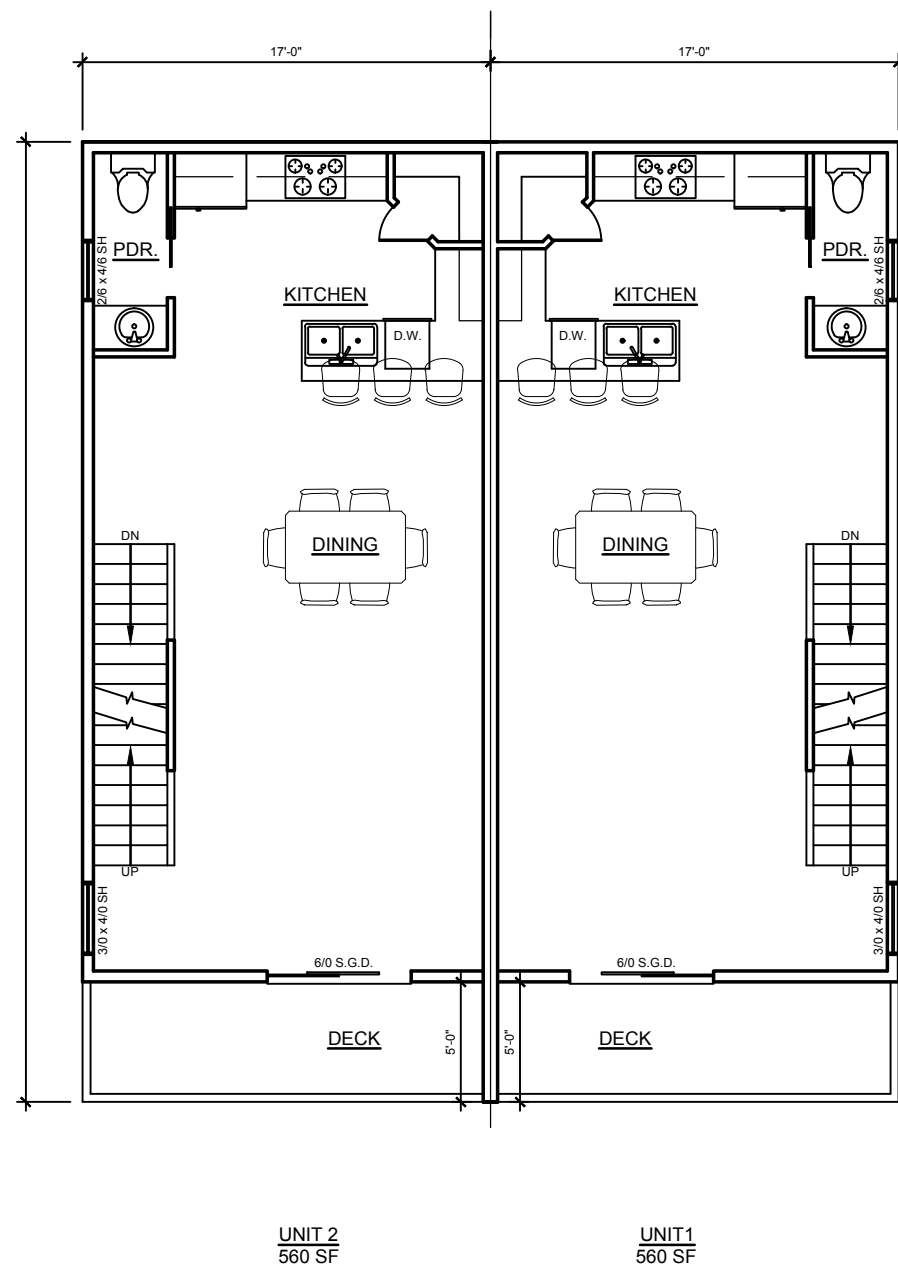
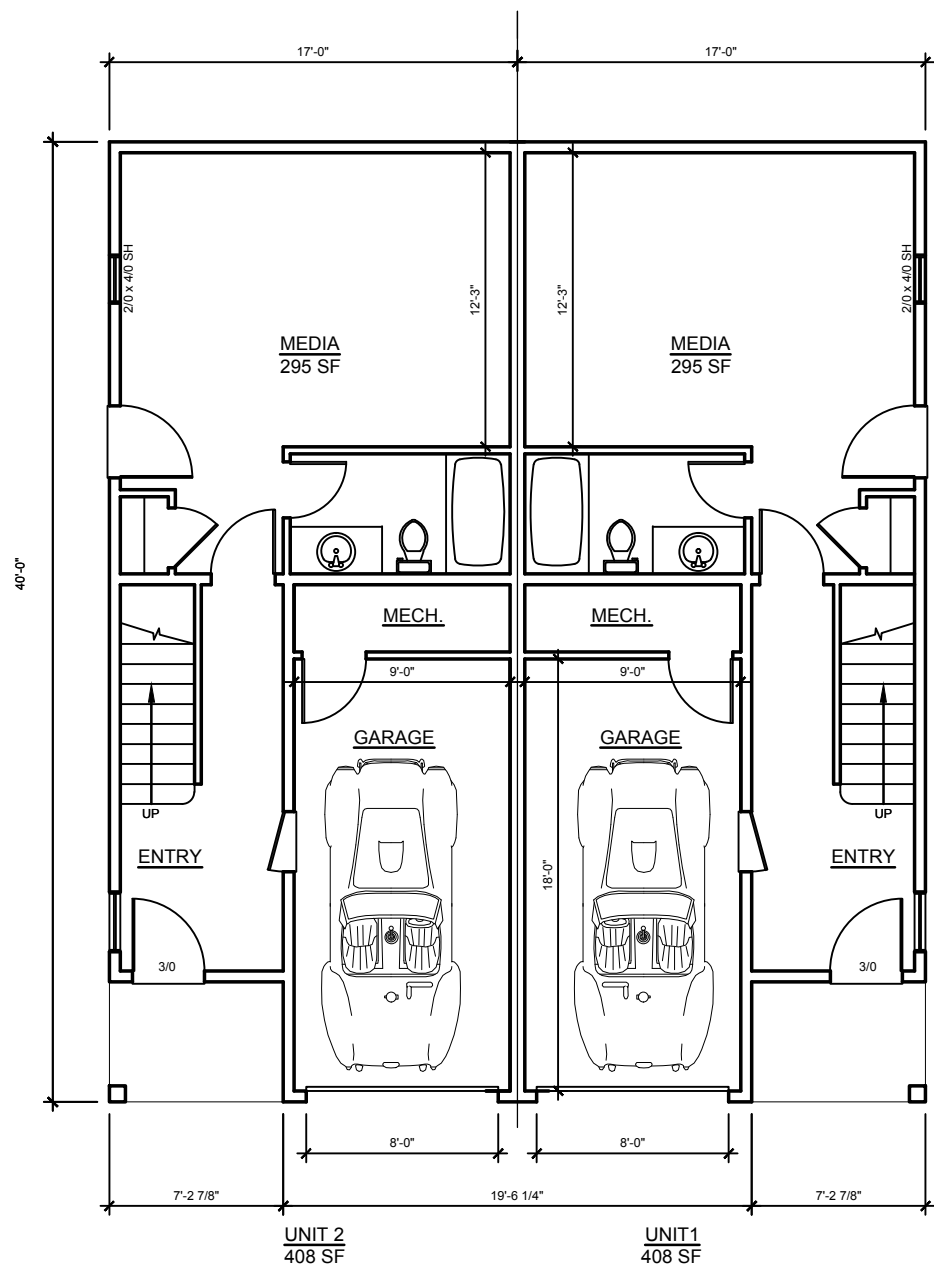
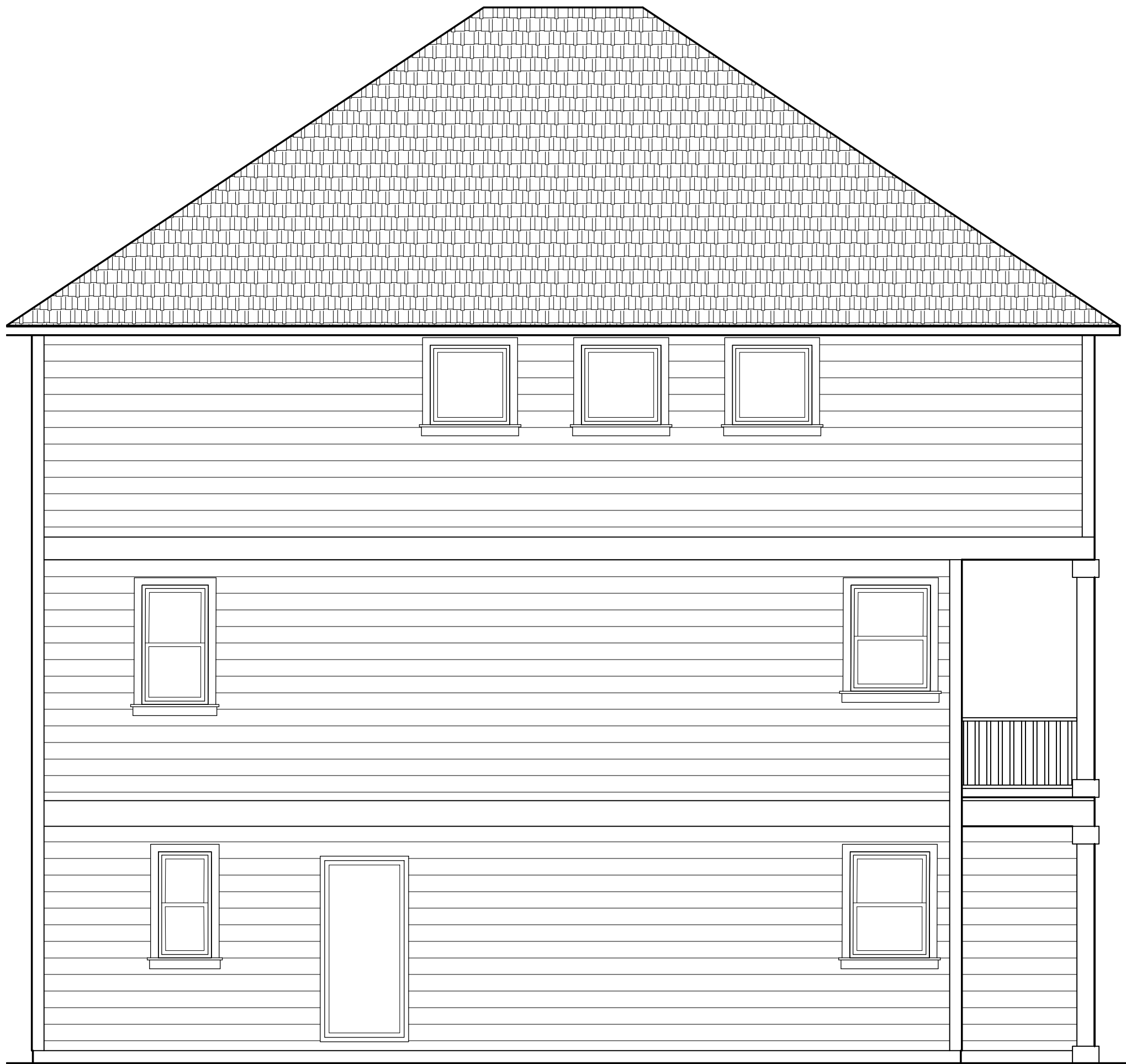
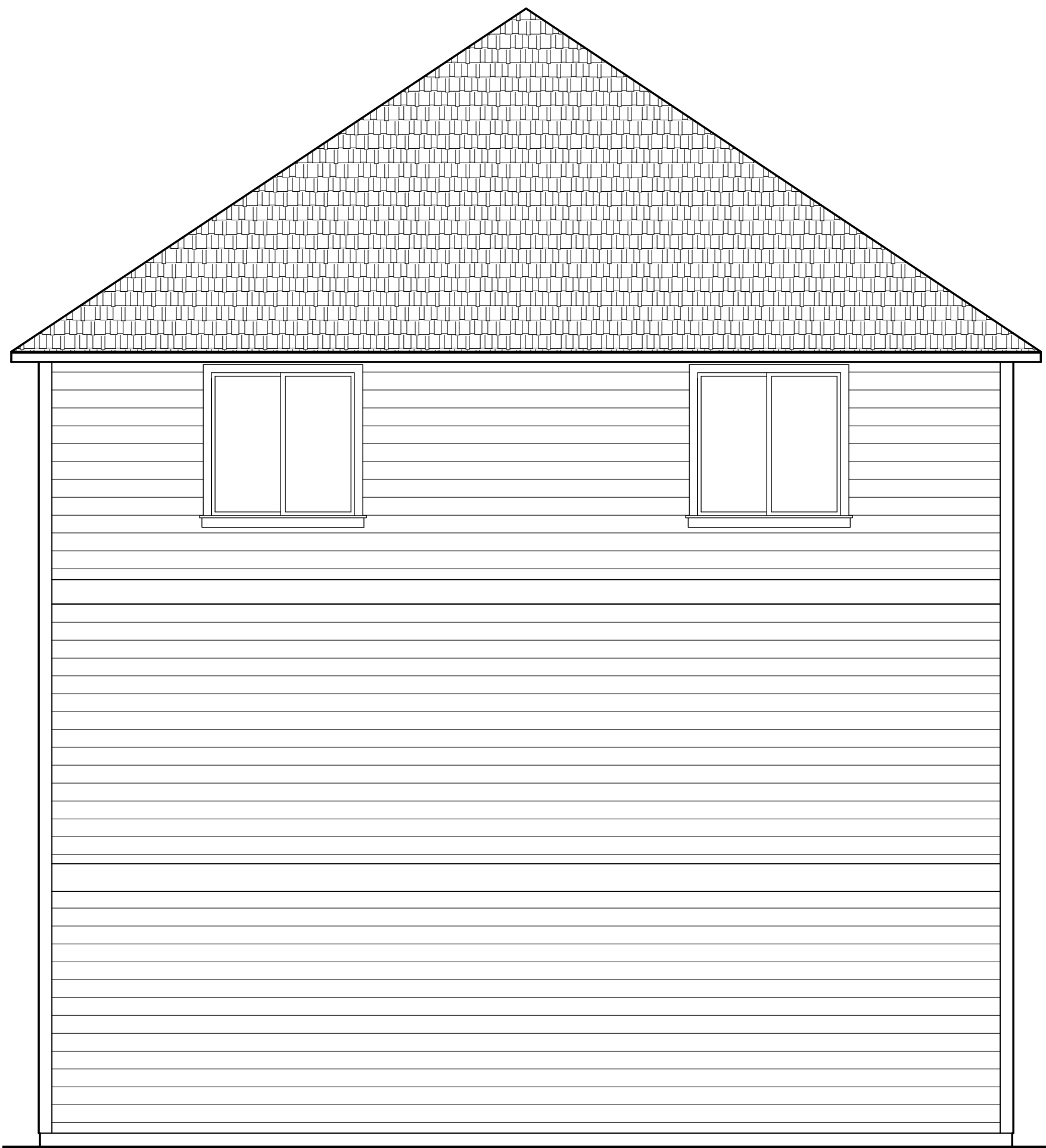


BUILDING LOCATION SITE
PLAN

REVISIONS	
NO.	DATE DESCRIPTION

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PLANNING ELEMENTS (17.62.055):

F. Entryways

1. Recess or projections, porch, distinct materials, architectural details (decorative column).

I. Building Design Elements

1. Front and side facades
 - a. Change in building material;
 - b. Window or door;
 - c. Balcony;
 - d. Post.

PLAN
A

HOLMES LANE

HOLMES LN. - OREGON CITY OR.
UNITS: 23 & 24, 31 & 32, 40 & 41

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SYMBOL	REVISION	DATE
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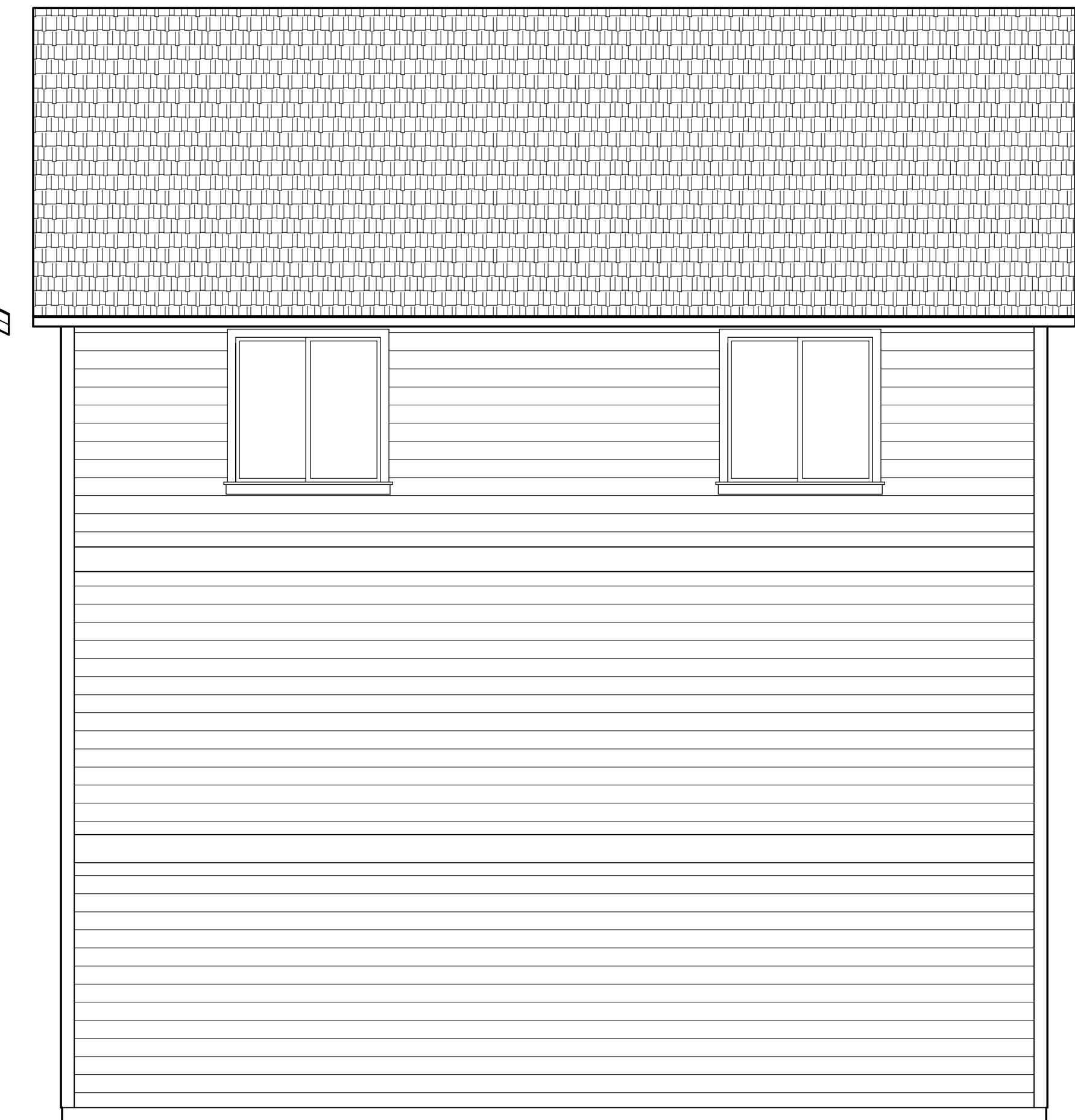
D1



1
D1 **FRONT ELEVATION**
1/4" = 1'-0"



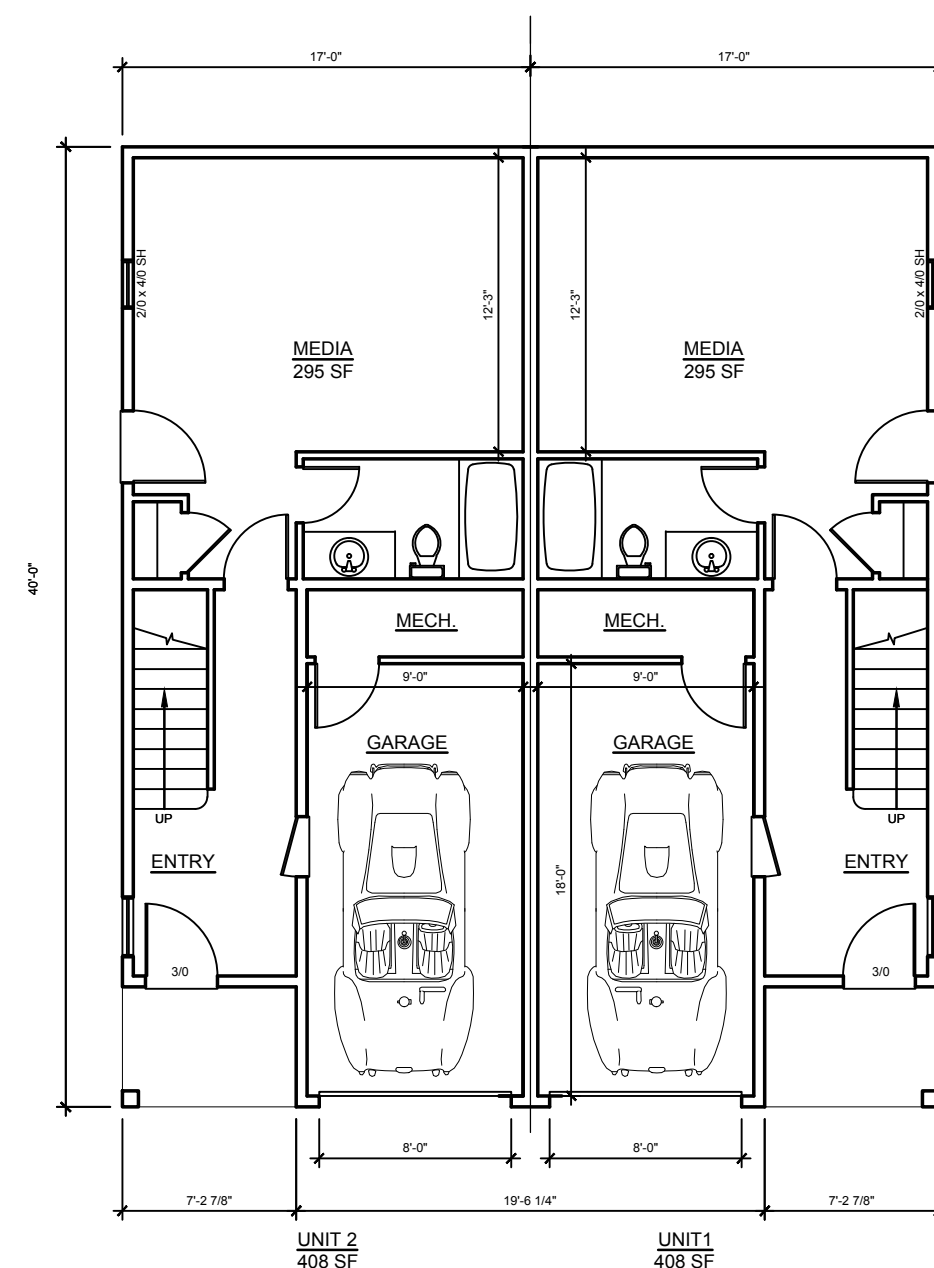
2
D1 **RIGHT ELEVATION**
1/4" = 1'-0"



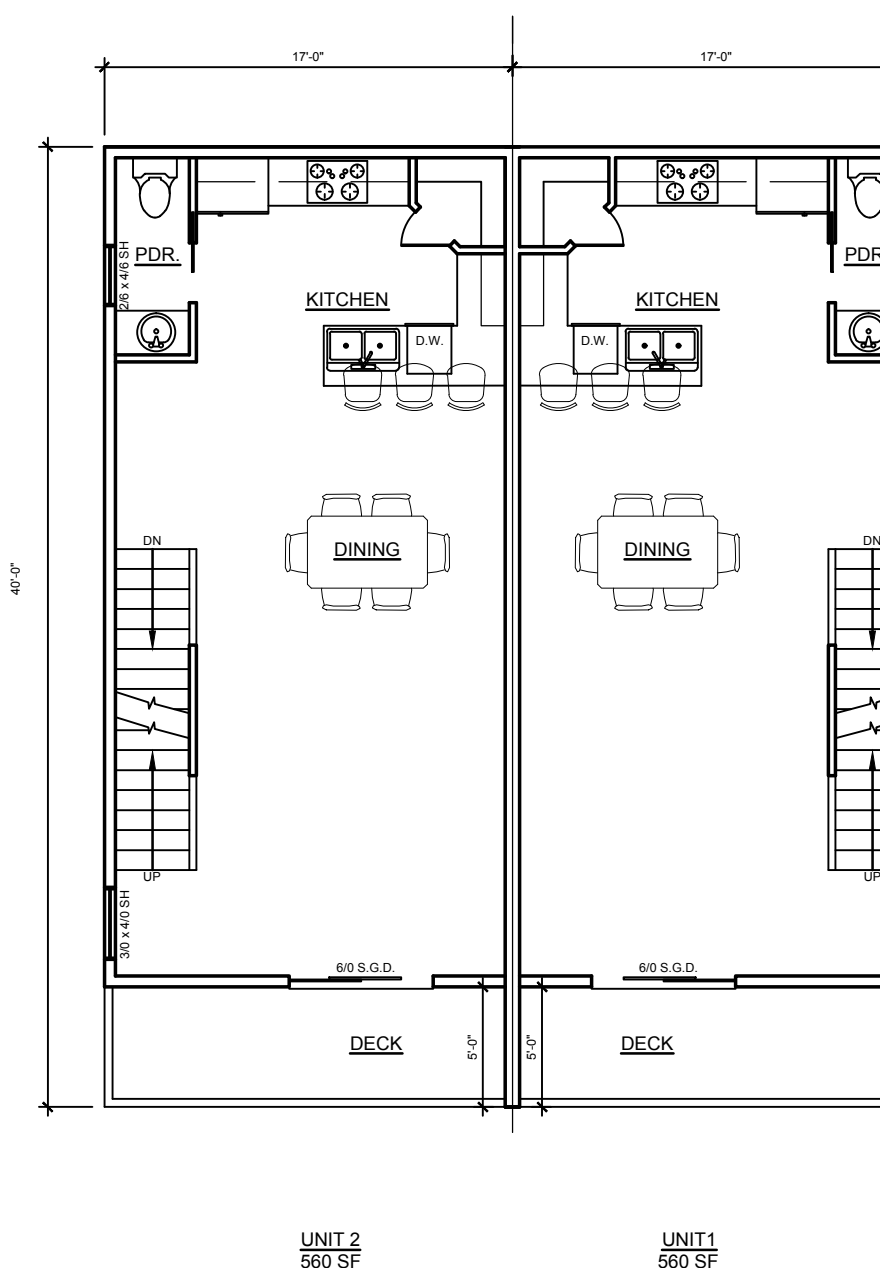
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D1 **REAR ELEVATION**
1/4" = 1'-0"



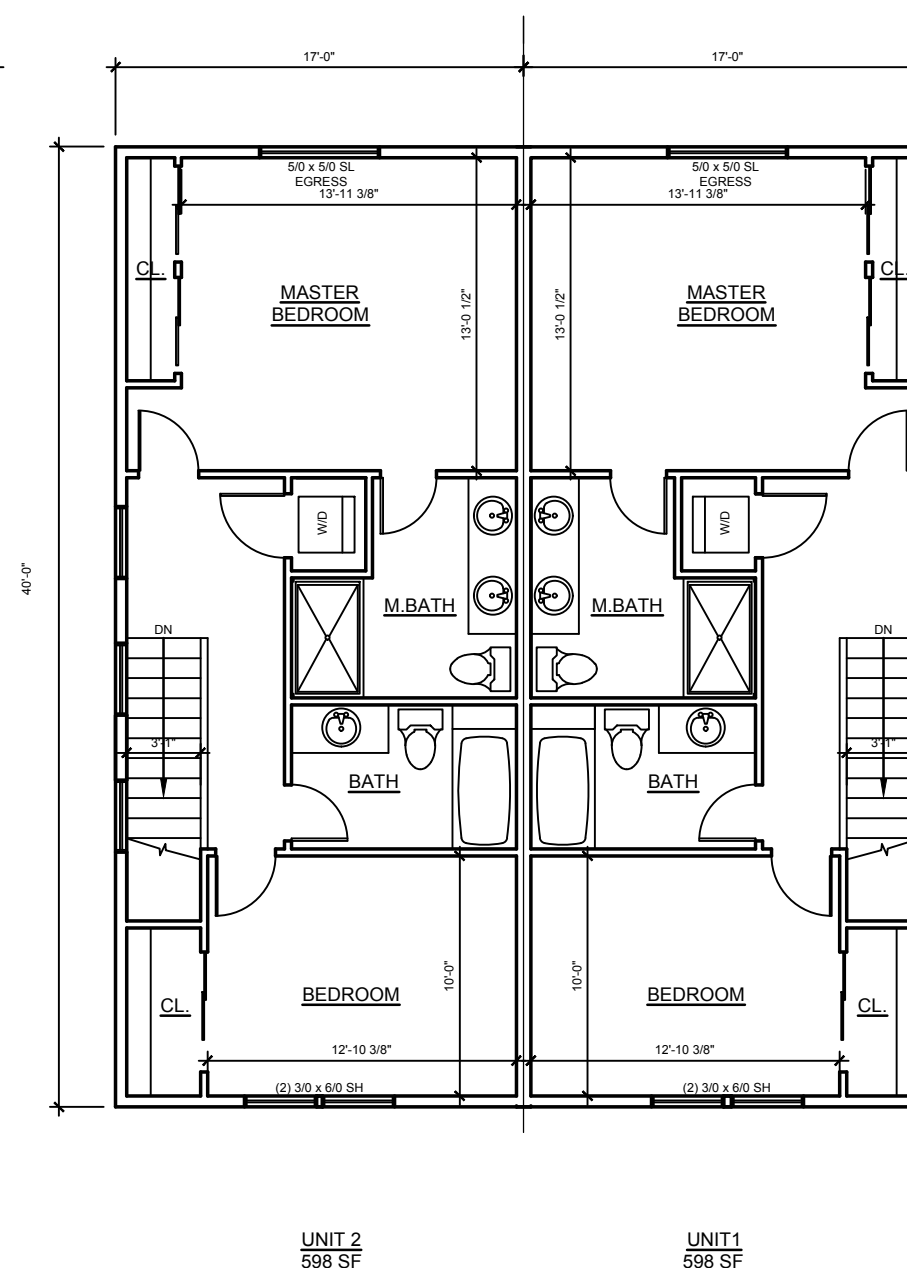
4
D1 **LEFT ELEVATION**
1/4" = 1'-0"



5
D1 **LOWER FLOOR PLAN**
1/8" = 1'-0"



6
D1 **MAIN FLOOR PLAN**
1/8" = 1'-0"



7
D1 **UPPER FLOOR PLAN**
1/8" = 1'-0"

PLANNING ELEMENTS (17.62.055):

F. Entryways

1. Recess or projections, porch, distinct materials, architectural details (decorative column).

I. Building Design Elements

1. Front and side facades
 - a. Change in building material;
 - b. Window or door;
 - c. Balcony;
 - d. Post.

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PLAN B

HOLMES LANE

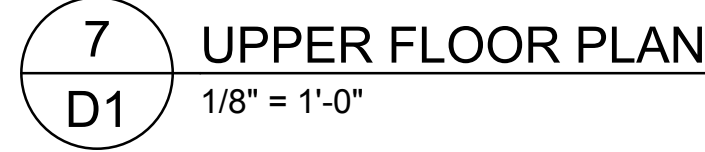
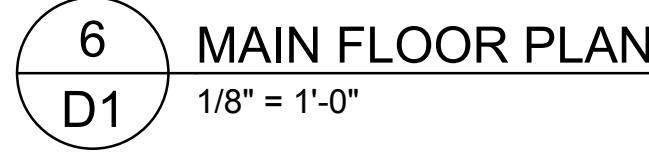
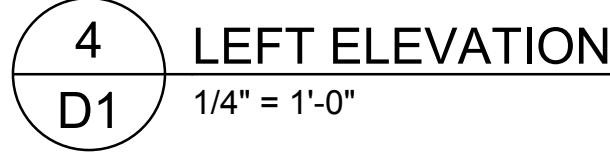
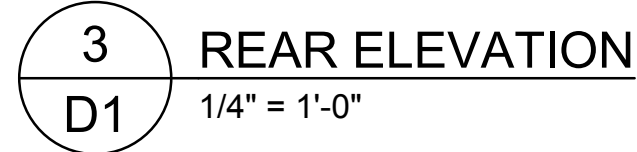
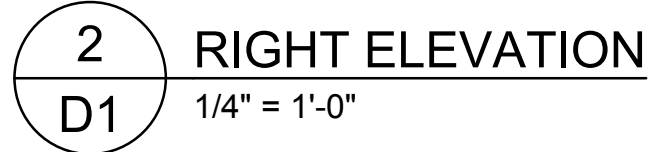
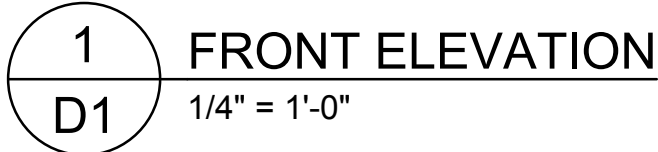
HOLMES LN. - OREGON CITY OR.
UNITS: 21 & 22, 42 & 43

DATE: 7/22/20
JOB NO: 0742-002

REVISIONS

SYMBOL	REVISION	DATE
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D1



1. Front and side facades
 - a. Change in building material;
 - b. Window or door;
 - c. Balcony;
 - d. Post.

[illegible]

D1

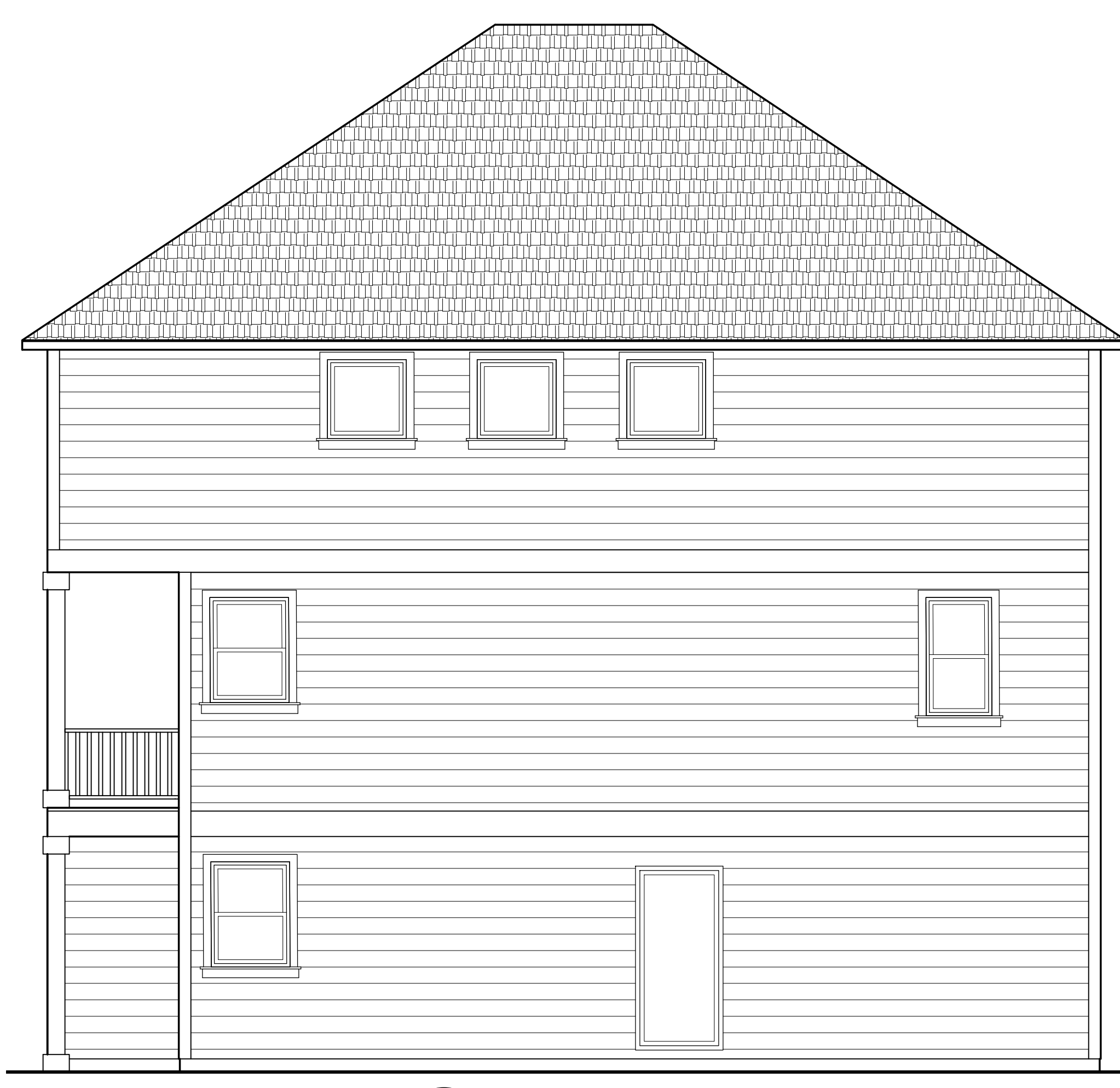
PLAN C

HOLMES LANE

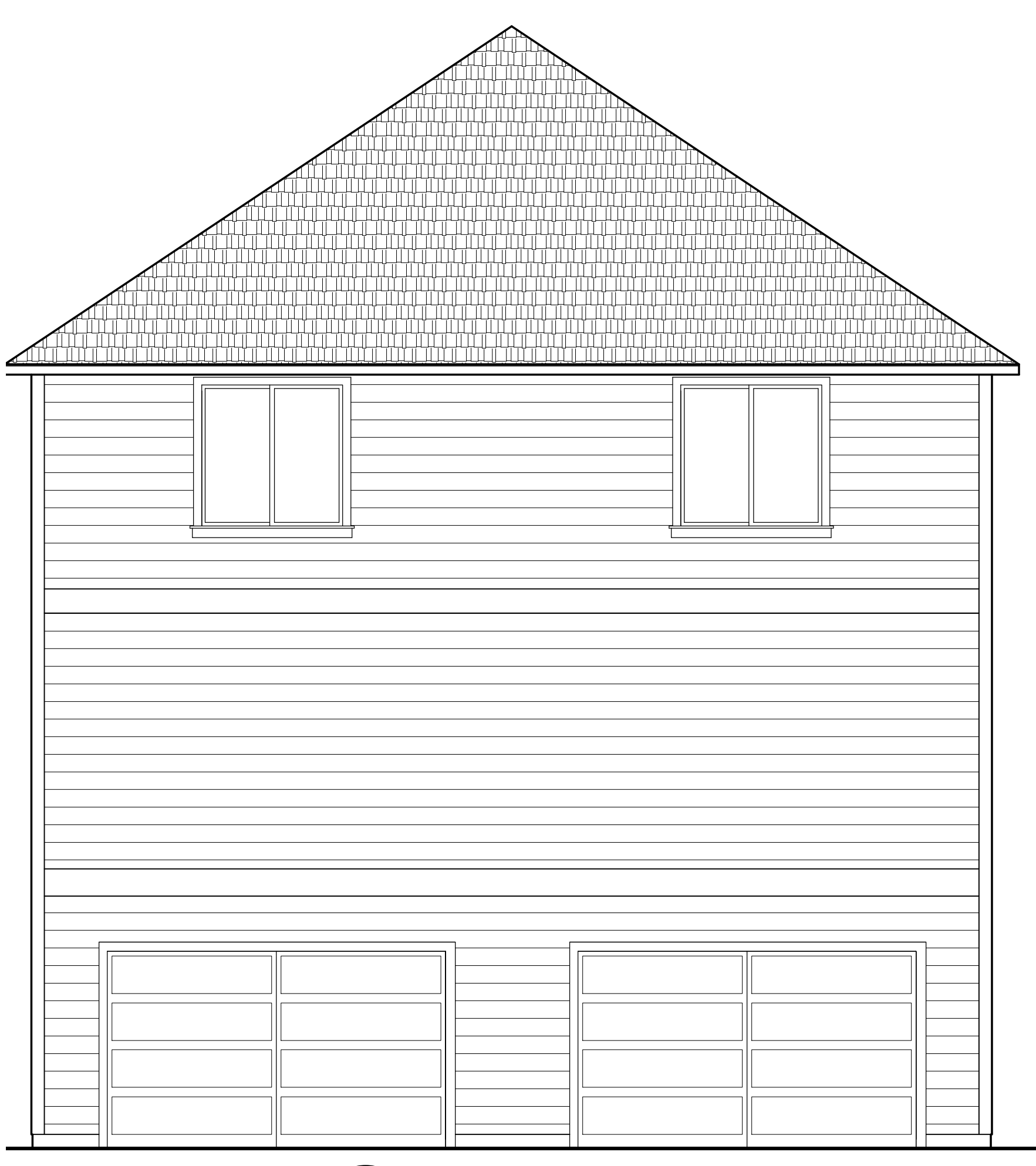
HOLMES LN. - OREGON CITY OR.
UNITS: 19 & 20, 33 & 32, 51 & 52



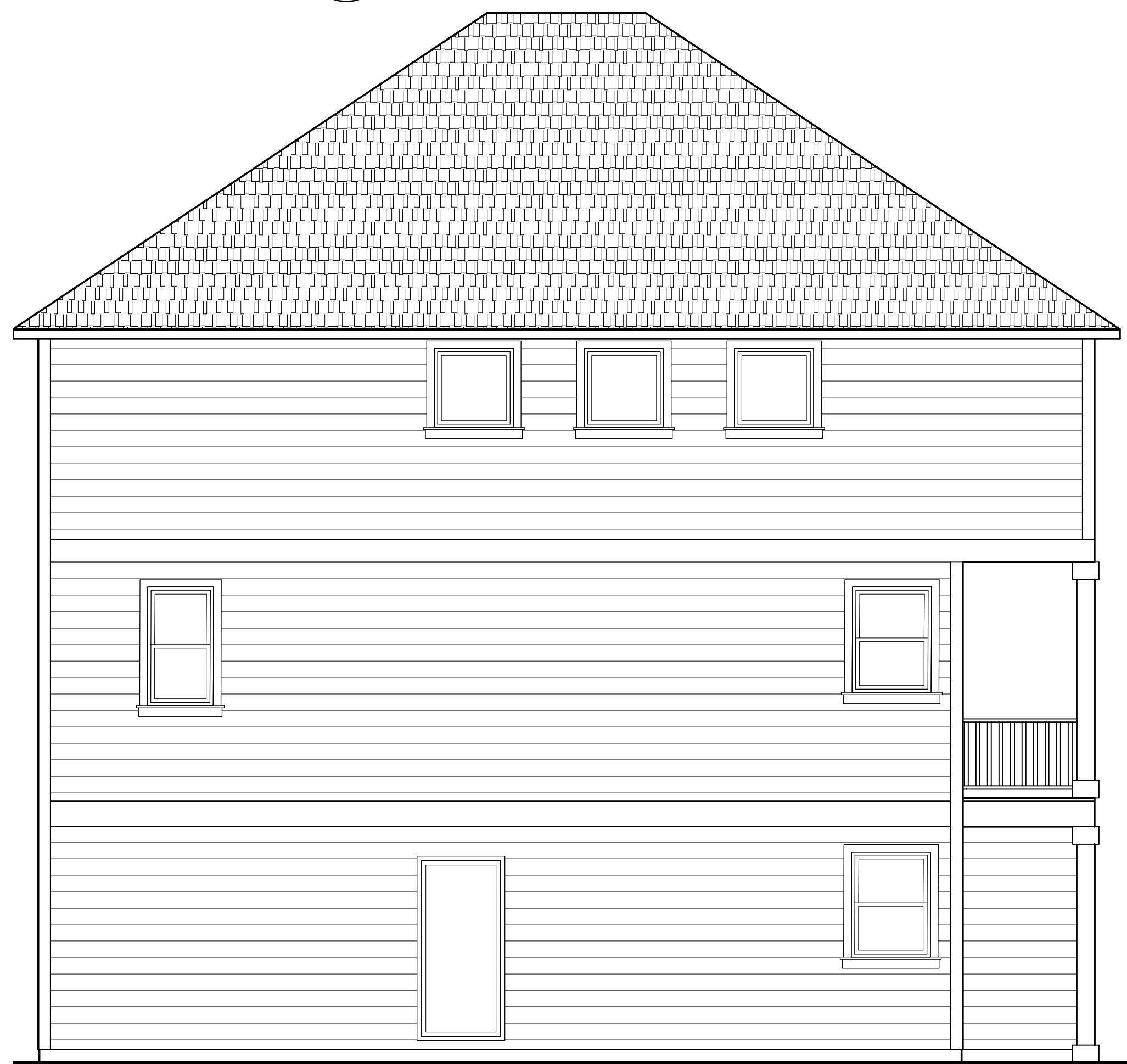
1 FRONT ELEVATION
D1 1/4" = 1'-0"



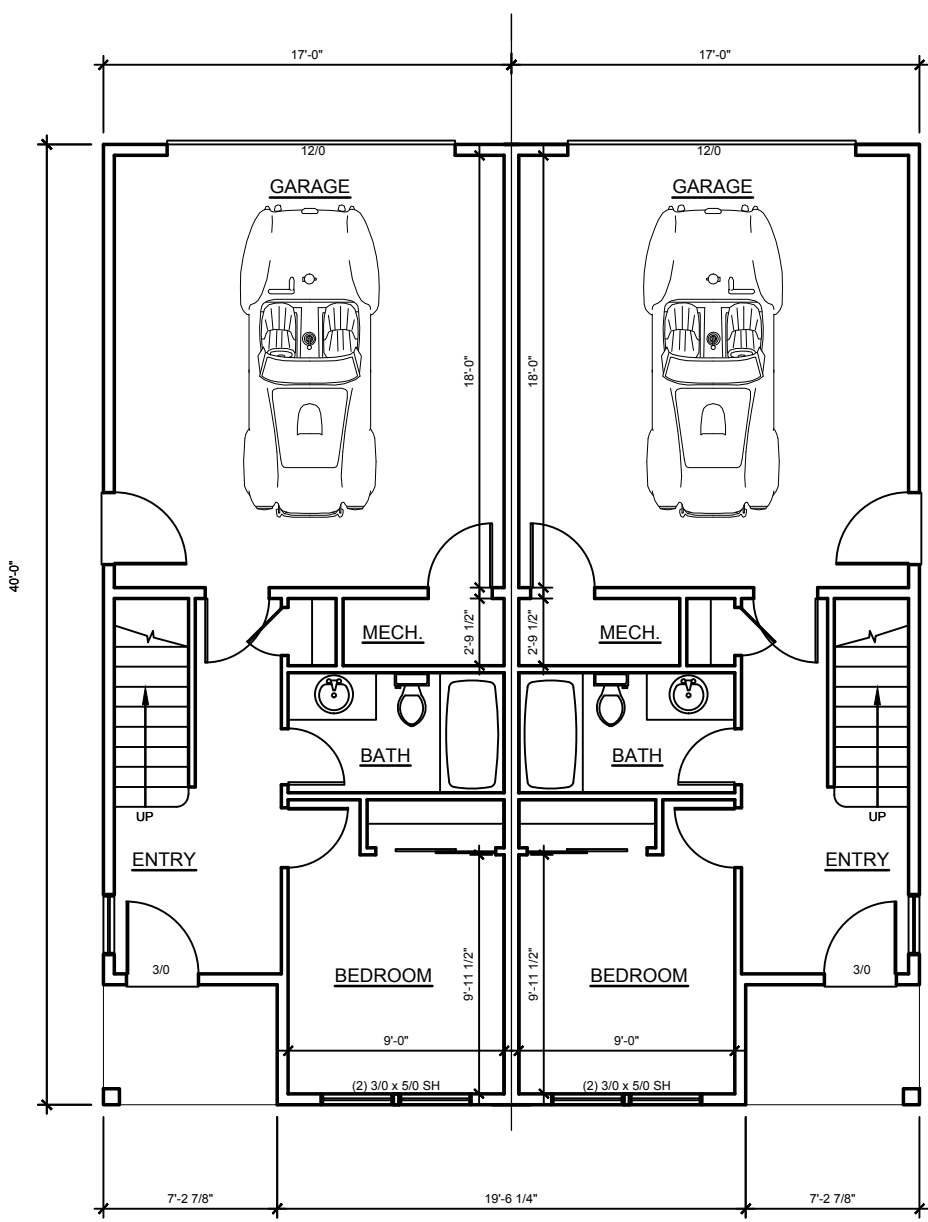
2 RIGHT ELEVATION
D1 1/4" = 1'-0"



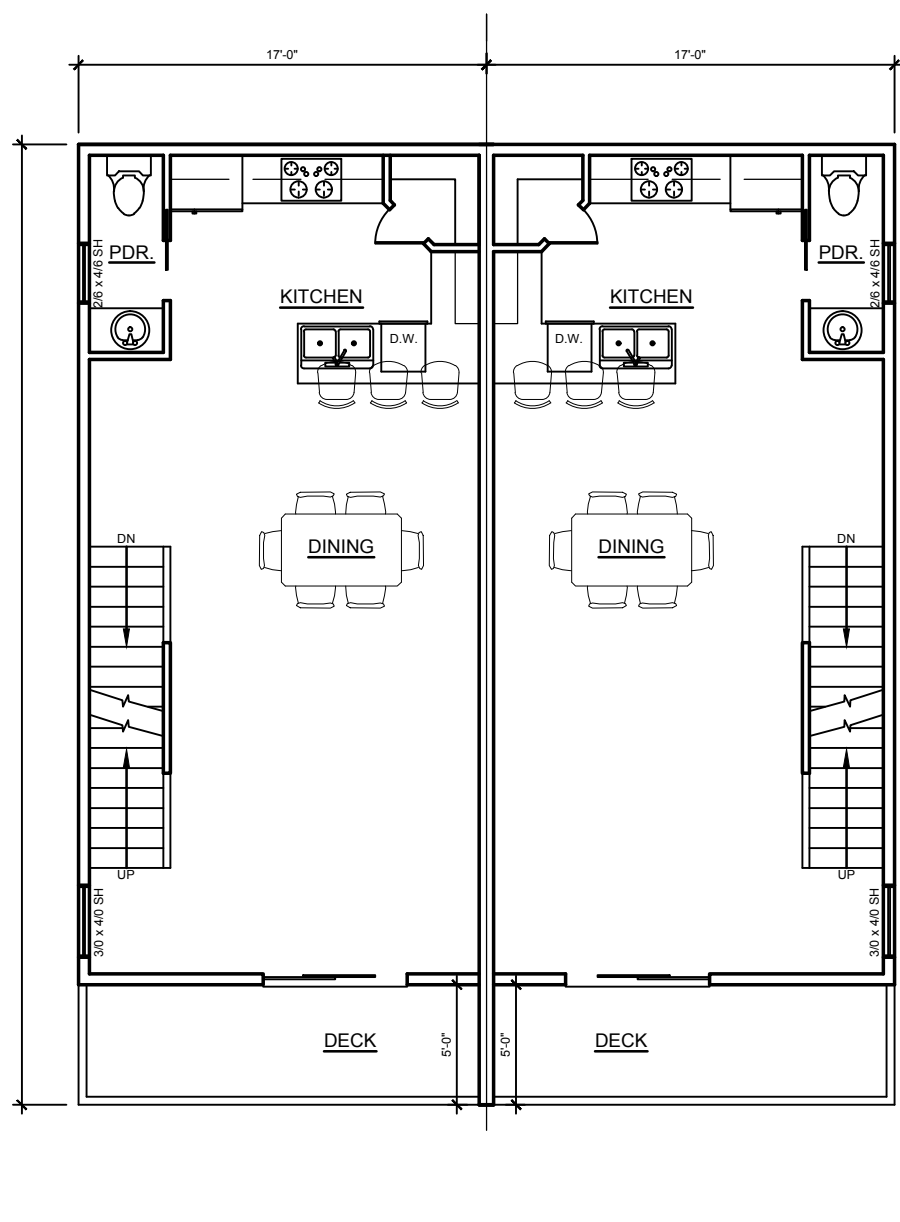
3 REAR ELEVATION
D1 1/4" = 1'-0"



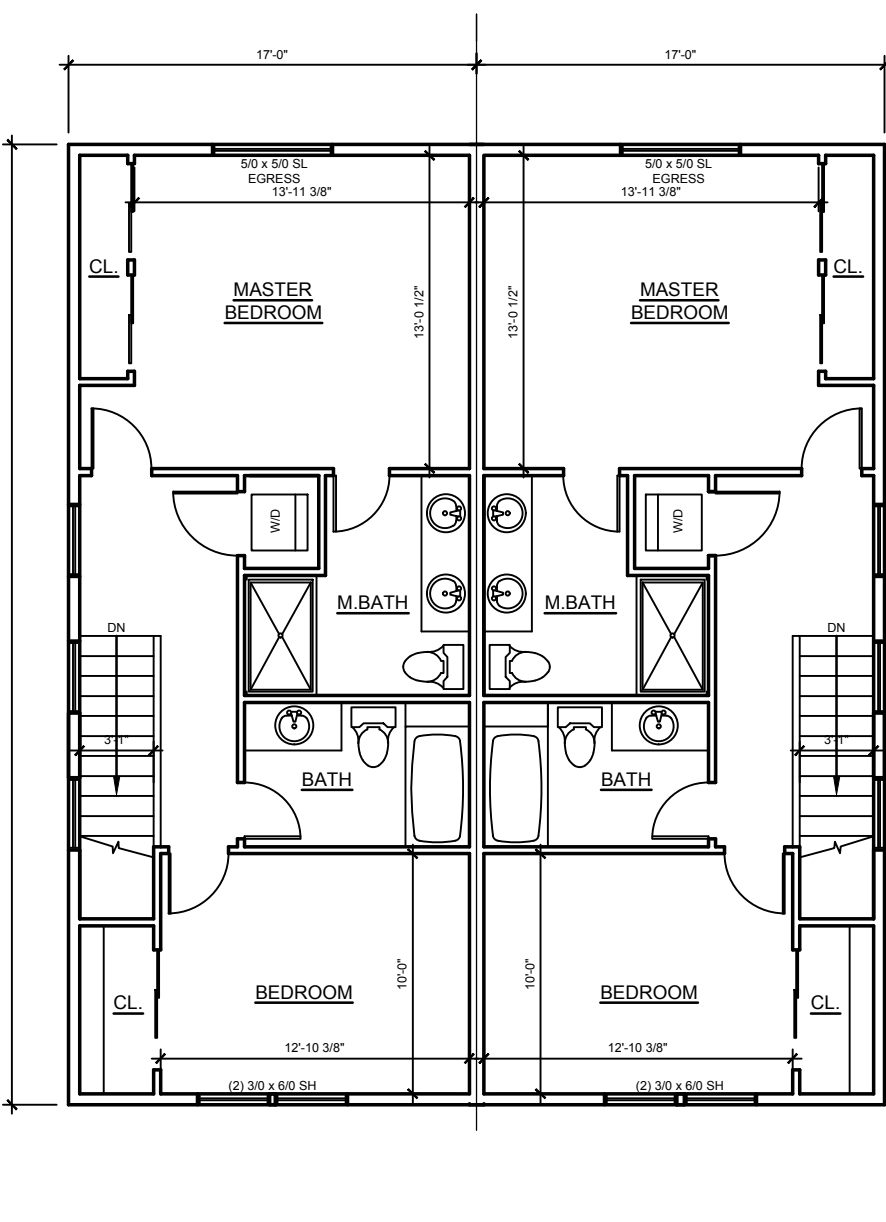
4 LEFT ELEVATION
D1 1/4" = 1'-0"



5 LOWER FLOOR PLAN
D1 1/8" = 1'-0"



6 MAIN FLOOR PLAN
D1 1/8" = 1'-0"



7 UPPER FLOOR PLAN
D1 1/8" = 1'-0"

PLANNING ELEMENTS (17.62.055):

F. Entryways

1. Recess or projections, porch, distinct materials, architectural details (decorative column).

I. Building Design Elements

1. Front and side facades
 - a. Change in building material;
 - b. Window or door;
 - c. Balcony;
 - d. Post.

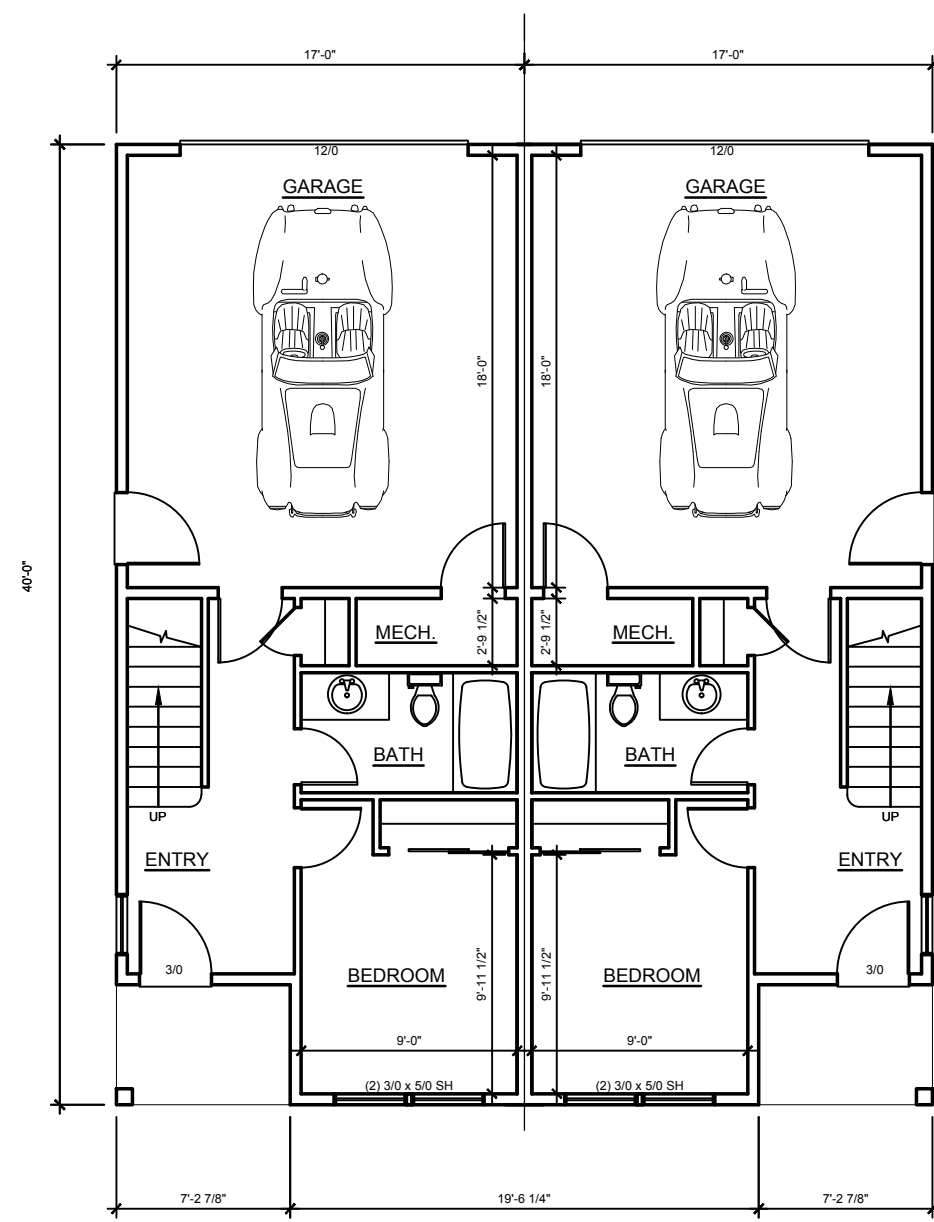
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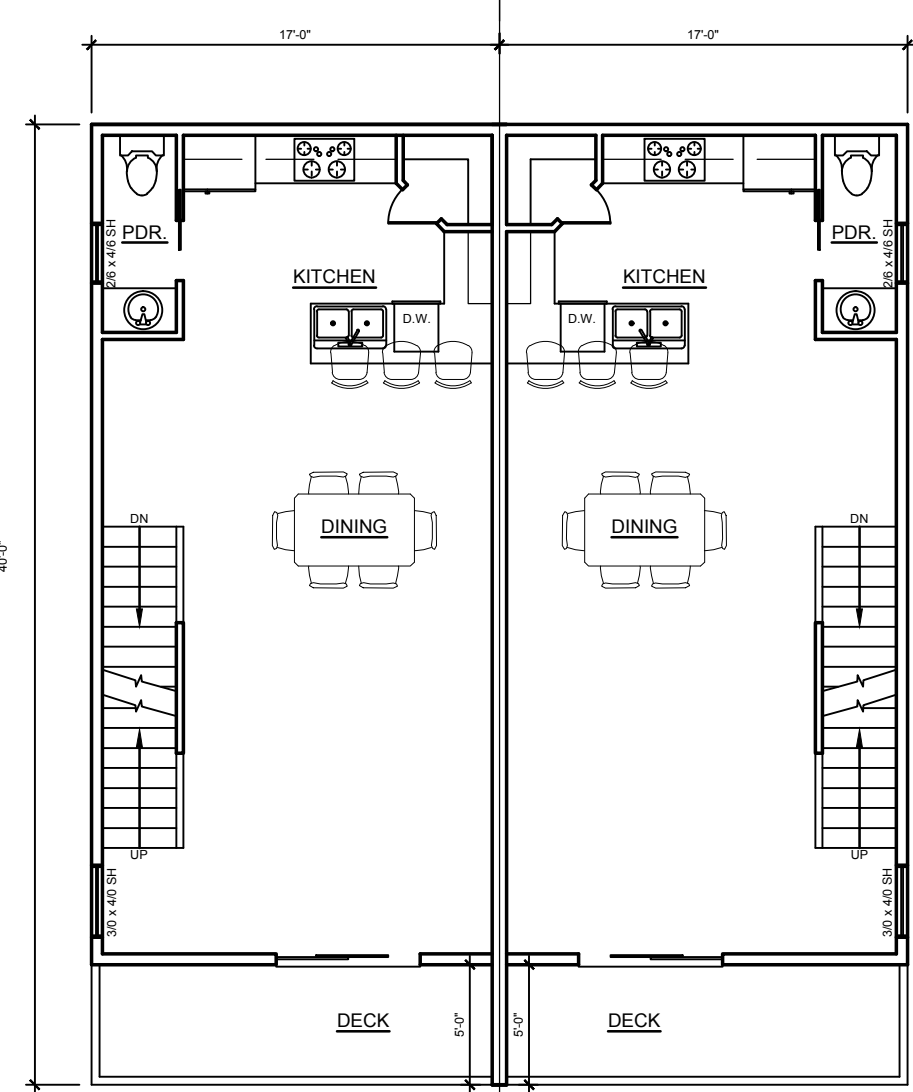
3 REAR ELEVATION
D1 1/4" = 1'-0"



4 LEFT ELEVATION
D1 1/4" = 1'-0"



5 LOWER FLOOR PLAN
D1 1/8" = 1'-0"



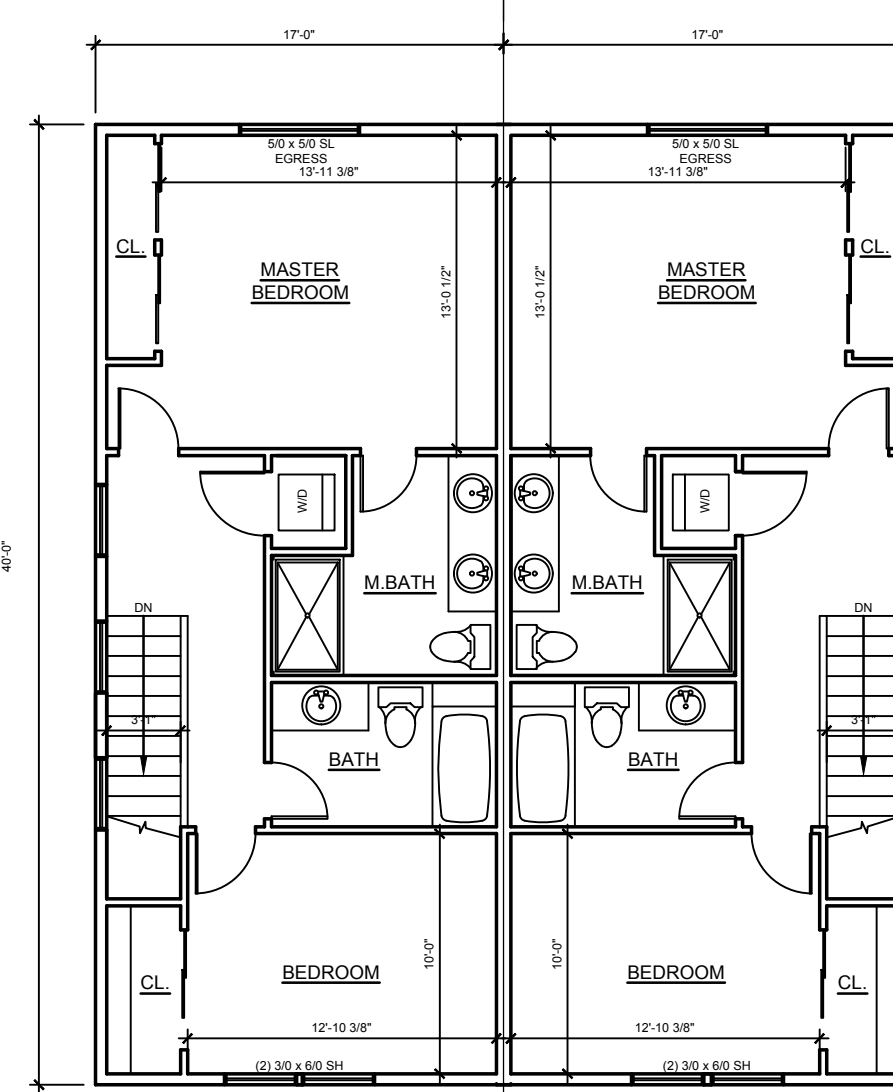
UNIT 2
560 SF

UNIT 1
560 SF

6
D1

MAIN FLOOR PLAN

1/8" = 1'-0"



7 UPPER FLOOR PLAN
D1 1/8" = 1'-0"

1. Front and side facades
 - a. Change in building material;
 - b. Window or door;
 - c. Balcony;
 - d. Post.

[illegible]

D1

HOLMES LANE

HOLMES LN. - OREGON CITY OR.
UNITS: 9 & 10 . 55 & 56



1 FRONT ELEVATION
D1 1/4" = 1'-0"



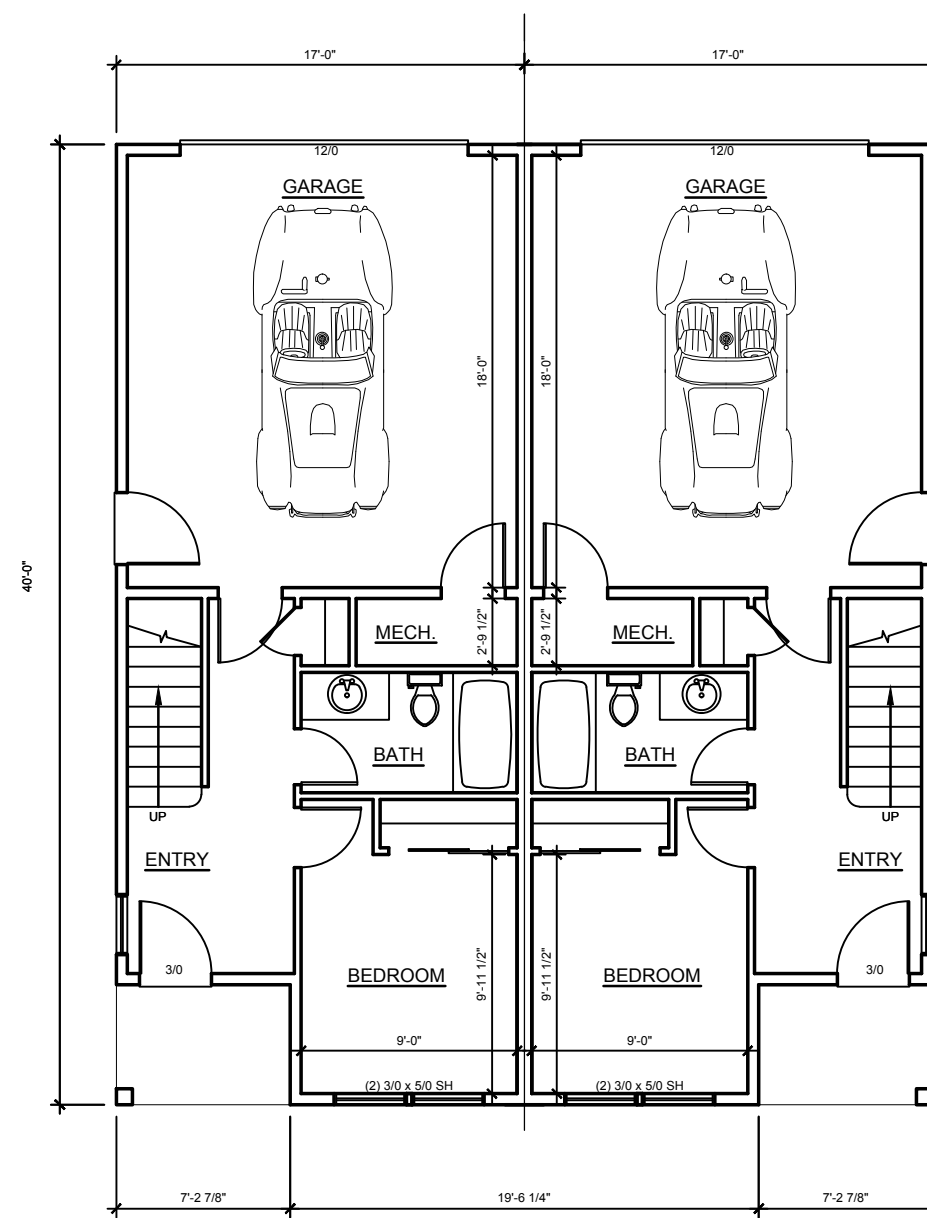
2 RIGHT ELEVATION
D1 1/4" = 1'-0"



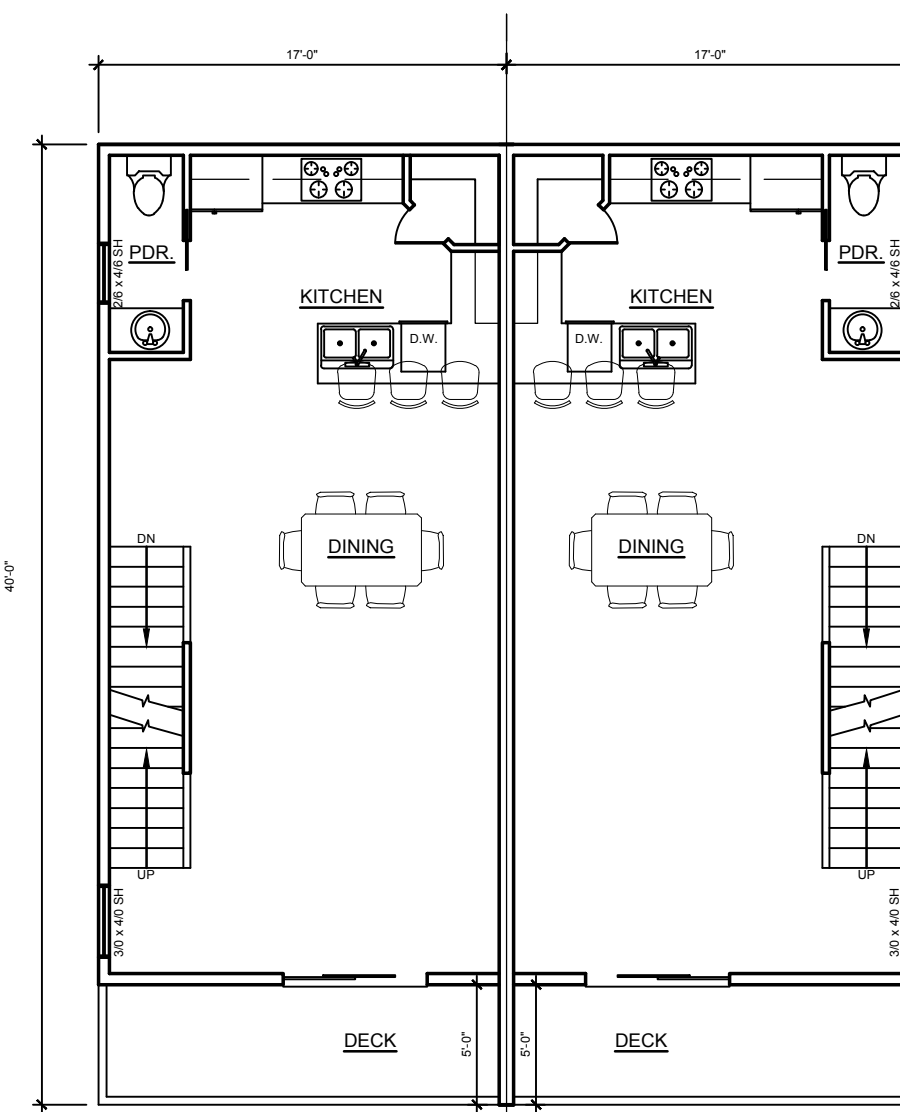
3 REAR ELEVATION
D1 1/4" = 1'-0"



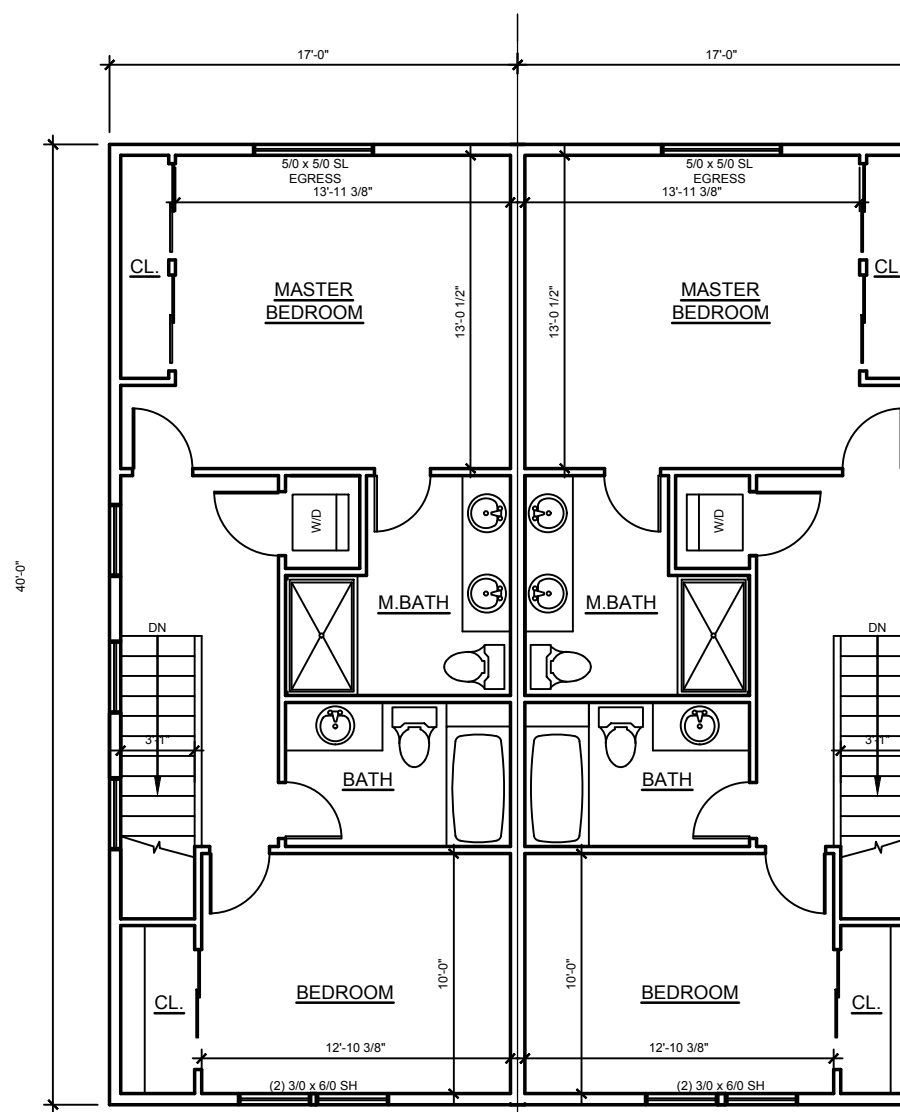
4 LEFT ELEVATION
D1 1/4" = 1'-0"



5 LOWER FLOOR PLAN
D1 1/8" = 1'-0"



6 MAIN FLOOR PLAN
D1 1/8" = 1'-0"



7 UPPER FLOOR PLAN
D1 1/8" = 1'-0"

PLANNING ELEMENTS (17.62.055):

F. Entryways

1. Recess or projections, porch, distinct materials, architectural details (decorative column).

I. Building Design Elements

1. Front and side facades
 - a. Change in building material;
 - b. Window or door;
 - c. Balcony;
 - d. Post.

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PLAN
F

HOLMES LANE

HOLMES LN. - OREGON CITY OR.
UNITS: 53 & 54 , 59 & 60

DATE: 7/22/20

JOB NO: 0742-002

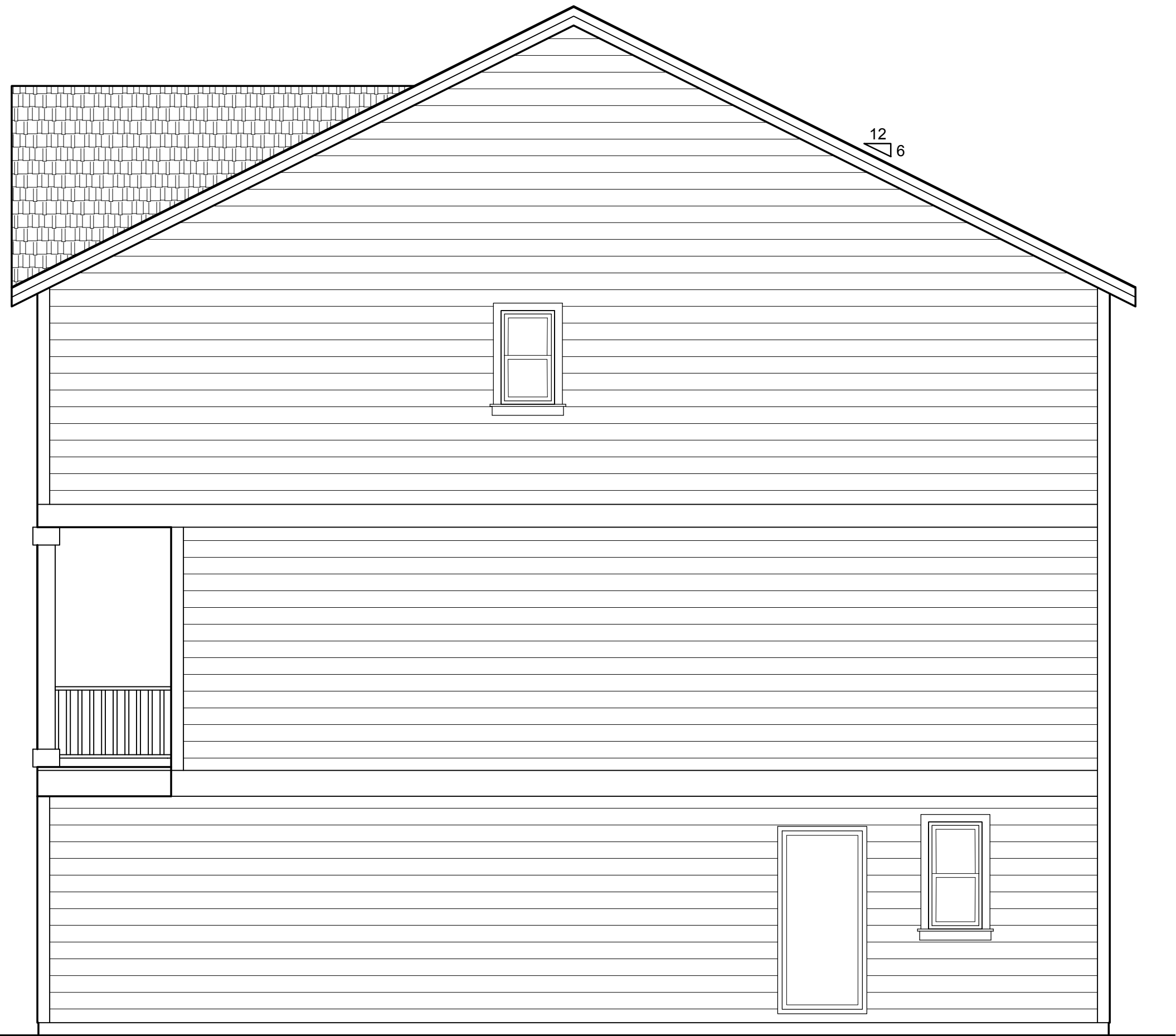
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D1

Page 652



1 FRONT ELEVATION
D1 1/4" = 1'-0"



2 RIGHT ELEVATION
D1 1/4" = 1'-0"



3 REAR ELEVATION
D1 1/4" = 1'-0"



4 LEFT ELEVATION
D1 1/4" = 1'-0"

PLANNING ELEMENTS (17.62.055):

F. Entryways

1. Recess or projections, porch, distinct materials, architectural details (decorative column).

I. Building Design Elements

1. Front and side facades
a. Change in building material;
b. Window or door;
c. Balcony;
d. Post.

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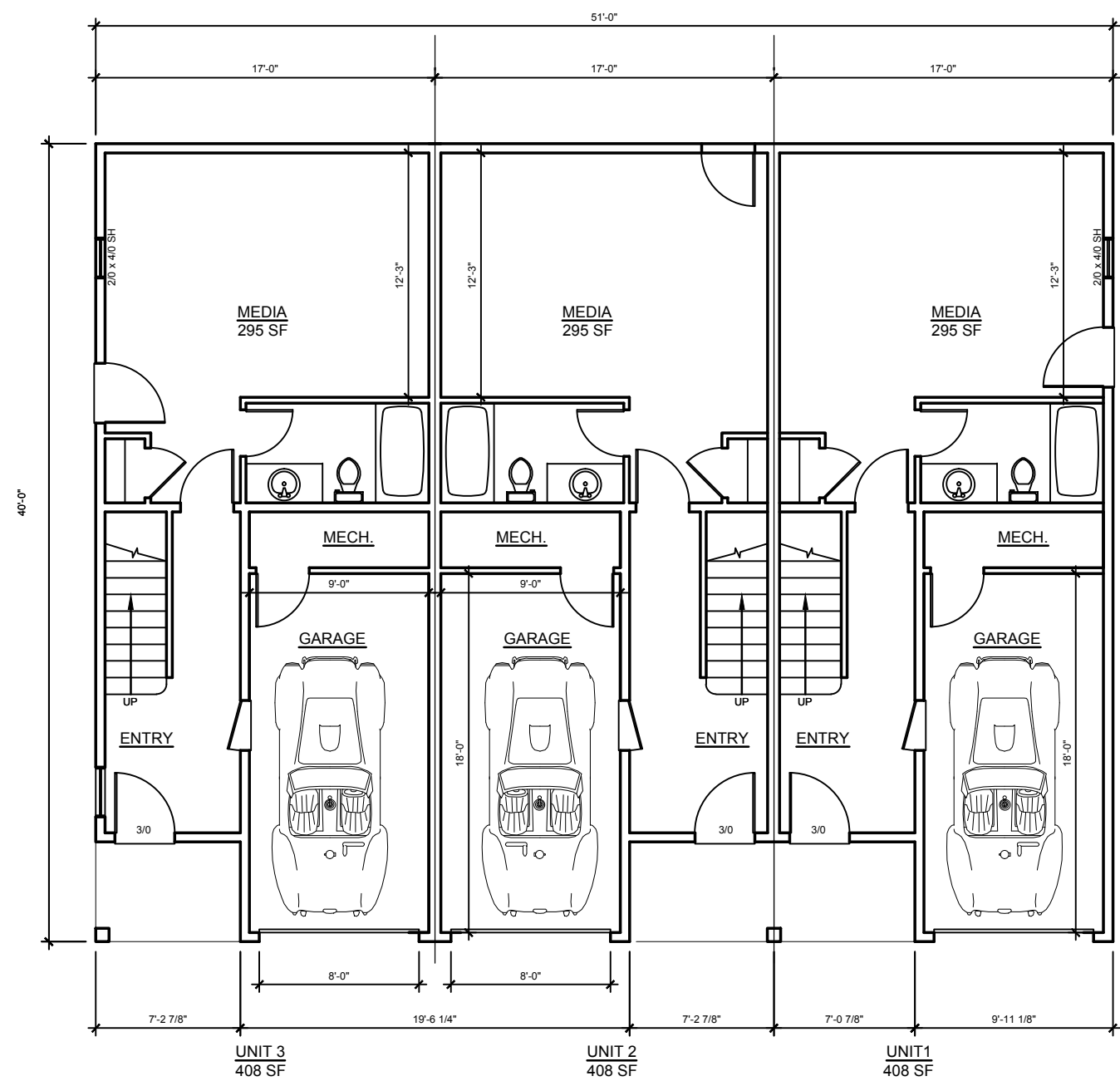
PLAN
G

HOLMES LANE

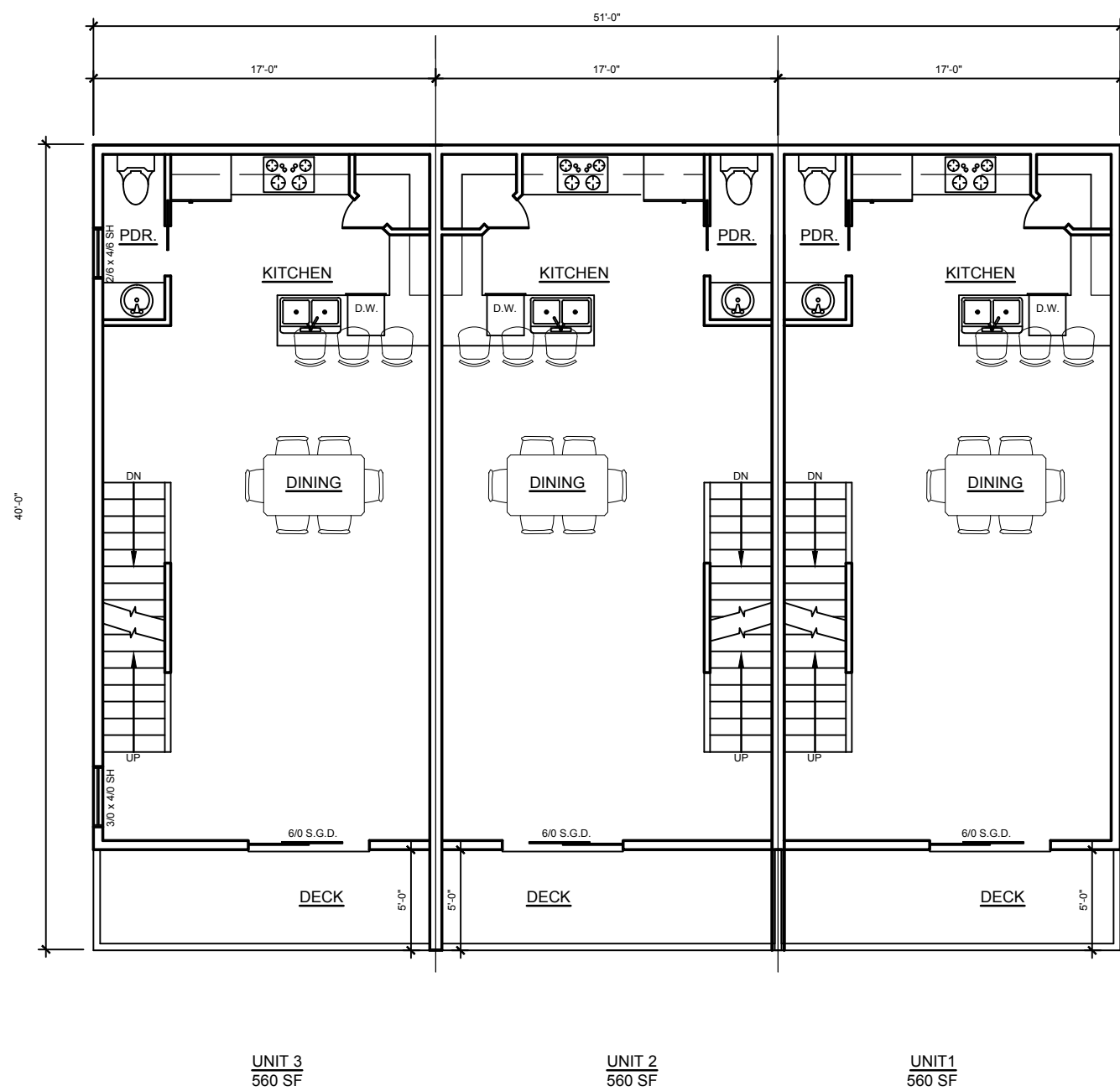
HOLMES LN. - OREGON CITY OR.
UNITS: 16 - 18, 25 - 30, 44 - 46

DATE:		7/22/20					
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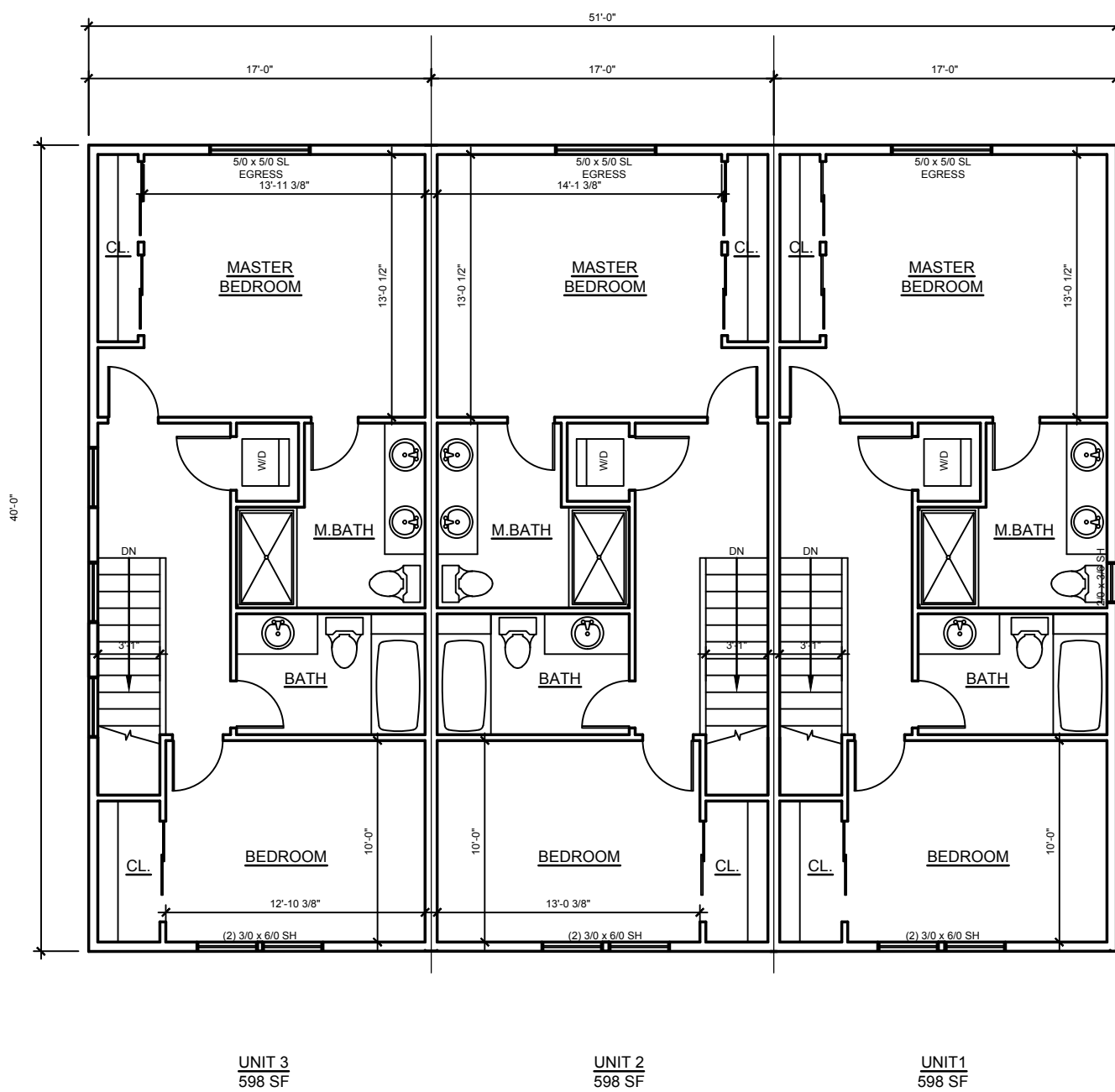
D1



1
D2 LOWER FLOOR PLAN
1/8" = 1'-0"



2
D2 MAIN FLOOR PLAN
1/8" = 1'-0"



3
D2 UPPER FLOOR PLAN
1/8" = 1'-0"

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PLAN G

HOLMES LANE

HOLMES LN. - OREGON CITY OR.
UNITS: 16 - 18, 25 - 30, 44 - 46

DATE:		7/22/20	
JOB NO:		0742-002	
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D2			



1 FRONT ELEVATION
D1 1/4" = 1'-0"

2 RIGHT ELEVATION
D1 1/4" = 1'-0"



3 REAR ELEVATION
D1 1/4" = 1'-0"

4 LEFT ELEVATION
D1 1/4" = 1'-0"

PLANNING ELEMENTS (17.62.055):

F. Entryways

1. Recess or projections, porch, distinct materials, architectural details (decorative column).

I. Building Design Elements

1. Front and side facades
 - a. Change in building material;
 - b. Window or door;
 - c. Balcony;
 - d. Post.

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D1

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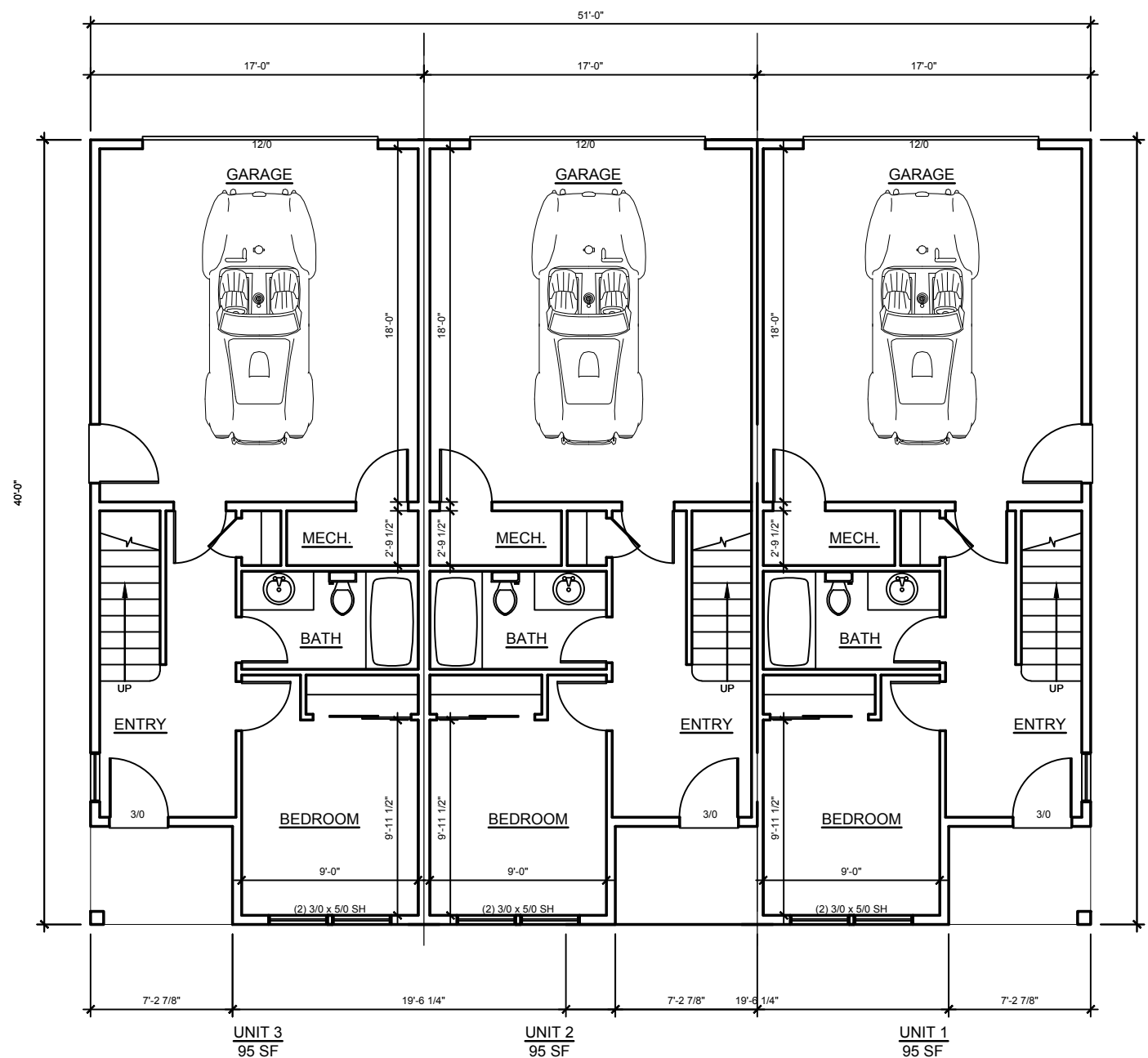
PLAN

H

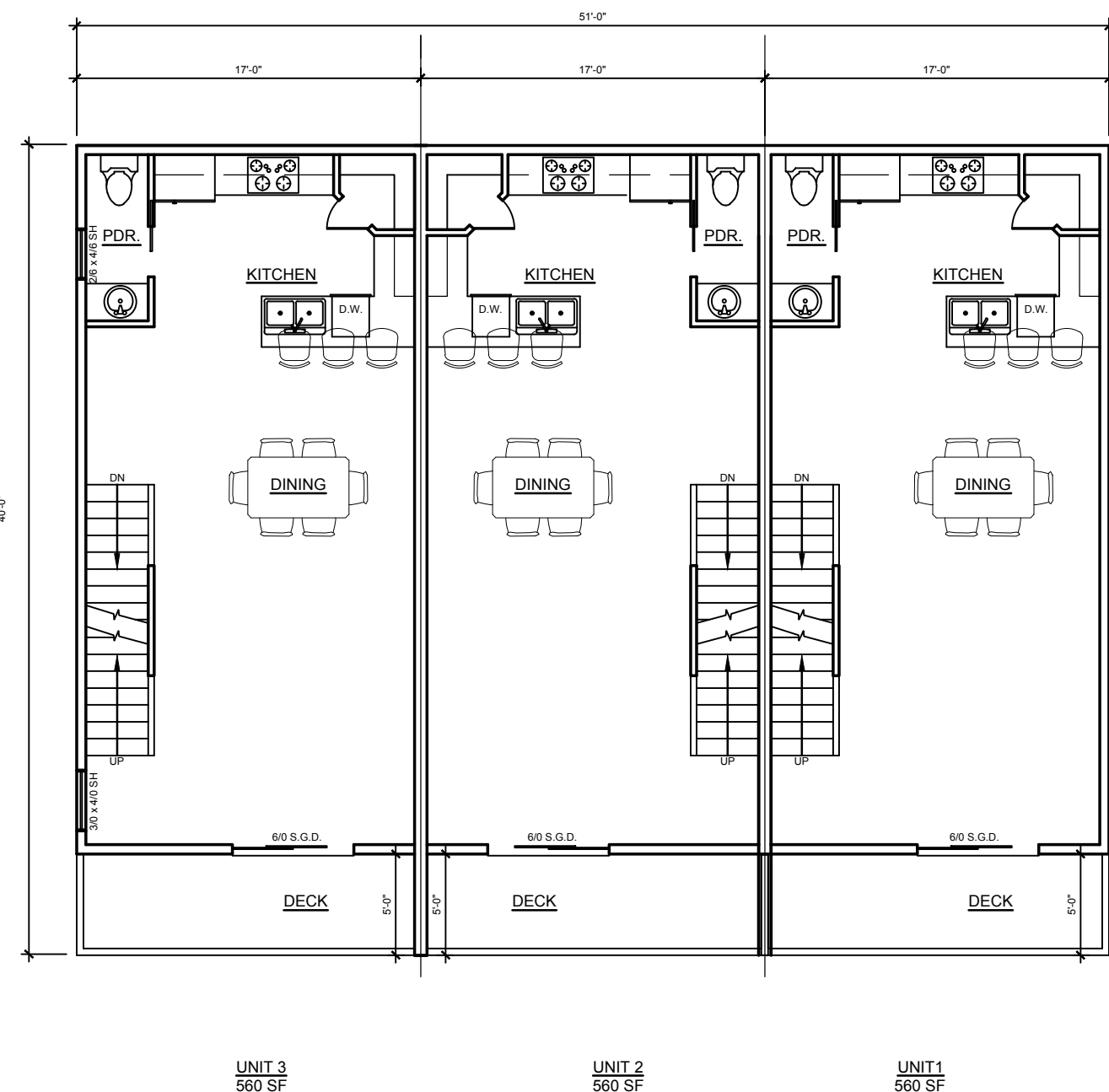
HOLMES LANE

HOLMES LN. - OREGON CITY OR.
UNITS: 1 - 3, 6 - 8, 11 - 13

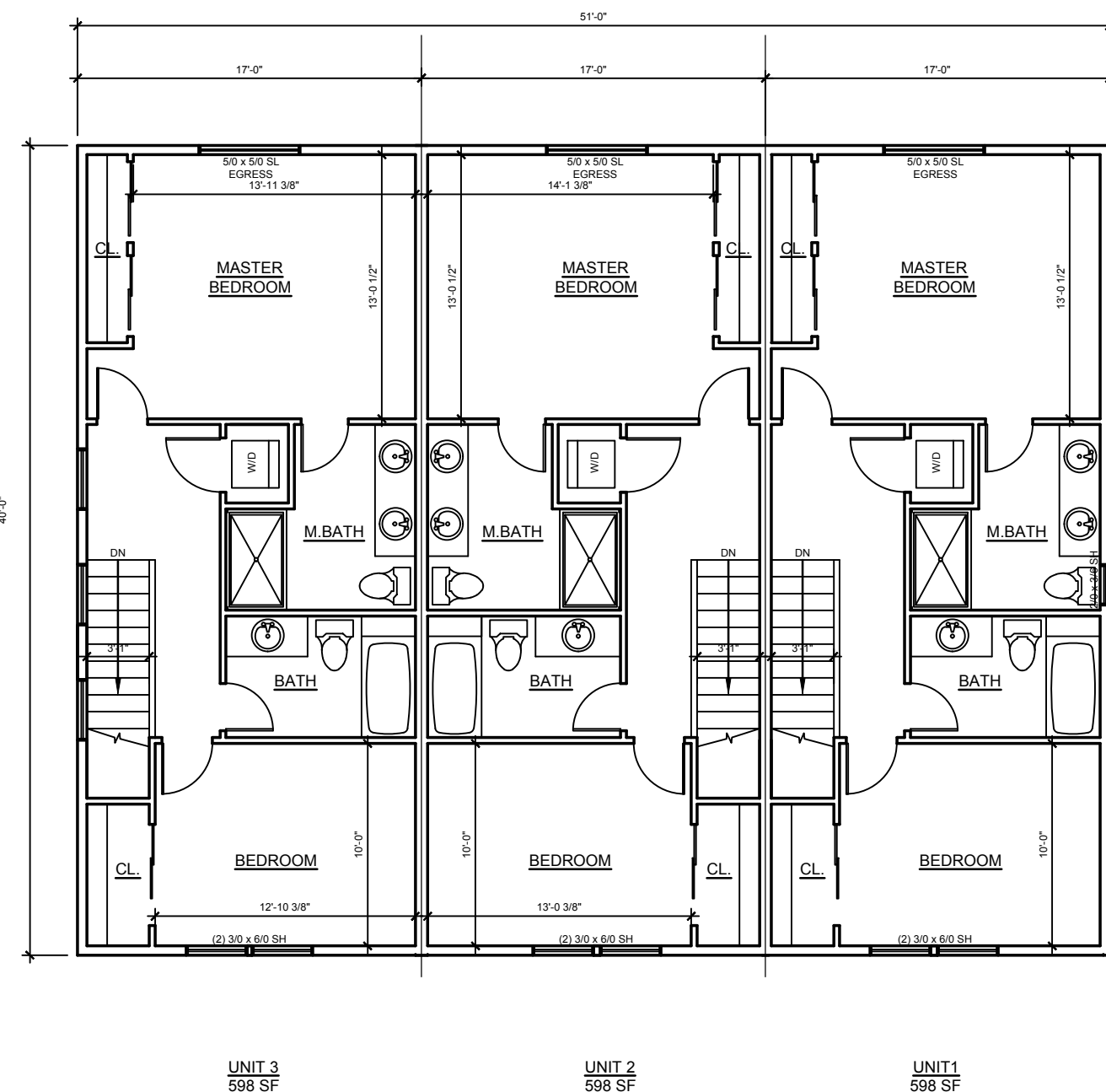
UNITS: 1 - 3, 6 - 8, 11 - 13



1 LOWER FLOOR PLAN
D2 1/8" = 1'-0"



2 MAIN FLOOR PLAN
D2 1/8" = 1'-0"



3 UPPER FLOOR PLAN
D2 1/8" = 1'-0"

PLAN H

HOLMES LANE

HOLMES LN. - OREGON CITY OR.
UNITS: 1 - 3, 6 - 8, 11 - 13

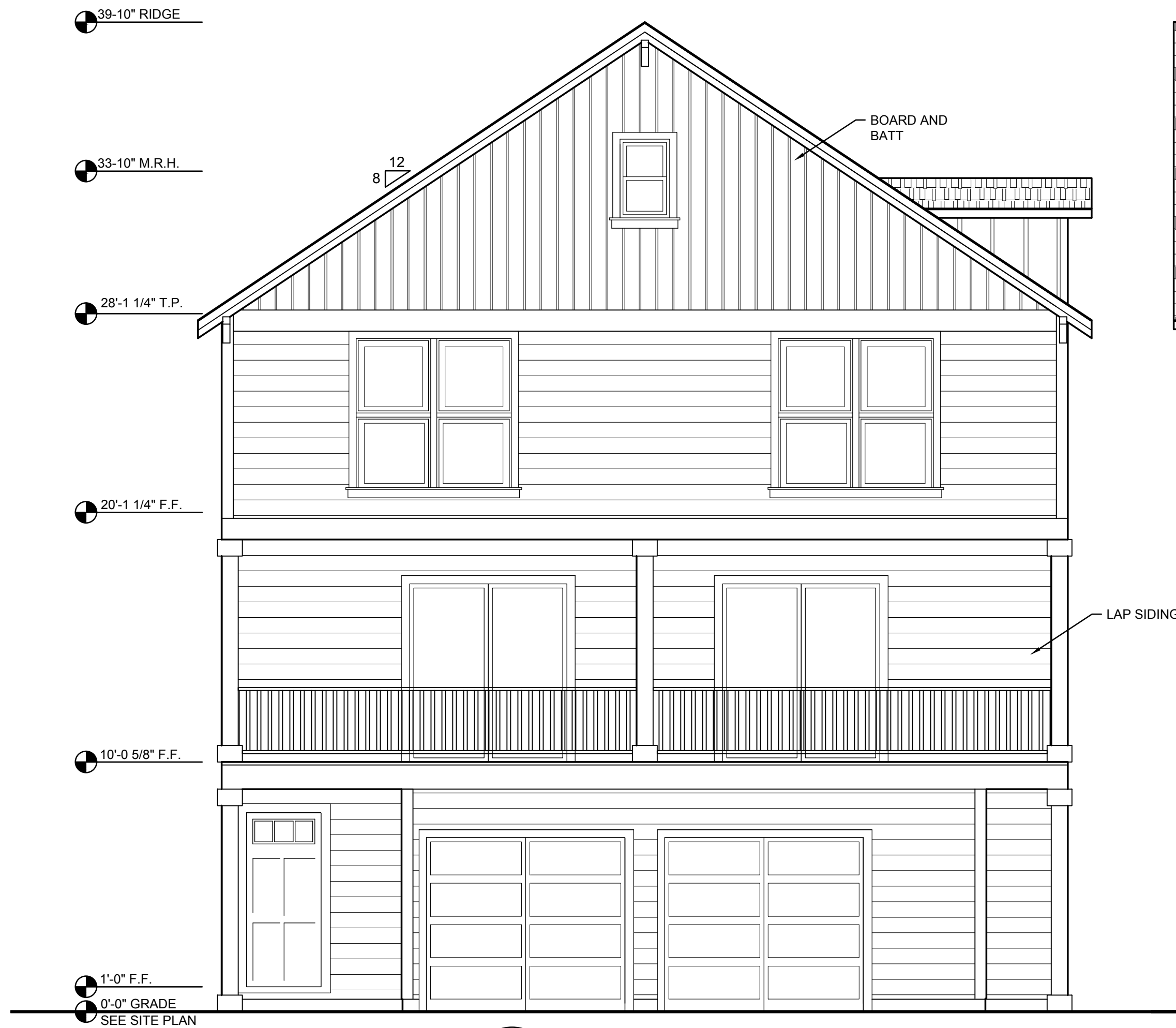
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REVISIONS			DATE	
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DATE: 7/22/20

JOB NO: 0742-002

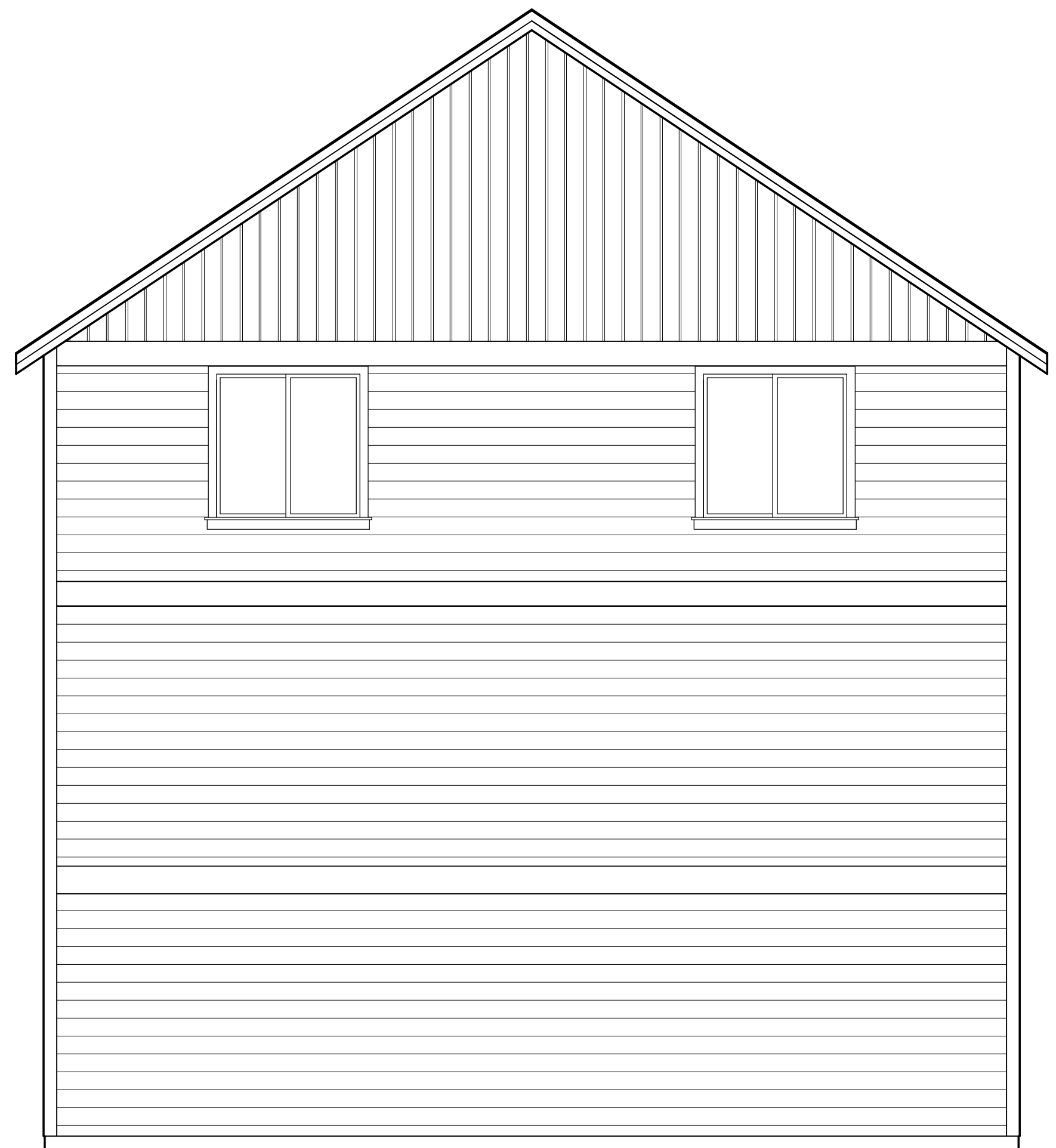
D2



1 FRONT ELEVATION
D1 1/4" = 1'-0"



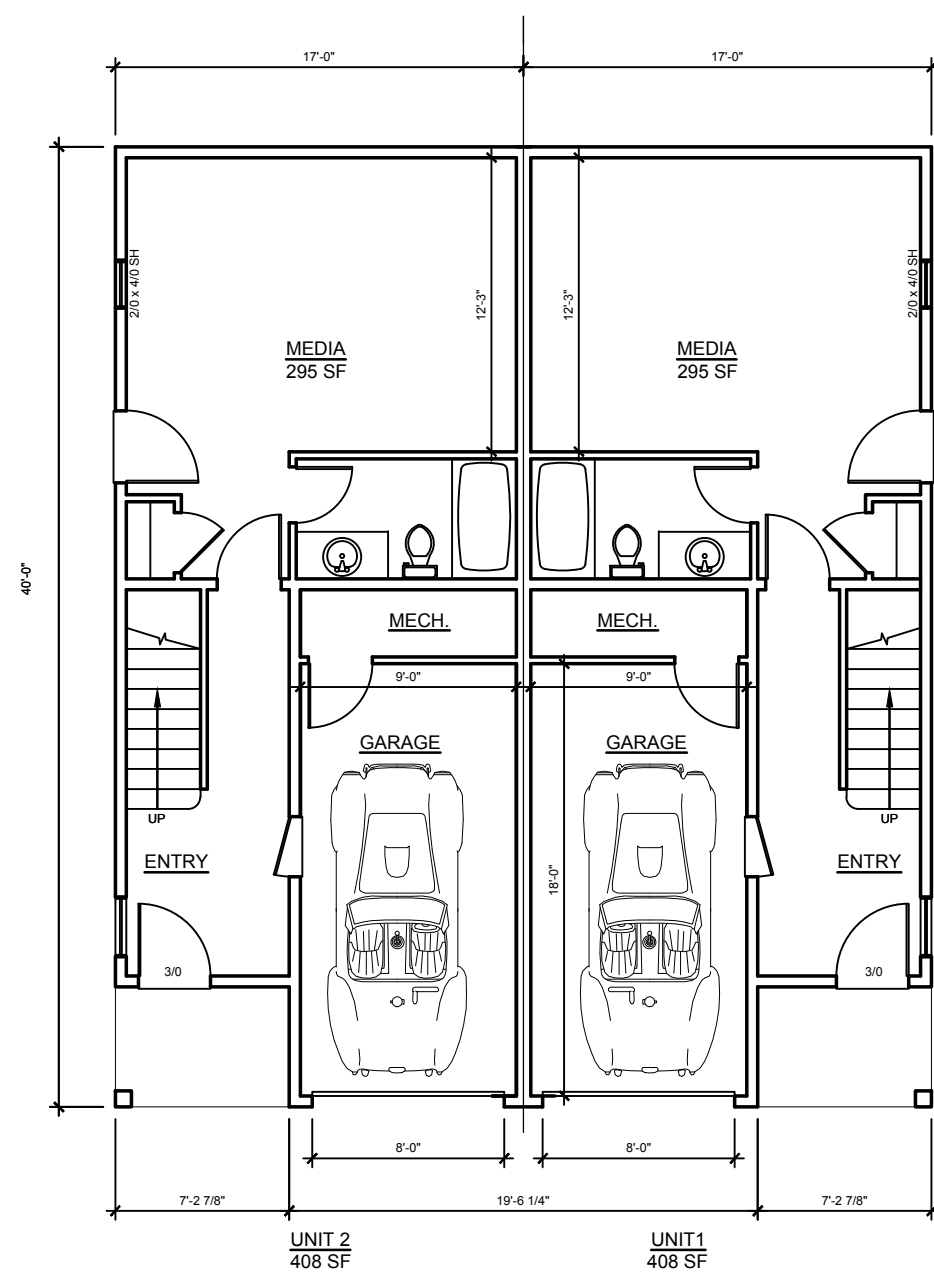
2 RIGHT ELEVATION
D1 1/4" = 1'-0"



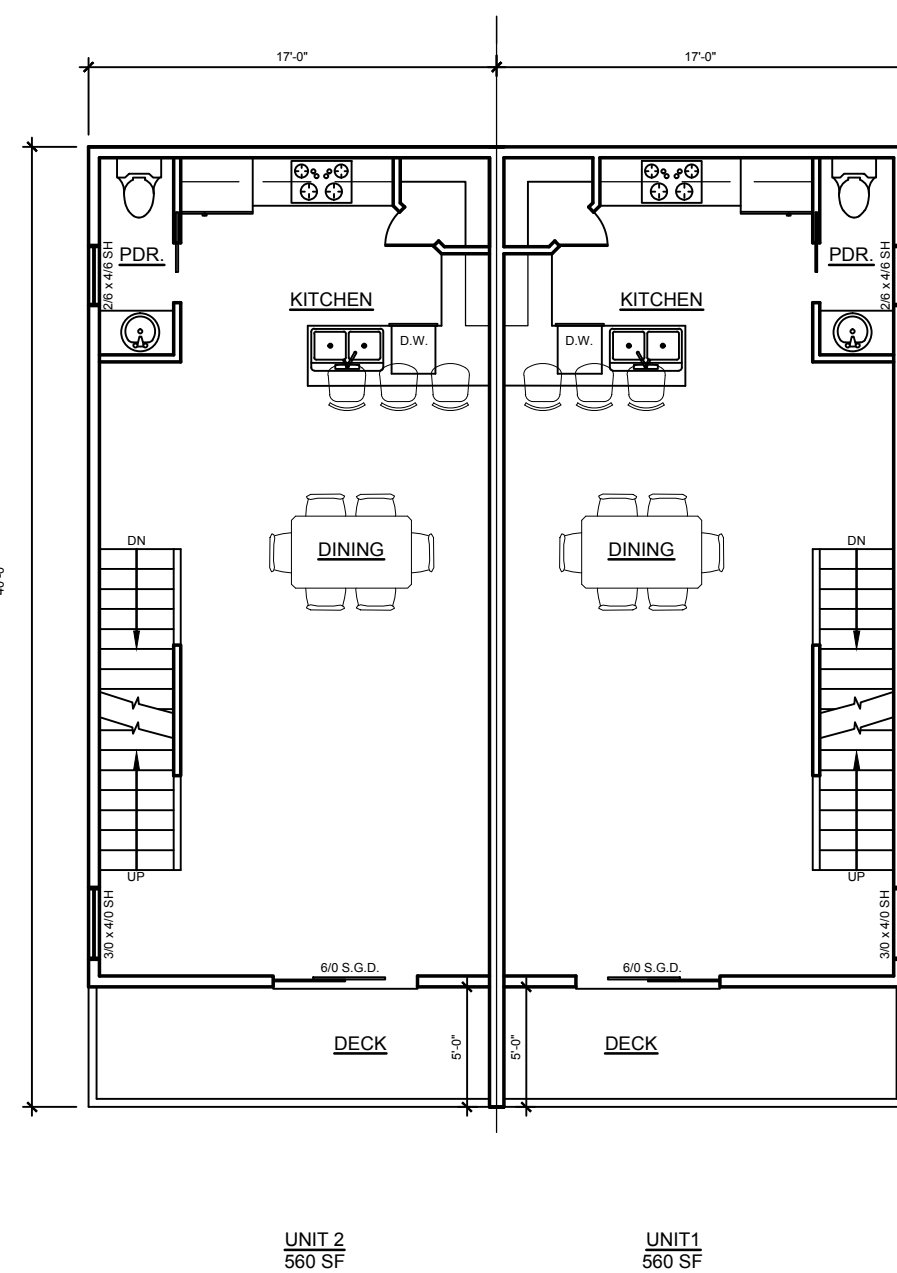
3 REAR ELEVATION
D1 1/4" = 1'-0"



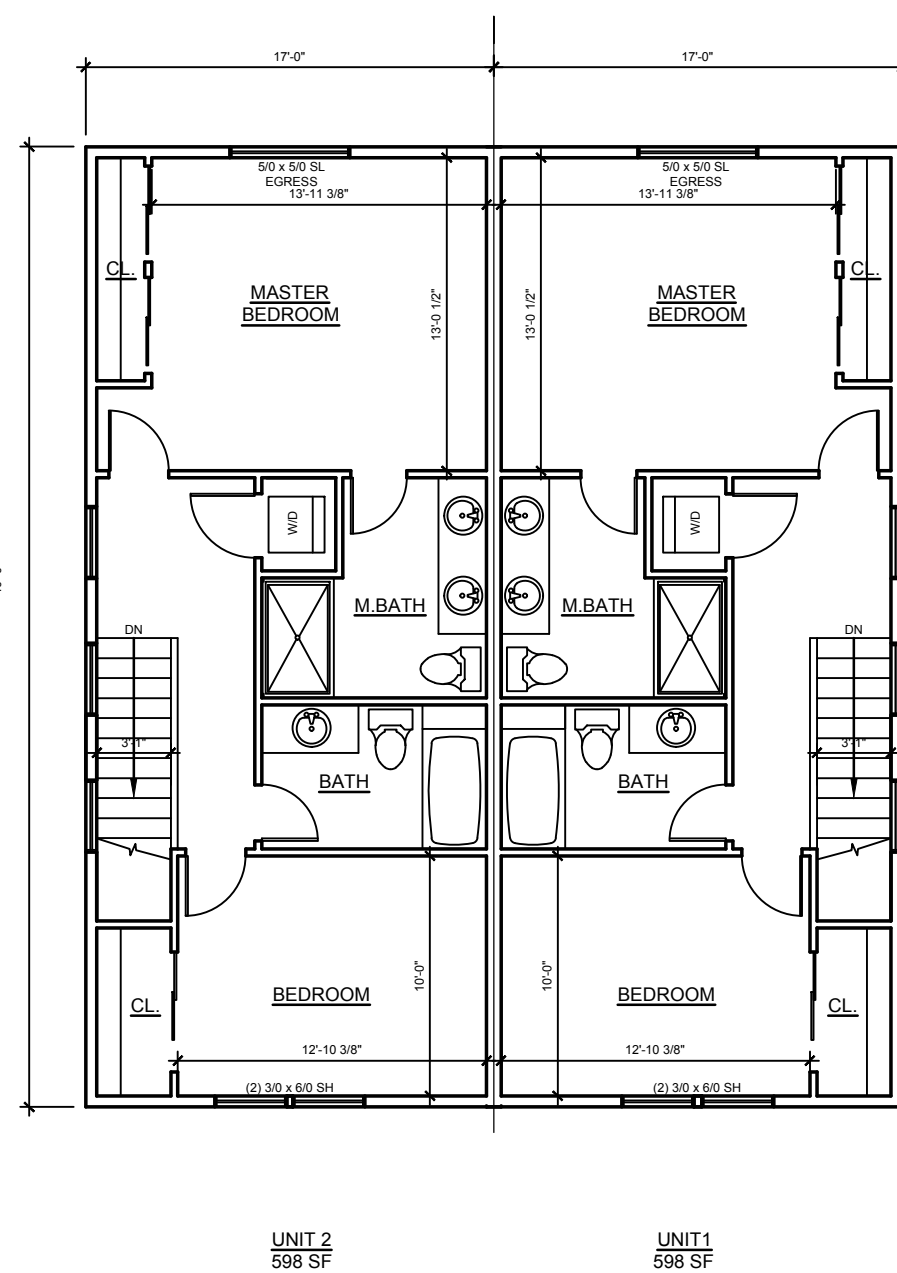
4 LEFT ELEVATION
D1 1/4" = 1'-0"



5 LOWER FLOOR PLAN
D1 1/8" = 1'-0"



6 MAIN FLOOR PLAN
D1 1/8" = 1'-0"



7 UPPER FLOOR PLAN
D1 1/8" = 1'-0"

PLANNING ELEMENTS (17.62.055):

F. Entryways

1. Recess or projections, porch, distinct materials, architectural details (decorative column).

I. Building Design Elements

1. Front and side facades
 - a. Change in building material;
 - b. Window or door;
 - c. Balcony;
 - d. Post.
 - g. Dormer

PLAN
I

HOLMES LANE

HOLMES LN. - OREGON CITY OR.
UNITS: 14 & 15 , 38 & 39, 47 & 48, 49 & 50

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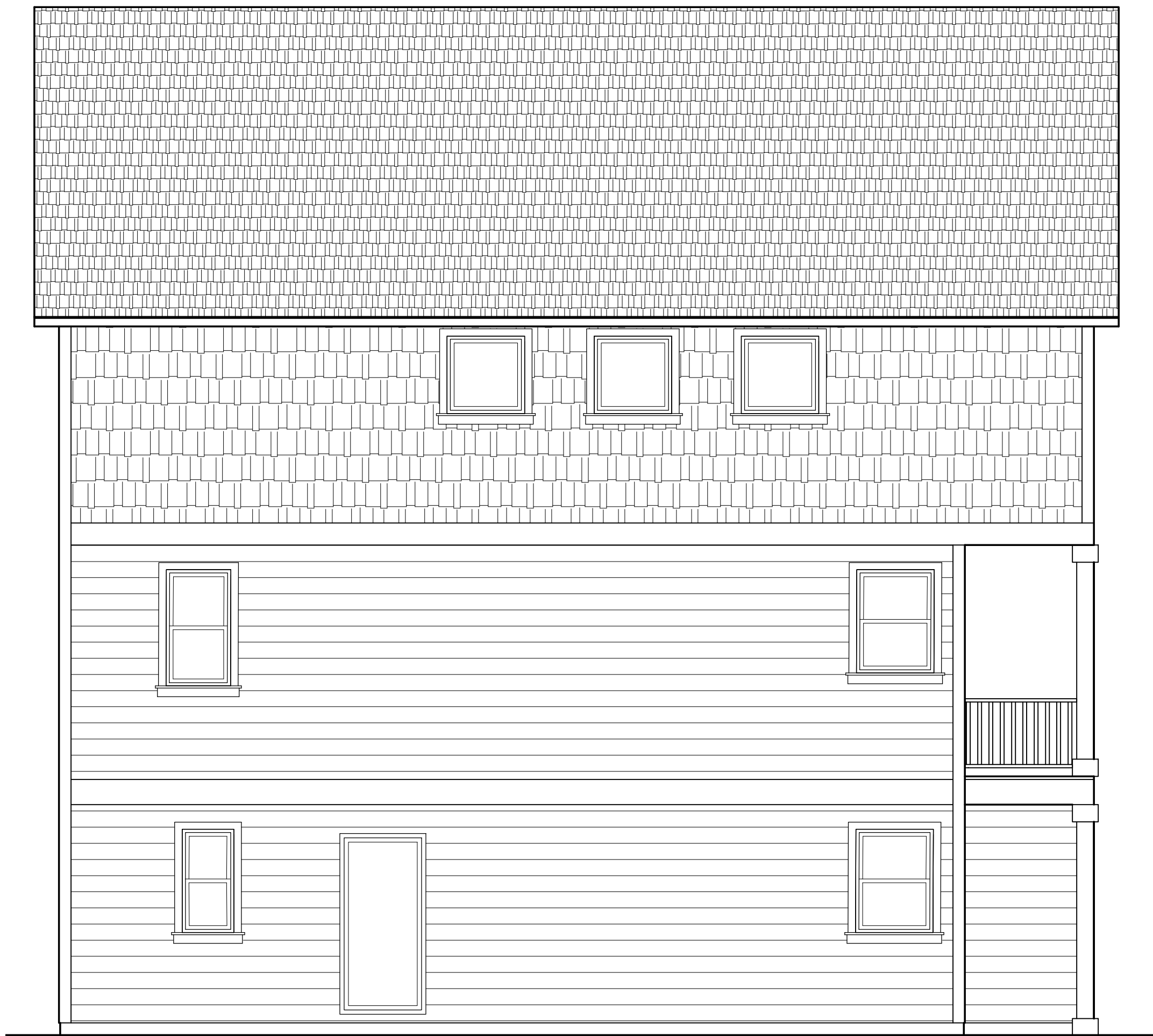
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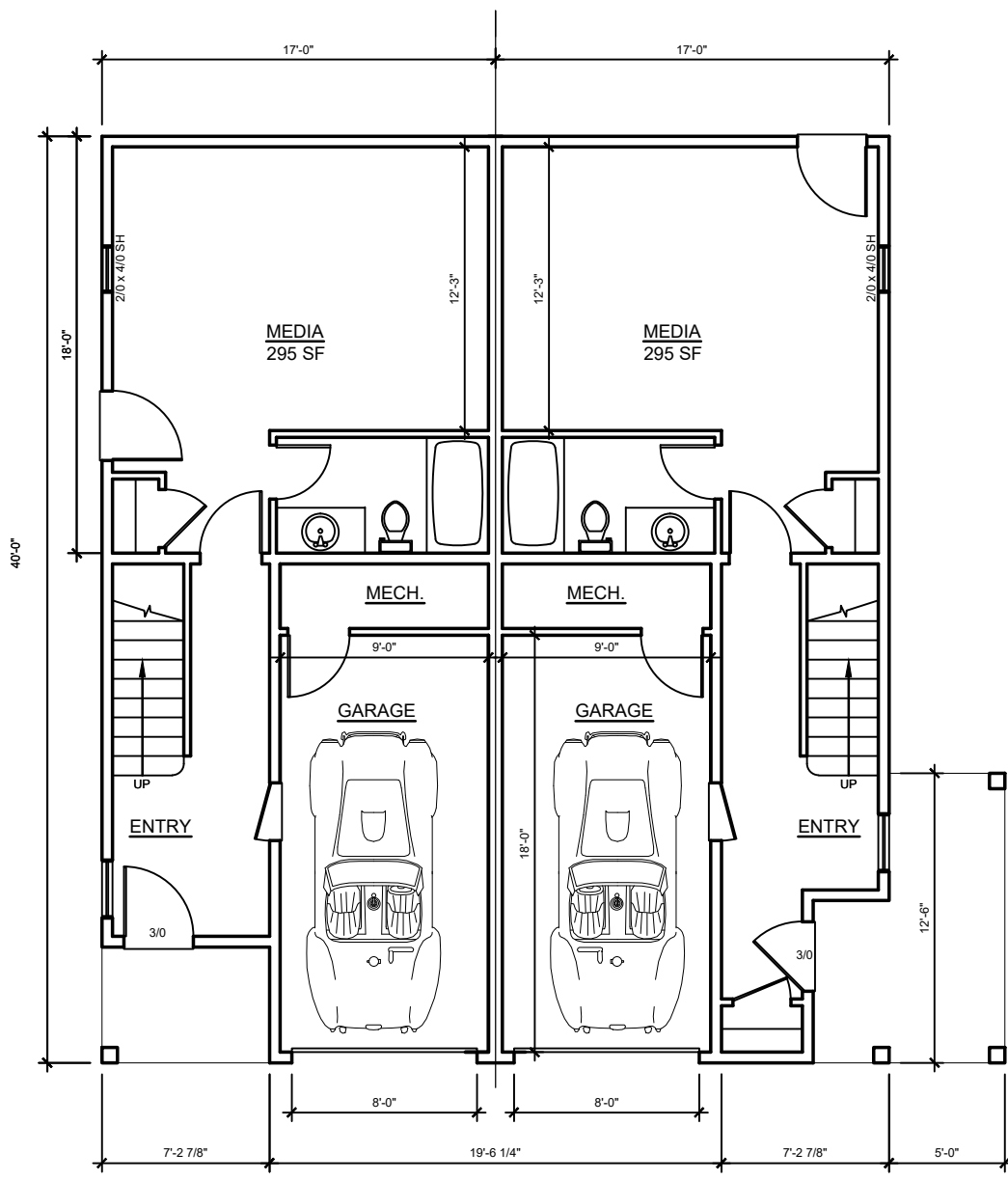
1 FRONT ELEVATION
D1 1/4" = 1'-0"

2 RIGHT ELEVATION
D1 1/4" = 1'-0"

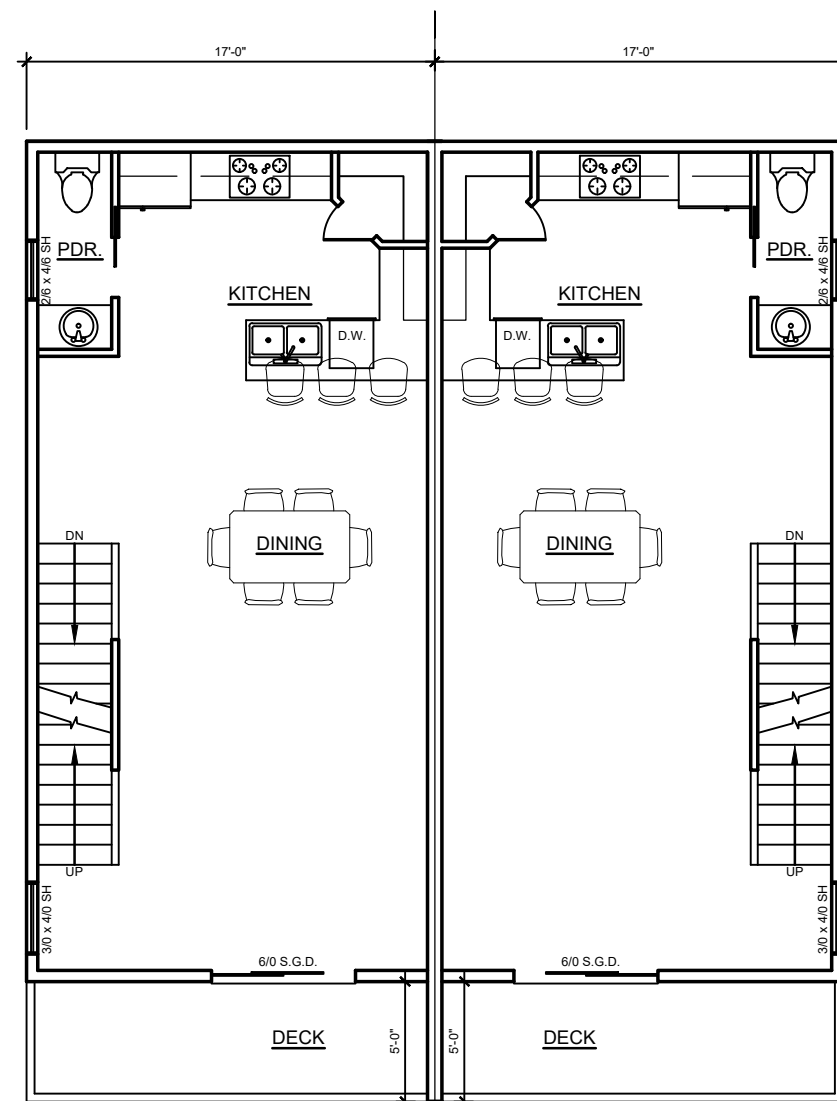
3 REAR ELEVATION
D1 1/4" = 1'-0"



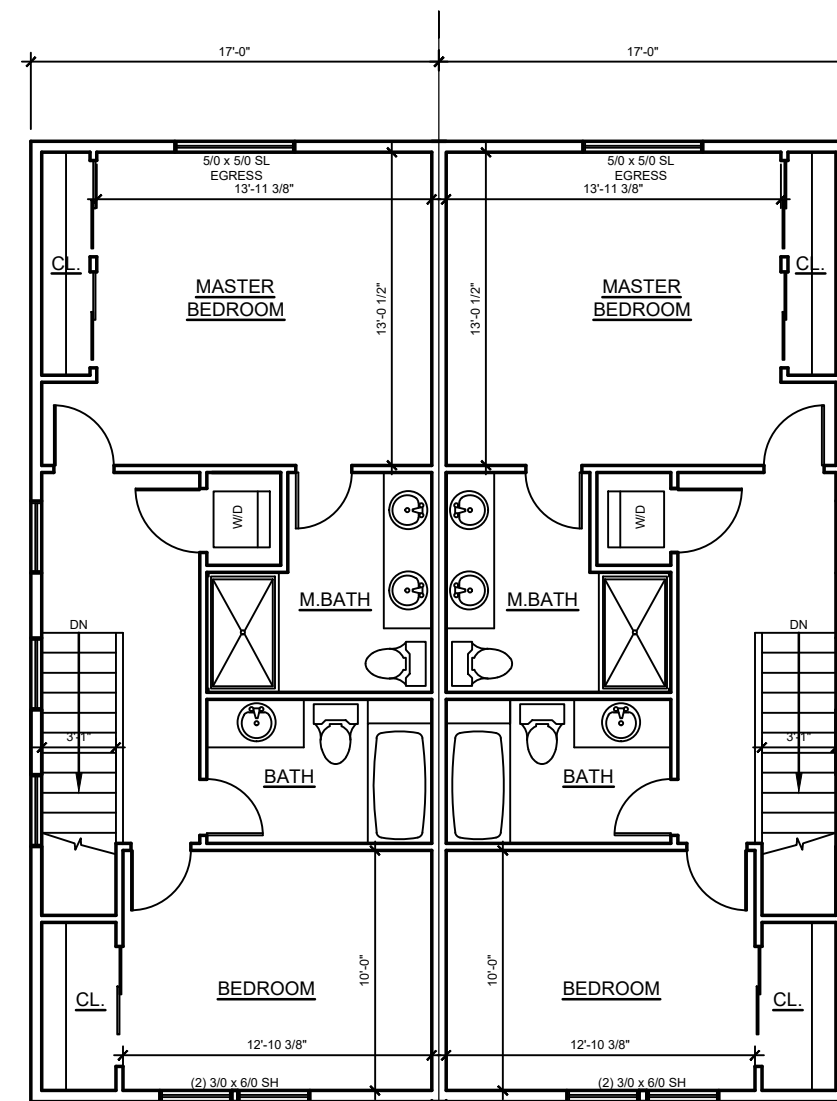
4 LEFT ELEVATION
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PLAN
J

HOLMES LANE

HOLMES LN. - OREGON CITY OR.
UNITS: 14 & 15, 49 & 50

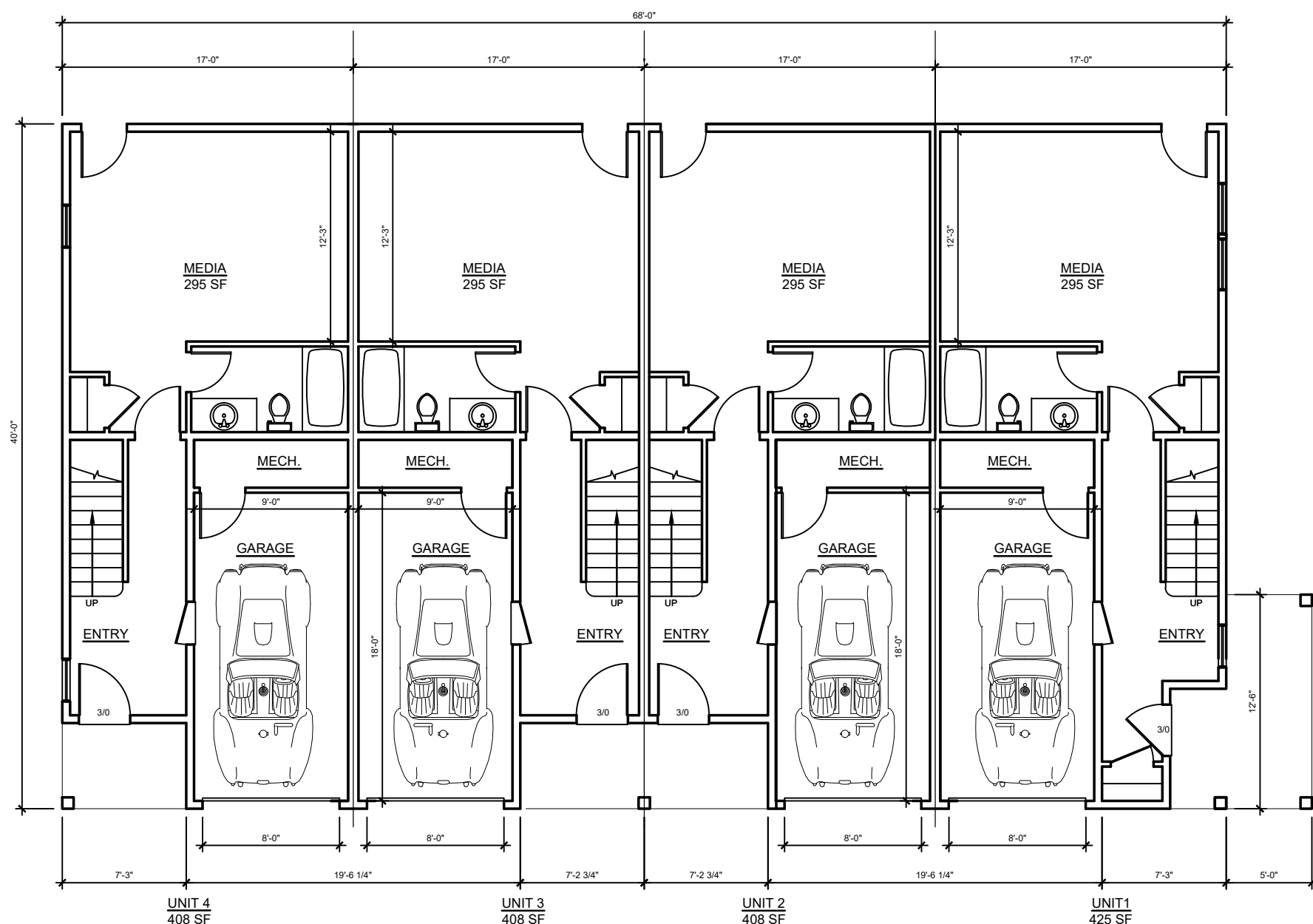
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JOB NO: 0742-002

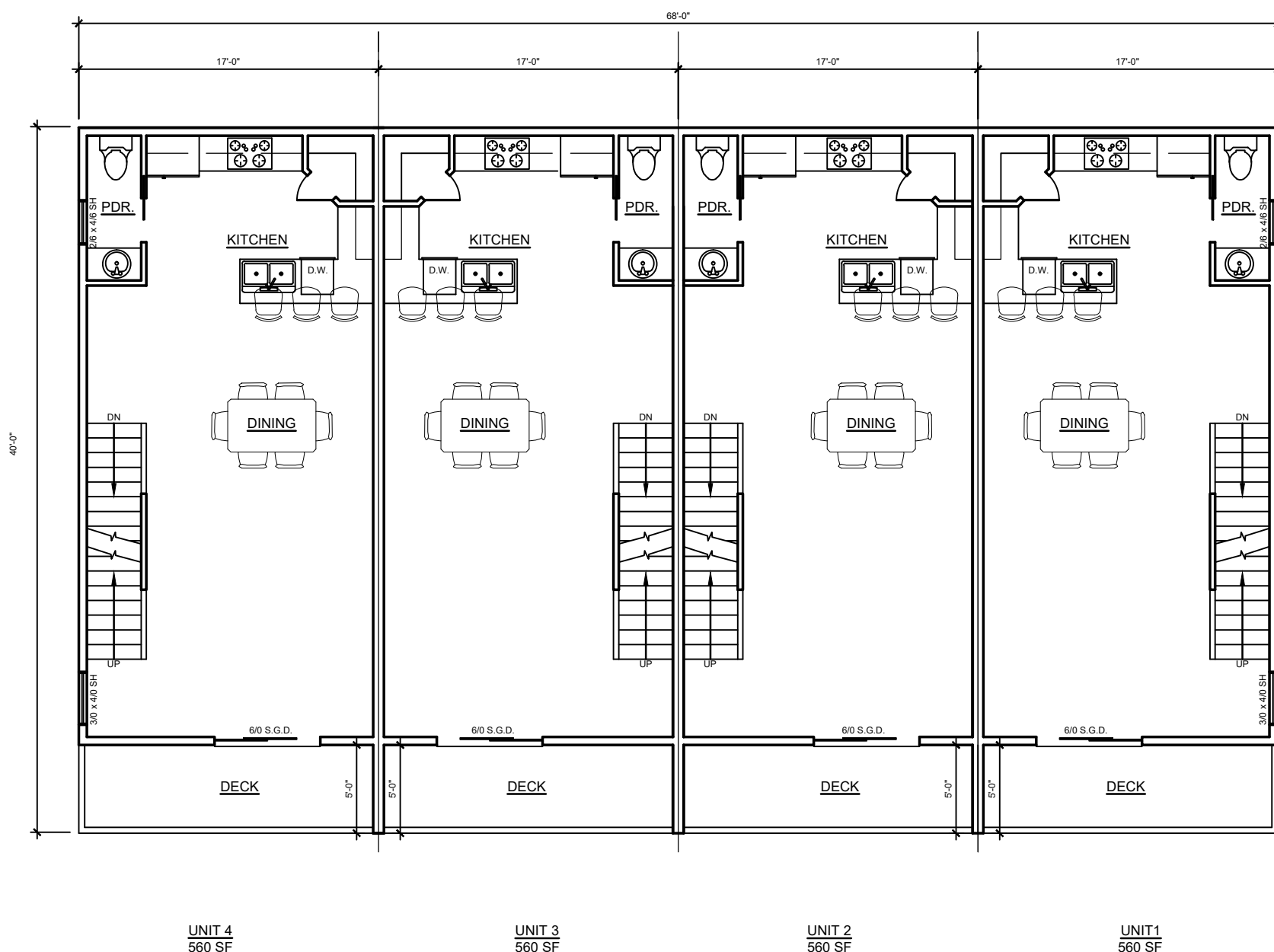
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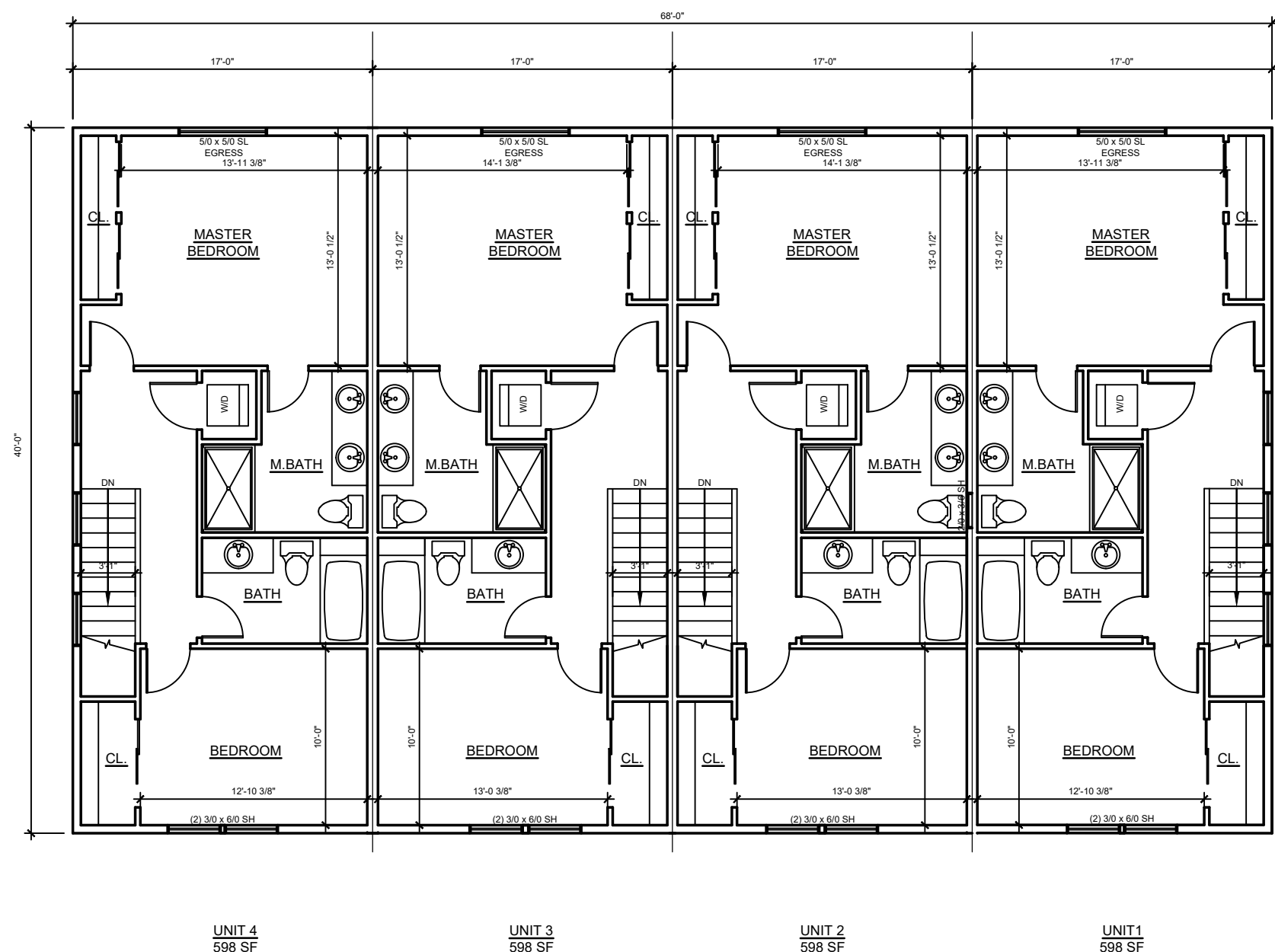
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1 LOWER FLOOR PLAN
D2 1/8" = 1'-0"



2 MAIN FLOOR PLAN
D2 1/8" = 1'-0"



3 UPPER FLOOR PLAN
D2 1/8" = 1'-0"

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EMERIO
ENGINEERING • SURVEYING • DESIGN

6445 SW FALLBROOK PLACE, SUITE 100
BEAVERTON, OREGON 97008
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PLAN K

HOLMES LANE HOLMES LN. - OREGON CITY OR. UNITS: 38 - 41, 45 - 48

DATE: 7/22/20
JOB NO: 0742-002

REVISIONS		
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-	-	-

D2



Oregon
Kate Brown, Governor

Parks and Recreation Department
State Historic Preservation Office
725 Summer St NE Ste C
Salem, OR 97301-1266
Phone (503) 986-0690
Fax (503) 986-0793
www.oregonheritage.org



October 31, 2019

Ms. Diliaana Vassileva
City of Oregon City Planning
221 Molalla Ave
Ste 200
Oregon City, OR 97045

RE: SHPO Case No. 19-1623

City of Oregon City Project PA19-45, Townhouse Development
46 unit townhouse development
535-545 Holmes Lane (3S 2E 6 TL 5001 and 5100), Oregon City, Clackamas County

Dear Ms. Vassileva:

Our office recently received a request to review your application for the project referenced above. Thank you for your submittal.

In checking our statewide archaeological database, it appears that there have been no previous surveys completed near the proposed project area. However, the project area lies within an area generally perceived to have a high probability for possessing archaeological sites and/or buried human remains. In the absence of sufficient knowledge to predict the location of cultural resources within the project area, extreme caution is recommended during project related ground disturbing activities. Under state law (ORS 358.905 and ORS 97.74) archaeological sites, objects and human remains are protected on both state public and private lands in Oregon. If archaeological objects or sites are discovered during construction, all activities should cease immediately until a professional archaeologist can evaluate the discovery. If you have not already done so, be sure to consult with all appropriate Indian tribes regarding your proposed project. If the project has a federal nexus (i.e., federal funding, permitting, or oversight) please coordinate with the appropriate lead federal agency representative regarding compliance with Section 106 of the National Historic Preservation Act (NHPA).

If you have any questions about the above comments or would like additional information, please feel free to contact our office at your convenience. In order to help us track your project accurately, please reference the SHPO case number above in all correspondence.

Sincerely,

Shane P. James, M.S., RPA
SHPO Archaeologist
(503) 986-0805
shane.james@oregon.gov



DEVELOPMENT SERVICES PRE-APPLICATION MEETING NOTES

Planning Project Number: PA 20-16
Address: 535 & 545 Holmes Lane
Map Number(s): 3-2E-06AA
Tax Lot(s): 05001,05100
Project Name: Mountainview Townhomes
Meeting Date: May 5th, 2020
Reviewer(s): Sang Pau

Public Disclosure :

The information provided shows the possible impacts, limitations, requirements, approval standards, fees and other information that may affect the proposal (City Code 17.50.050). Omissions or failures by staff to recite to an applicant all relevant applicable land use requirements may occur, either as a result of a limited pre-application submittal or staff's interpretation of the codes at that time.

All pre-application conference related communications, including these notes, are informational only. They do not substitute for a public hearing and no land use decision is rendered at the pre-application conference. Notwithstanding any representations by City staff at a preapplication conference, staff is not authorized to waive any requirements of this code, and any omission or failure by staff to recite to an applicant all relevant applicable land use requirements shall not constitute a waiver by the City of any standard or requirement.

General Comments

1. A complete land use application will typically include a preliminary stormwater report and preliminary construction plans showing all public improvements, including sewer, water, grading and erosion control, and stormwater facilities. The application should also include a narrative responding to all sections of the Oregon City Municipal Code (OCMC) applicable to the proposed development. See provided checklists at <https://www.orcity.org/publicworks/engineering-development-services-checklists>
2. The City will issue a Staff Report in response to the contents of the application package provided by the applicant. Once a Staff Report is issued, staff strongly encourages a pre-design meeting with the project engineer to discuss plan requirements, conditions of approval, and process.
3. All applicable conditions of approval contained in the Staff Report must be addressed by providing the appropriate document (E.G. construction plans, reports, etc.) which must be reviewed and approved prior to issuance of building permits.

4. The applicant will be required to sign a Non-Remonstrance Agreement for the purpose of making sanitary sewer, storm sewer, water or street improvements in the future that benefit the Property and assessing the cost to benefited properties.
5. The contractor for the applicant will be required to attend a pre-construction meeting prior to any work beginning onsite.
6. All public improvements must be bonded with a 120% performance bond prior to the beginning of construction. Public improvements are defined as public utility extensions and roadway improvements within existing right-of-way. Public improvements may also be on private property in certain circumstances. This bond is released at the end of the construction period assuming everything is constructed as agreed upon.
7. All newly constructed public improvements shall be maintained for a two-year period following their acceptance of construction with a 15% maintenance bond. Newly constructed public improvements consist of those improvements within existing right of way and those that were constructed on private land to be deeded for City ownership following approval of a plat. This bond is released at the end of the maintenance period (typically 2 years).
8. An erosion control application and review must be completed prior to issuance of construction permit : <https://www.orcity.org/publicworks/erosion-control-0>

Streets

1. Holmes Lane is functionally classified as a “Collector” road and the development property is zoned “Residential”. The following tables show the existing road section and the maximum street section required by city code for this type of road.

Existing Street Section on the development's side of centerline

Road Classification	Zoning	R.O.W. width	Road Width	Public Access	Sidewalk	Landscape Strip & Curb	Bike Lane	Street parking	Travel Lanes	Median
Collector	Residential	20'-20.5'	~16'	None	None	None	5'	None	(1) 11'	None

Maximum Street Section on the development's side of centerline

Road Classification	Zoning	R.O.W. width	Road Width	Public Access	Sidewalk	Landscape Strip & Curb	Bike Lane	Street parking	Travel Lanes	Median
Collector	Residential	42.5'	29.5'	0.5'	5'	7.5'	6'	7'	(1) 11' (1) 5.5' Center	None

2. Most of Holmes Lane does not meet current city code for a “Collector” road. Therefore, it is likely that the development will be required to construct the maximum street section on the development's side of centerline as shown above. The following will be required on the development side of the centerline: 29.5' of pavement, 0.5' curb, 7-foot-wide landscape strip, 5-foot-wide sidewalk, and a 0.5-foot-wide public access strip. The development will be required to dedicate right-of-way (ROW) to achieve 42.5' of ROW on the development side of the centerline.

3. Mountainview Street is functionally classified as a “Local” road and the development property is zoned “Residential”. The following tables show the existing road section and the maximum street section required by city code for this type of road.

Existing Street Section on the development’s side of centerline

Road Classification	Zoning	R.O.W. width	Road Width	Public Access	Sidewalk	Landscape Strip & Curb	Bike Lane	Street parking	Travel Lanes	Median
Local	Residential	20’	~11’	None	None	None	None	None	(1) 11’	None

Maximum Street Section on the development’s side of centerline

Road Classification	Zoning	R.O.W. width	Road Width	Public Access	Sidewalk	Landscape Strip & Curb	Bike Lane	Street parking	Travel Lanes	Median
Local	Residential	27’	16’	0.5’	5’	5.5’	Shared	Shared	(1) 16’	None

4. Mountainview Street, along the property frontage, does not meet current city code for a “Local” road. Therefore, it is likely that the development will be required to construct the maximum street section on the development’s side of centerline as shown above. The following will be required on the development side of the centerline: 16’ of pavement, 0.5’ curb, 5-foot-wide landscape strip, 5-foot-wide sidewalk, and a 0.5-foot-wide public access strip. The development will be required to dedicate right-of-way (ROW) to achieve 27’ of ROW on the development side of the centerline.
5. To ensure City block length standards are met (530’ maximum), the development will be required to provide a north-south “Local” road constructed with the following improvements on both sides of the centerline of the road:

Road Classification	Zoning	R.O.W. width	Road Width	Public Access	Sidewalk	Landscape Strip & Curb	Bike Lane	Street parking	Travel Lanes	Median
Local	Residential	27’	16’	0.5’	5’	5.5’	Shared	Shared	(1) 16’	None

The new road shall align with Rilance Lane, in the south, and connect to Mountainview Street, in the north. The applicant has provided a concept of the such a road which meets city block length requirements.

6. The plan submitted for the pre-application shows some property only fronting alleys. Garage access shall be provided from the alley. Such alleys must be privately owned and maintained. Each house must be served by a pedestrian path which provides connectivity to other existing or new public pedestrian paths. A public ROW or pedestrian access easement will be required for these paths. It shall be the responsibility of properties fronting the paths to maintain them.
7. The proposal provided with the pre-application submittal has conceptually shown required public street improvements.

8. Existing driveway access will need to be closed along Holmes Lane. Vehicular access to the existing and new house(s) will be required to connect from new local road(s) or alleys proposed with the development. The proposal provided with the pre-application submittal has met this requirement.
9. The development proposes dead end alleys or access roads which exceed 150 feet in length which will require fire vehicle turnarounds or, through connection to a road (for cases where the dead-end road tees an existing road). Fire truck turnaround must meet the requirements of and be approved by Clackamas County Fire District No.1.
10. One street tree is required for every thirty-five feet of property frontage. If the pedestrian corridor does not have adequate space within the planter strip, or if the sidewalk is curb-tight, trees may be planted within ten feet of the public ROW.
11. The development will be required to provide a 10-foot-wide Public Utility Easement (PUE) along all property lines fronting existing or proposed ROW.
 - a. The proposal provided with the pre-application submittal has not conceptually met this standard.
12. Overhead utilities are required to be relocated underground unless deemed infeasible by utility providers (coordination with overhead utility provider(s) is required). There may be some PGE primary electrical feeder lines running within Holmes Lane. Those lines may not be required to be underground, but the poles will need to be relocated to accommodate required roadway and frontage improvements. PGE has expressed intentions on upgrading the substation located across from the proposed development. This upgrade may involve running overhead lines from or to the transmission's lines on Holmes Lane. The timing of the PGE project and the proposed development should be considered to minimize potential added costs and delays for the development.
 - a. The proposal provided with the pre-application submittal has not conceptually met this standard.
13. Street lighting along the frontage of the development appears to be inadequate. Illumination plans which meet specifications found in the Illuminating Engineering Society of North America (IESNA) ANSI RP-8-14 Roadway Lighting book will be required. The materials for this design must be from the latest PGE approved material list. If the applicant feels that there is adequate street lighting, the applicant shall submit a photometric plan showing how existing conditions meet IESNA ANSI RP-8-14 standards. For energizing of streetlights and to obtain the latest PGE approved material list, contact the following PGE Outdoor Lighting Services Department Design Project Managers.

Lisa Guarnero (Primary)
 (503) 742-8299
Lisa.guarnero@pgn.com

Jeff Steigleder (Back-Up)
 (503) 672-5462
Jeffery.Steigleder@pgn.com

14. Reduction to the standard improvements, ROW dedication and other deviations from the City's street design standards may be requested through the modification process outlined in section 12.04.007 (Section 16.12.013 in the adopted code effective August 2, 2019) of the Oregon City Municipal Code. Proposed modifications may require additional evidence and analysis for review.

Stormwater

1. The Oregon City Stormwater and Grading Design Standards can be found online at: <https://www.orcity.org/publicworks/stormwater-and-grading-design-standards>.
2. Projects within the General Thresholds (Section 1.2.1) of the Stormwater and Grading Design Standard, are subject to the requirements of the City's Stormwater and Grading Design Standards. The project, as described in the Pre-Application submittal, appears to trigger Part A (see below) of the General Thresholds.
 - A. Development activities that result in 5,000 square feet of new or replaced impervious surface, cumulative over a 5-year period.

New or replaced impervious surface required for treatment and mitigation, includes surfaces associated with required frontage improvements.

3. Where compliance with the Stormwater and Grading Design Standards is required, applicants must submit a completed Site Assessment and Planning Checklist (and other items as described in Section 9.1.1 of the Stormwater and Grading Design Standards) as part of the land use application review process. At a minimum, to receive Completeness Approval, the applicant should submit a preliminary stormwater report addressing the following items from Section 9.1.1 of the City's Stormwater and Grading Design Standards.
 - A. Stormwater management strategy
 - B. A site plan showing an adequately sized stormwater facility based on Stormwater Best Management Practices (BMP) Sizing Tool or sized using the Engineered Method (as defined by City's Stormwater and Grading Design Standards).
 - C. A geotechnical report or a Natural Resource Conservation Service (NRCS) soils report documenting onsite infiltration and soil conditions in support of a proposed stormwater management strategy.
 - D. Downstream analysis which extends to the distance where the project site contributes less than 15 percent of the cumulative tributary drainage area or 1,500 feet downstream of the approved point of discharge, whichever is greater, as required by Chapter 5 of the Stormwater and Grading Design Standards.
4. The proposal provided with the pre-application submittal has not conceptually provided the required stormwater improvements. The applicant will be required to provide an adequately sized stormwater facility based on the Stormwater and Grading Design Standards. The number of lots may need to be reduced to accommodate an adequately sized stormwater facility.

5. The nearest downstream public stormwater facility is a storm manhole in Holmes Lane, near the southwest corner of the development property. This storm manhole drains north with a 21-inch storm pipe which is approximately 10 feet in depth. The property that the 21-inch storm main is located on (west of the proposed development) is a City owned property designated as a park. This pipe directs flows north to a stream which is part of the "Singer" basin. Since the pipe is within park property, the development will not be allowed to construct a pipe which connects to the existing pipe; utilities serving a private development are not allowed to be constructed within a City park. However, the development may be allowed to discharge stormwater, above ground, to the existing waterway located on the north end of the park property if adequate flow control and dissipation is provided.
6. The development will be required to provide (at a minimum) 12" stormwater mains throughout the development for conveyance of stormwater as part of a public stormwater system serving the houses within the development.

Water

1. There is an existing 12-inch water main of unknown material that runs within Holmes Lane which is likely sufficient to serve the proposed development. If the pipe is made of cast-iron, the water main shall be tapped using a full tapping sleeve and centered away from pipe joints.
2. The development will be required to extend an 8-inch water main, to and, through the development and connect with the existing water main within Mountainview Street to create a looped.
3. The development will be required to provide each new lot with a new water service line and meter per City standards. Only one meter and service is allowed per property; however, each dwelling unit may be sub-metered privately as desired.
4. There are existing water service lines which are located along Holmes Lane. The applicant may use the existing water service lines, if they are in usable condition. Otherwise, the development shall install, at a minimum, a new 1" water service line to serve the existing homes which are to remain.
5. There is an existing fire hydrant located off Holmes Lane.
6. New fire hydrants shall be located per the requirements and direction of Clackamas Fire District No. 1. (Typically spaced every 500')
7. The proposal provided with the pre-application submittal has not conceptually provided the required water infrastructure improvements.

Sanitary Sewer

1. An 8-inch concrete sanitary sewer main that exists within Holmes Lane, with a manhole located at the intersection of Rilance Lane. The manhole invert elevation is at approximately 455 and may not be deep enough to serve some of the development property.

2. The development will be required to extend an 8-inch sewer main throughout the development to serve each new lot.
3. The development will be required to provide a sanitary service lateral and two-way cleanout for the new lot per City standards.
4. The proposal provided with the pre-application submittal has not conceptually provided the required sanitary sewer infrastructure improvements.

Platting

1. Plat approval will not be issued until construction of public improvements is completed with all construction punchlist items addressed and all required documents are provided. Early platting requires approval by the City Engineer and additional documents.

Private Utilities (Gas, Electric, Telephone, Telecommunication, Cable, Fiberoptic, Etc.)

1. The applicant should be aware that utility coordination with these entities can be costly and substantially affect timelines. Early discussions with the utilities is imperative for a timely project.
2. The City does not provide coordination with these utilities. Staff may provide suggestions or guidance for utility locations such as relocated poles, but the design is ultimately up to the applicant's consultant and the private utility.

Other

1. All public improvements and stormwater management facilities will need inspection by the applicant's civil engineer. The City only provides inspection oversight.
2. The proposed development resides within a high water table area. If the high-water table is part of a larger groundwater system rather than perched water, there may be addition requirements for the design of infiltration stormwater facilities.

Supplemental Information:

- I. Documentation required before any construction plan review can begin by Public Works (which is after a land use decision has been made):
 - A. Complete Engineering Plans (Public Improvements, all stormwater facilities, site grading and erosion control)
 - B. Preliminary Cost Estimate for construction of Public Improvements, all stormwater facilities, site grading and erosion control.
 - C. Plan Review Fee
 - D. Complete Storm Water Report and Site Assessment and Planning Checklist

- II. Documentation required before any construction plan can be deemed approved by Public Works (to be able to start construction or obtain a building permit):
- a. Inspection Fee
 - b. Final Cost Estimate of Public Improvements
 - c. Approved Engineering Plan stamped and signed by an Oregon Professional Engineer
 - d. Approved Storm Water Report stamped and signed by an Oregon Professional Engineer
 - e. DEQ (1200-C) Permit
 - f. 120% Performance Bond
 - g. Developer/Engineer Agreement
 - h. Non-Remonstrance Agreement
 - i. Land Division Compliance Agreement *(for improvements to be provided by home builder such as trees, sidewalks, etc.)*
 - j. PGE approved streetlight plan
- III. Documentation required before Public Works will recommend Certificate of Occupancy or allow any buildings to be permitted for construction on newly platted lots:
- a. Engineer of Record Certificate of Completion
 - b. Completed Punchlist
 - c. 15% Warranty Guarantee
 - d. Recorded Easements
 - e. Recorded Plat
 - f. Public storm facilities - 2 Year Maintenance Bond
 - g. Private storm facilities - Maintenance Covenant and Access Easement

Engineering Guidelines for Private Development can be found at the link below.

<https://www.orcity.org/publicworks/ep-00-01-engineering-guidelines-construction>



Pre-Application Meeting Comments:

To: Diliana Vassileva, Planning Division, City of Oregon City
From: Mike Boumann, Captain Deputy Fire Marshal, Clackamas Fire District #1
Date: 5/10/2021
Re: PA-20-16, 59 Unit Condominium, 535 & 545 Holmes Lane. Oregon City

This review is based upon the current version of the Oregon Fire Code (OFC), as adopted by the Oregon State Fire Marshal's Office. The scope of review is typically limited to fire apparatus access and water supply, although the applicant must comply with all applicable OFC requirements:

Fire Department Access and Water Supply

- 1) A Fire Access and Water Supply plan for subdivisions and commercial buildings over 1000 square feet in size or when required by Clackamas Fire District #1. The plan shall show fire apparatus access, fire lanes, fire hydrants, fire lines, available fire flow, FDC location (if applicable), building square footage, and type of construction. The applicant shall provide fire flow tests per NFPA 291 or hydraulic model when applicable and shall be no older than 12 months. Work to be completed by experienced and responsible persons and coordinated with the local water authority. In addition, a pdf version shall be sent directly to CFD#1. mike.boumann@clackamasfire.com
- 2) Provide address numbering that is clearly visible from the street. No part of a building may be more than 150 feet from an approved fire department access road.
- 3) Access streets between 26 feet and less than 32 feet in width must have parking restricted to one side of the street. Access streets less than 26 feet in width must have parking restricted on both sides of the street. No parking restrictions for access roads 32 feet wide or more.
- 4) The inside turning radius and outside turning radius for a 20' wide road shall not be less than 28 feet and 48 feet respectively, measured from the same center point.
- 5) Fire Department turnarounds shall meet the dimensions found in the fire code applications guide.
- 6) Fire Hydrants, One and Two-Family Dwellings & Accessory Structures: Where a portion of a structure is more than 600 feet from a hydrant on a fire apparatus access road, as measured in an approved route around the exterior of the structure(s), additional fire hydrants and mains shall be provided. Fire hydrant spacing shall not exceed 500 feet.
- 7) Prior to the start of combustible construction required fire hydrants shall be operational and accessible.

- 8) The applicant must obtain a stamp of approval from Clackamas Fire District #1 that demonstrates fire apparatus access and water supply requirements will be satisfied.
- 9) Please see our design guide at:
<http://www.clackamasfire.com/documents/fireprevention/firecodeapplicationguide.pdf>
- 10) If you have questions please contact Clackamas Fire District @503-742-2663.

Holmes Condos

Materials Board

Issued To: Oregon City

Project Name: Holmes Condos

Date: February 2021

Siding Materials (examples)



James Hardie – HardiePanel Iron Grey Smooth Fiber Cement Vertical Siding



James Hardie – HardiePanel Iron Grey Smooth Fiber Cement Lap Siding



James Hardie – HardiePanel Smooth Fiber Cement panel Siding



James Hardie – HardieShingle Siding Staggered Edge Iron Grey Panel

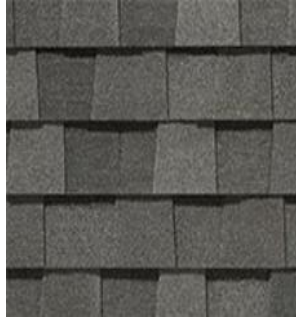
Roofing Material (examples)

Composition shingles are the most widely used roofing material. The color choices are noted below.

Black



Georgetown Gray



Colonial Slate



Exterior Lighting (examples)

Examples of exterior lighting that are proposed for exterior use. Note: Fixture finish color may change based on home style and application. Finish color options include: Black, Brushed Nickel, Bronze



*LED Black Outside Wall Light Up/Down
Lap Siding*



LED Outdoor Wall Light

Exterior Lighting (examples)

Examples of exterior lighting that are proposed for exterior use. Note: Fixture finish color may change based on home style and application. Finish color options include: Black, Brushed Nickel, Bronze



LED Black Path Light



LED Brushed Nickel Path Light

Windows Styles (examples)

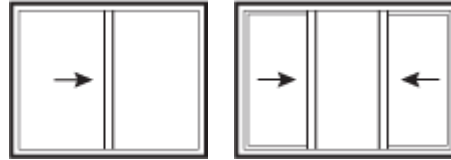
Window frames are a vinyl material. Color options are: Bronze

Example of window types

PICTURE FRAME



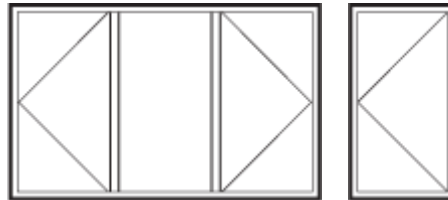
SLIDER



SINGLE HUNG



CASEMENT



Overhead Doors (example)

Finish paint color with color scheme.



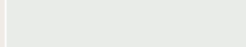
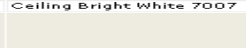
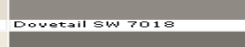
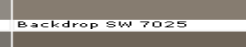
Smooth Entry Doors (example)
Door style

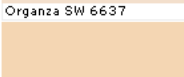
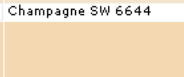
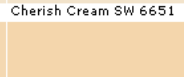
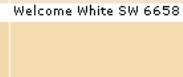
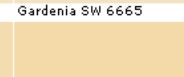
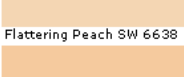
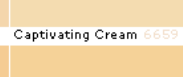
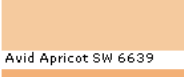
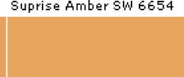
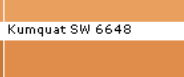
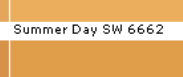


Exterior Paint (examples)

Sample Color Palette

There are no pre-determined exterior color selections made at this time. The following color palettes are provided only as examples of color opportunities that would be used in making the selections once the homes designs are completed.

				
Bohemian Black SW 6988	Ibis White SW 7000	Ceiling Bright White 7007	Eider White SW 7014	Simple White SW 7021
				
Domino SW 6989	Marshmallow SW 7001	Alabaster SW 7008	Repose Gray SW 7015	Alpaca SW 7022
				
Caviar SW 6990	Downy SW 7002	Pearly White SW 7009	Mindful Gray SW 7016	Requisite Gray SW 7023
				
Black Magic SW 6991	Toque White SW 7003	White Duck SW 7010	Dorian Gray SW 7017	Functional Gray SW 7024
				
Inkwell SW 6992	Snowbound SW 7004	Natural Choise SW 7011	Dovetail SW 7018	Backdrop SW 7025
				
Black Of Night SW 6993	Pure White SW 7005	Creamy SW 7012	Gauntlet Gray SW 7019	Griffin SW 7026
				
Greenblack SW 6994	Extra White SW 7006	Ivory Lace SW 7013	Black Fox SW 7020	Well-Bred Brown SW 7027

				
Organza SW 6637	Champagne SW 6644	Cherish Cream SW 6651	Welcome White SW 6658	Gardenia SW 6665
				
Flattering Peach SW 6638	Frangipane SW 6645	Flan SW 6652	Captivating Cream SW 6659	Enjoyable Yellow SW 6666
				
Avid Apricot SW 6639	Orange Blast SW 6646	Delicious Melon SW 6653	Honey Blush SW 6660	Afterglow SW 6667
				
Tangerine SW 6640	Exciting Orange SW 6647	Suprise Amber SW 6654	Papaya SW 6661	Sunrise SW 6668
				
Outgoing Orange SW 6641	Kumquat SW 6648	Adventure Orange 6656	Summer Day SW 6662	Yarrow SW 6669
				
Rhumba Orange SW 6642	Tango SW 6649	Serape SW 6656	Saffron Thread SW 6663	Gold Crest SW 6670
				
Yam SW 6643	Marquis Orange SW 6650	Amber Wave SW 6657	Marigold SW 6664	Curry SW 6671

THE *creativity* EXCHANGE

exterior colors



www.thecreativityexchange.com

Steve Miller

From: Aaron Wolf <wolftune@gmail.com>
Sent: Thursday, November 12, 2020 11:44 AM
To: Neil Fernando
Cc: Steve Miller; Karla Laws; Karla Laws; Scott Miller
Subject: Re: Request to Meet with the Barclay Hills Neighborhood Association - October NA Meeting

[External Sender]

Hi Neil,

Thanks, I'm available most mornings and some afternoons. I sent email to some other neighbors to try to coordinate when works for them.

What's the time frame we should be thinking about? Like this month or just by end of the year? Thoughts on that? You have a sense of the time-frame on your end?

--

Aaron Wolf
wolftune.com

On Wed, Nov 11, 2020 at 2:47 PM Neil Fernando <neil@emeriodesign.com> wrote:

Hello Aaron,

Thank you for the opportunity to share our project with you and the Barclay Hills N.A.

As mentioned I would love the opportunity to meet with you (and any other members of the N.A.)

Please shoot me some times you are available.

Thank you and looking forward to working with you.

Best,
~Neil



EMERIO
ENGINEERING • SURVEYING • DESIGN

Neil Fernando, PE | Principal

6445 SW Fallbrook Place, Suite 100, Beaverton, OR 97008

503.746.8812 | www.emeriodesign.com

From: Aaron Wolf <wolftune@gmail.com>

Sent: Sunday, November 8, 2020 6:54 PM

To: Steve Miller <stevem@emeriodesign.com>

Cc: Karla Laws <karla.laws@gmail.com>; Karla Laws <karla.laws+BHNA@gmail.com>; Neil Fernando <neil@emeriodesign.com>

Subject: Re: Request to Meet with the Barclay Hills Neighborhood Association - October NA Meeting

[External Sender]

Hi Niel, I did a quick test with our other presenter this evening. If you are able to do a quick time before Tuesday evening or a little before the meeting starts, we could make sure everything is working smoothly for the presentation. Let me know your availability.

Otherwise, we have the PDFs.

Unfortunately, I did not yet get my house's postcard for the meeting announcement. I hope those show up for people by Tuesday at least. Otherwise, we may get near-zero turnout if nobody has gotten the announcement. But we'll see. We put in the postcard to the printer as early as we could, but we only had 3 weeks from then before the meeting. We'll see

Hopefully it will work out enough and we'll see you Tuesday. Let me know any questions.

Even without me, you can go to meet.jit.si/BarclayHillsNA yourself and test the functions, see how to do screen sharing etc. With the window active in a browser, you can type ? to see the list of keyboard shortcuts.

Best,

Aaron

vice-chair BHNA

--

Aaron Wolf
wolftune.com

On Tue, Oct 27, 2020 at 3:16 PM Steve Miller <stevem@emeriodesign.com> wrote:

Hi Karla and Aaron,

Thanks for your emails, as well as for holding a virtual meeting, we appreciate all of your efforts. Unfortunately, I have been double booked on Nov. 10th, so my boss, Neil Fernando (Cc'd on this email) will be attending the Neighborhood Association meeting for our Holmes Ln. project. Going forward, please make sure to email both Neil and I so we can make sure everyone is on the same page.

I've attached a copy of the current site plan for the project, as well as the elevation drawings for the structures. It's possible a couple tweaks could still be made to the site plan before we submit, but I don't anticipate anything drastic. The project includes a lot line adjustment request to reconfigure the two properties, as well as a Site Design Review request for the condominiums.

I will be the contact person for the project, so please feel free to email me any feedback or questions you might have before the Nov. 10th meeting.

Please let me know if you have any questions.

Best Regards,

Steve



Steve Miller | Director of Planning Services/Project Manager

6445 SW Fallbrook Place, Suite 100, Beaverton, OR 97008

Ofc: 503.746.8812 Cell: 541.318.7487 | www.emeriodesign.com

From: Karla Laws <karla.laws@gmail.com>

Sent: Sunday, October 25, 2020 10:58 PM

To: Aaron Wolf <wolftune@gmail.com>

Cc: Steve Miller <stevem@emeriodesign.com>; Karla Laws <karla.laws+BHNA@gmail.com>

Subject: Re: Request to Meet with the Barclay Hills Neighborhood Association - October NA Meeting

[External Sender]

Also, if there is any info to share in advance? Maps or plans? Any contact for feedback or questions in advance? Our Treasurer lives on Mountainview and can share with her neighbors. Also, I would like to post it up on Barclay Hills NA social media. Doing this ahead and inviting dialogue should help you meet your requirements as presenting to the neighborhood since the meeting is virtual.

Karla Laws

BHNA Chair

Sent from my iPhone

On Oct 25, 2020, at 9:40 PM, Aaron Wolf <wolftune@gmail.com> wrote:

Hi Steve,

In order to be prepared for the BHNA online meeting, it would help if you could send us digital materials in advance so we have our own copies.

Also, I'm planning to do a quick test run and chat with our other presenter on Sunday the 8th at 6:30. Would it work for you to join us for that?

Mostly want to make sure you are set and comfortable with using Jitsi Meet and doing screen-sharing etc. It's quite simple, but nice to not have to work it out last minute during the meeting.

Thanks,

Aaron

vice-chair, BHNA

--

Aaron Wolf
wolftune.com

On Wed, Oct 14, 2020 at 4:33 PM Steve Miller <stevem@emeriodesign.com> wrote:

Hi Karla,

It would be best if we could attend a virtual meeting on Tues. Nov. 10th.

The previous architect, Todd, is no longer involved with the project. Both properties are still owned by the original owners and will remain in their ownership until the project is approved. I will check with our client to see if I can divulge the developer, it may be confidential at this time. We can't submit the application to the City until after we meet with your group, so no paperwork will be submitted to the City until after our meeting. With that being said, I can provide you with copies of the tentative plan prior to the Nov. 10th meeting. I will follow up with Pete Walter, City Planner, to see if we need to file anything with them prior to the meeting. Last time we spoke he didn't mention anything about that. Yes, please put me down as the POC for the meeting. We will have others in attendance, but I will be the POC. Please let me know if you have any other questions.

Thanks for your help,

Steve

<image003.png>

Steve Miller | Director of Planning Services/Project Manager

6445 SW Fallbrook Place, Suite 100, Beaverton, OR 97008

Ofc: 503.746.8812 Cell: 541.318.7487 | www.emeriodesign.com

From: Karla Laws <karla.laws@gmail.com>

Sent: Wednesday, October 14, 2020 4:26 PM

To: Steve Miller <stevem@emeriodesign.com>

Cc: mad91058@msn.com; Aaron Wolf <wolftune@gmail.com>; Didi Dahlsrud <Dropinforparks@yahoo.com>

Subject: Re: Request to Meet with the Barclay Hills Neighborhood Association - October NA Meeting

[External Sender]

Steve,

We plan on meeting dual virtual and in person - which would you prefer? This will be Tues Nov 10 at 7pm.

Btw, is Todd (previous architect) still involved on this project? Can we get the name of the new property owner and developer? Will paperwork be resubmitted to the city since the last paperwork was submitted 8/2019? Currently City of Oregon City is utilizing previous paperwork which was intended to be a 48 unit apartment complex. The current city commission has no knowledge of this land use since last year. As of labeling this land use presentation, I plan on having you as a point of contact on the agenda unless you want me to add anyone else?

Kindest regards,

Karla Laws

BHNA Chair

Sent from my iPhone

On Sep 28, 2020, at 11:42 AM, Karla Laws <karla.laws@gmail.com> wrote:

Hi - we will definitely include you in our meeting which will be virtual on Nov 10 at 7pm. I will follow up with you in the next two weeks touching base with my steering committee with more details.

Thank you,

Karla Laws

BHNA Chair

Sent from my iPhone

On Sep 28, 2020, at 11:01 AM, Steve Miller
<stevem@emeriodesign.com> wrote:

Hello,

My name is, Steve Miller, and I'm with Emerio Design, LLC. We represent the developer of the property shown on the attached map, located at 535 and 545 Holmes Lane. These properties can be legally identified on Clackamas County Assessor Map (see attached Assessor map) as 3-2E-06AA-05001 and 3-2E-06AA-05100, and they are zoned R-2 High Density Residential. We are considering a proposed 59 unit condominium project (see attached Site Plan) consisting of duplex and triplex style condominiums. Before applying to the City of Oregon City Planning Department, I would like to take the opportunity to discuss the proposal with the Barclay Hills Neighborhood Association during their October 2020 meeting.

The purpose of this meeting is to provide a forum for surrounding property owners to review the proposal before the formal application is submitted. This meeting gives you and the neighborhood the opportunity to share with me any special information you know about the property involved. I will try to answer all questions related to how the project meets relevant development standards consistent with Oregon City's land use regulations. Please note that this will be an informational meeting only on the preliminary development plans.

Best Regards,

Steve

<image002.png>

Steve Miller | Director of Planning Services/Project Manager

6445 SW Fallbrook Place, Suite 100, Beaverton, OR 97008

Ofc: 503.746.8812 Cell: 541.318.7487 | www.emeriodesign.com

<Clackamas Co Assessor Map_03_3s2e06aa.pdf>

<0550-002_04Spl-04 SITE PLAN.pdf>

Steve Miller

From: Karla Laws <karla.laws@gmail.com>
Sent: Monday, September 28, 2020 11:43 AM
To: Steve Miller
Cc: mad91058@msn.com; Pete Walter; Aaron Wolf
Subject: Re: Request to Meet with the Barclay Hills Neighborhood Association - October NA Meeting

[External Sender]

Hi - we will definitely include you in our meeting which will be virtual on Nov 10 at 7pm. I will follow up with you in the next two weeks touching base with my steering committee with more details.

Thank you,

Karla Laws
 BHNA Chair

Sent from my iPhone

On Sep 28, 2020, at 11:01 AM, Steve Miller <stevem@emeriodesign.com> wrote:

Hello,

My name is, Steve Miller, and I'm with Emerio Design, LLC. We represent the developer of the property shown on the attached map, located at 535 and 545 Holmes Lane. These properties can be legally identified on Clackamas County Assessor Map (see attached Assessor map) as 3-2E-06AA-05001 and 3-2E-06AA-05100, and they are zoned R-2 High Density Residential. We are considering a proposed 59 unit condominium project (see attached Site Plan) consisting of duplex and triplex style condominiums. Before applying to the City of Oregon City Planning Department, I would like to take the opportunity to discuss the proposal with the Barclay Hills Neighborhood Association during their October 2020 meeting.

The purpose of this meeting is to provide a forum for surrounding property owners to review the proposal before the formal application is submitted. This meeting gives you and the neighborhood the opportunity to share with me any special information you know about the property involved. I will try to answer all questions related to how the project meets relevant development standards consistent with Oregon City's land use regulations. Please note that this will be an informational meeting only on the preliminary development plans.

Best Regards,

Steve

<image002.png>

Steve Miller | Director of Planning Services/Project Manager

<Clackamas Co Assessor Map_03_3s2e06aa.pdf>
<0550-002_04Spl-04 SITE PLAN.pdf>

EMERIO *Design*

January 24, 2020

Emerio Design, LLC
6445 SW Fallbrook Pl., Suite 100
Beaverton, OR 97008

RE: NOTICE OF NEIGHBORHOOD MEETING

Dear Property Owner,

I, Steve Miller, with Emerio Design, LLC, am representing the developer of the property shown on the attached map, located at 23120 SW Murdock Rd, just north of SW Ironwood Lane, Sherwood. This property can be legally identified as 2S133CB00100 and is zoned Very Low Density Residential (VLDR).

We are considering a proposed Planned Unit Development (PUD) for a 23 – Lot Subdivision. Before applying to the City of Sherwood Planning Department, I would like to take the opportunity to discuss the proposal with you.

The meeting is scheduled for:

Tuesday, February 11, 2020
Tualatin Valley Fire and Rescue
Station #33 Community Room
15440 SW Oregon St.
Sherwood, OR 97140
Meeting begins promptly at 6:30 PM

The purpose of this meeting is to provide a forum for surrounding property owners to review the proposal before the formal application is submitted. This meeting gives you the opportunity to share with me any special information you know about the property involved. I will try to answer questions related to how the project meets relevant development standards consistent with Sherwood's land use regulations. Please note that this will be an informational meeting only on the preliminary development plans.

I look forward to discussing this proposal with you. Please feel free to contact me at (541) 318-7487 or stevem@emeriodesign.com if you have questions prior to the meeting.

Respectfully,

Steve Miller – Emerio Design, LLC



April 28, 2020
HGSI Project No. 20-2575

Scott Miller
Samm – Miller, LLC
1327 Jay Court
West Linn, Oregon 97070

Samm-miller@comcast.net
503-819-3610

Copy: Eric Evans, Emerio Design

**Subject: GEOTECHNICAL ENGINEERING REPORT
PROPOSED RESIDENTIAL DEVELOPMENT
535 AND 545 HOLMES LANE
OREGON CITY, OREGON**

This report presents the results of a geotechnical engineering study conducted by Hardman Geotechnical Services Inc. (HGSI) for the above-referenced project. The purpose of this study was to evaluate subsurface conditions at the site and to provide geotechnical recommendations for site development. This geotechnical study was performed in accordance with HGSI Proposal No. 20-582, dated March 27, 2020, and your subsequent authorization of our proposal and *General Conditions for Geotechnical Services*.

SITE DESCRIPTION AND PROPOSED DEVELOPMENT

The site consists of is comprised of two properties totaling about 4.32 acres and generally rectangular. Each of the two properties currently supports a residential home and one or more garage / outbuildings. Areas immediately around the houses are landscaped with lawn, shrubs and ornamental trees. Beyond the homes, vegetation is primarily grass field or pasture.

Slopes on site are gentle to moderate, descending to the west and north. The steepest slopes on site are in the northwest corner, at about 6H:1V (Horizontal:Vertical) based on the plan provided. There are no steep slope hazards mapped by Oregon City on the site. There is a steep slope hazard north and northwest of the site, with a designated 50-foot buffer that extends near the northwest corner of the site. The buffer does not encroach onto the site based on information provided on the Oregon City GIS mapping online utility.

The project includes construction of multi-family residential buildings, driveway and parking areas, and stormwater facilities. A preliminary site plan provided to us indicates the existing home on the east property (545 Holmes Lane) will be retained, although the outbuildings will be removed. An extension of Rilance Lane will traverse the site north-south, and connect to Mountainview Street to the north. A water quality facility is planned in the west-central portion of the site.

REGIONAL GEOLOGY AND SEISMIC SETTING

The subject site lies within the Portland Basin, a broad structural depression situated between the Coast Range on the west and the Cascade Range on the east. The Portland Basin is a northwest-southwest trending structural basin produced by broad regional downwarping of the area. The Portland Basin is approximately 20 miles wide and 45 miles long and is filled with consolidated and unconsolidated sedimentary rocks of late Miocene, Pliocene and Pleistocene age.

Geologic maps indicate the subject site is underlain by the Boring Lava lithologic unit which consists of basaltic and basaltic andesite lava flows erupted from a series of local volcanic vents during Plio-Pleistocene time (about 600,000 thousand to 2.6 million years ago) (Trimble, 1963; Madin, 1990). The total thickness of the Boring Lava unit ranges from greater than 600 feet near vents to less than 50 feet on the outer margins.

At least three major seismic source zones capable of generating damaging earthquakes are known to exist in the region. These include the Portland Hills Fault Zone, Gales Creek-Newberg-Mt. Angel Structural Zone, and the Cascadia Subduction Zone. These potential earthquake source zones are included in the determination of seismic design values for structures, as presented in the *Seismic Design* section.

FIELD EXPLORATION

Backhoe Test Pits

The site-specific exploration for this study was conducted on April 3, 2020 and consisted of five test pits (designated TP-1 through TP-5), excavated to a maximum depths of 4 to 7 feet below ground surface (bgs) at the approximate locations shown on the attached Site Plan, Figure 2. It should be noted that exploration locations were determined in the field by pacing or taping distances from apparent property corners and other site features shown on the plans provided. As such, the locations of the explorations should be considered approximate.

Explorations were conducted under the full-time observation of HGSI personnel. Soil samples obtained from the explorations were classified in the field and representative portions were placed in relatively air-tight plastic bags. These soil samples were then returned to the laboratory for further examination. Pertinent information including soil sample depths, stratigraphy, soil engineering characteristics, and groundwater occurrence was recorded. Soils were classified in general accordance with the Unified Soil Classification System.

Summary exploration logs are attached to this report. The stratigraphic contacts shown on the individual logs represent the approximate boundaries between soil types. The actual transitions may be more gradual. The soil and groundwater conditions depicted are only for the specific dates and locations reported, and therefore, are not necessarily representative of other locations and times.

Infiltration Testing

On April 3, 2020, HGSI performed falling head infiltration tests using the open pit method in test pits TP-1 and TP-2. Soils were pre-saturated for several hours prior to testing. Infiltration tests were performed by measuring the water level at one minute intervals using HOBOTM data loggers, which measures water pressure corrected for temperature and barometric pressure. See attached HOBOTM water level data logger plots. The infiltration rate was determined based on the slope of the water depth line near the end the test. Table 1 presents the results of the falling head infiltration tests.

Table 1. Summary of Infiltration Test Results

Test Pit	Depth (feet)	Soil Type	Infiltration Rate (in/hr)	Hydraulic Head Range during Testing (inches)
TP-1	5	Clayey SILT	0.13	7.5 – 7.3
TP-2	5	Clayey SILT	0.25	11 – 10.5

Dynamic Cone Penetrometer (DCP) Testing and Subgrade Soil Evaluation

On April 3, 2020, HGSi conducted Dynamic Cone Penetrometer (DCP) tests along the alignment of the proposed street, to evaluate subgrade soil strength. Test equipment and methodology were in general accordance with ASTM Test Method D6951/D6951M – 09, *Standard Test Method for Use of the Dynamic Cone Penetrometer in Shallow Pavement Applications*. Correlated California Bearing Ratio (CBR) values at the test locations are summarized in Table 2, for the depth intervals indicated. Correlated CBR values were determined using ASTM D6951/D6951M - 09.

Table 2. DCP Field Test Results and Correlated CBR Values

Test Designation	Test Location	Material Tested	Depth Interval (feet bgs)	Correlated CBR
DCP-1	Rilance Lane at Holmes Lane (see Fig. 2)	Native Clayey Silt	2.5 – 3.3	8
DCP-2	Rilance Lane site interior (see Fig. 2)	Native Clayey Silt	3.1 – 3.5	5
DCP-3	Rilance Lane at Mountain-view Street (see Fig. 2)	Native Clayey Silt	2.3 – 3.5	7

SUBSURFACE CONDITIONS

The following discussion is a summary of subsurface conditions encountered in our explorations. For more detailed information regarding subsurface conditions at specific exploration locations, refer to the attached exploration logs. Also, please note that subsurface conditions can vary between exploration locations, as discussed in the *Uncertainty and Limitations* section below.

Soil

On-site soils are anticipated to consist of undocumented fill, topsoil, and native soil as described below.

Undocumented Fill – Undocumented fill was encountered in TP-3, which may have been in an area of septic drainfield. The fill in TP-3 consisted of soft, unconsolidated clayey silt extending to a depth of about 4 feet bgs, where the pit was terminated to avoid damaging any drain field pipes.

Localized areas of undocumented fill may be present in the vicinity of the existing structures, driveway, or in other areas beyond our exploration locations.

Topsoil – Topsoil was encountered in all test pits, and extended to depths of about 8 to 12 inches. These soils generally consisted of dark brown, organic silt (OL), with the upper approximately 6 inches of topsoil being highly organic. In some areas, topsoil may be thicker due to historic tilling or other agricultural activities.

Native Soil and Residual Soils – Underlying the topsoil in all test pits except TP-3, we encountered stiff clayey silt, extending to depths of about 2 to 5 feet bgs. Below the stiff clayey silt, all test pits except TP-3 encountered residual soils; typically very stiff to hard clayey silt, with less weathered rock fragments (residual soils). Test pit TP-4 encountered refusal to the small backhoe equipment used for the exploration at a depth of about 7 feet. TP-5 was terminated at about 5.5 feet bgs on a large unweathered boulder, covering nearly the entire extent of the test pit bottom.

Groundwater

During the field exploration, no groundwater seepage was encountered in the test pits. Perched groundwater conditions often occur over fine-grained native deposits such as those beneath the site, particularly during the wet season. It is anticipated that groundwater conditions will vary depending on the season, local subsurface conditions, changes in site utilization, and other factors. The groundwater conditions reported above are for the specific date and locations indicated, and therefore may not necessarily be indicative of other times and/or locations.

CONCLUSIONS AND RECOMMENDATIONS

Results of this study indicate that the proposed development is geotechnically feasible, provided that the recommendations of this report are incorporated into the design and construction phases of the project. No slope stability hazard areas were identified on site, and none are indicated by available geologic and hazard mapping at the time of this report. Recommendations are presented below regarding site preparation, engineered fill, wet weather earthwork, spread footing foundations, below grade structural retaining walls, perimeter footing drains, seismic design, stormwater infiltration systems, excavating conditions and utility trench backfill, typical pavement sections, and erosion control considerations.

Site Preparation

The areas of the site to be graded should first be cleared of vegetation and any loose debris; and debris from clearing should be removed from the site. Organic-rich topsoil should then be removed to competent native soils. We anticipate that the average depth of topsoil stripping will be 8 to 12 inches over most of the site. The final depth of stripping removal may vary depending on local subsurface conditions and the contractor's methods, and should be determined on the basis of site observations after the initial stripping has been performed. Stripped organic soil should be stockpiled only in designated areas or removed from the site and stripping operations should be observed and documented by HGSI. Existing subsurface structures (tile drains, old utility lines, septic drain fields, etc.) beneath areas of proposed structures and pavement should be removed and the excavations backfilled with engineered fill.

Undocumented fill was encountered in TP-3, which is thought to have been located in a septic drain field area. There is potential for old fills to be present on site in areas beyond our explorations. Where encountered beneath proposed structures, pavements, or other settlement-sensitive improvements, undocumented fill should be removed down to firm inorganic native soils and the removal area backfilled with engineered fill (see below). HGSI should observe removal excavations (if any) prior to fill placement to verify that overexcavations are adequate and an appropriate bearing stratum is exposed.

In construction areas, once stripping has been verified, the area should be ripped or tilled to a depth of 12 inches, moisture conditioned, and compacted in-place prior to the placement of engineered fill. Exposed subgrade soils should be evaluated by HGSI. For large areas, this evaluation is normally performed by proof-rolling the exposed subgrade with a fully loaded scraper or dump truck. For smaller areas where access is restricted, the subgrade should be evaluated by probing the soil with a steel probe. Soft/loose soils identified during subgrade preparation should be compacted to a firm and unyielding condition or over-excavated and replaced with engineered fill, as described below. The depth of overexcavation, if required, should be evaluated by HGSI at the time of construction.

Engineered Fill

In general, we anticipate that on-site soils will be suitable for use as engineered fill in dry weather conditions, provided they are relatively free of organics and are properly moisture conditioned for compaction. Imported fill material must be approved by the geotechnical engineer prior to being imported to the site. Oversize material greater than 6 inches in size should not be used within 3 feet of foundation footings, and material greater than 12 inches in diameter should not be used in engineered fill.

Engineered fill should be compacted in horizontal lifts not exceeding 8 inches using standard compaction equipment. We recommend that engineered fill be compacted to at least 90 percent of the maximum dry density determined by ASTM D1557 (Modified Proctor) or equivalent. On-site soils may be wet or dry of optimum; therefore, we anticipate that moisture conditioning of native soil will be necessary for compaction operations.

Proper test frequency and earthwork documentation usually requires daily observation and testing during stripping, rough grading, and placement of engineered fill. Field density testing should conform to ASTM D2922 and D3017, or D1556. Engineered fill should be periodically observed and tested by HGSI. Typically, one density test is performed for at least every 2 vertical feet of fill placed or every 500 yd³, whichever requires more testing.

Wet Weather Earthwork

The on-site soils are moisture sensitive and may be difficult to handle or traverse with construction equipment during periods of wet weather. Earthwork is typically most economical when performed under dry weather conditions. Earthwork performed during the wet-weather season will probably require expensive measures such as cement treatment or imported granular material to compact fill to the recommended engineering specifications. If earthwork is to be performed or fill is to be placed in wet weather or under wet conditions when soil moisture content is difficult to control, the following recommendations should be incorporated into the contract specifications.

- Earthwork should be performed in small areas to minimize exposure to wet weather. Excavation or the removal of unsuitable soils should be followed promptly by the placement and compaction of clean engineered fill. The size and type of construction equipment used may have to be limited to prevent soil disturbance. Under some circumstances, it may be necessary to excavate soils with a backhoe to minimize subgrade disturbance caused by equipment traffic;
- The ground surface within the construction area should be graded to promote run-off of surface water and to prevent the ponding of water;
- Material used as engineered fill should consist of clean, granular soil containing less than about 7 percent fines. The fines should be non-plastic. Alternatively, cement treatment of on-site soils may be performed to facilitate wet weather placement;

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- The ground surface within the construction area should be sealed by a smooth drum vibratory roller, or equivalent, and under no circumstances should be left uncompacted and exposed to moisture. Soils which become too wet for compaction should be removed and replaced with clean granular materials;
- Excavation and placement of fill should be observed by the geotechnical engineer to verify that all unsuitable materials are removed and suitable compaction and site drainage is achieved; and
- Bales of straw and/or geotextile silt fences should be strategically located to control erosion.

If cement or lime treatment is used to facilitate wet weather construction, HGSI should be contacted to provide additional recommendations and field monitoring.

Spread Footing Foundations

Shallow, conventional isolated or continuous spread footings may be used to support the proposed structures, provided they are founded on competent native soils, or compacted engineered fill placed directly upon the competent native soils. We recommend a maximum allowable bearing pressure of 2,000 pounds per square foot (psf) for designing spread footings bearing on undisturbed native soils or engineered fill. The recommended maximum allowable bearing pressure may be increased by a factor of 1.33 for short term transient conditions such as wind and seismic loading. All footings should be founded at least 18 inches below the lowest adjacent finished grade. Minimum footing widths should be determined by the project engineer/architect in accordance with applicable design codes.

Assuming construction is accomplished as recommended herein, and for the foundation loads anticipated, we estimate total settlement of spread foundations of less than about 1 inch and differential settlement between two adjacent load-bearing components supported on competent soil of less than about ½ inch. We anticipate that the majority of the estimated settlement will occur during construction, as loads are applied.

Wind, earthquakes, and unbalanced earth loads will subject the proposed structure to lateral forces. Lateral forces on a structure will be resisted by a combination of sliding resistance of its base or footing on the underlying soil and passive earth pressure against the buried portions of the structure. For use in design, a coefficient of friction of 0.45 may be assumed along the interface between the base of the footing and subgrade soils. Passive earth pressure for buried portions of structures may be calculated using an equivalent fluid weight of 390 pounds per cubic foot (pcf), assuming footings are cast against dense, natural soils or engineered fill. The recommended coefficient of friction and passive earth pressure values do not include a safety factor. The upper 12 inches of soil should be neglected in passive pressure computations unless it is protected by pavement or slabs on grade.

Footing excavations should be trimmed neat and the bottom of the excavation should be carefully prepared. Loose, wet or otherwise softened soil should be removed from the footing excavation prior to placing reinforcing steel bars. HGSI should observe foundation excavations to verify that adequate bearing soils have been reached. Due to the high moisture sensitivity of on-site soils, construction during wet weather may require overexcavation of footings and backfill with compacted, crushed aggregate.

Below-Grade Structural Retaining Walls

Lateral earth pressures against below-grade retaining walls will depend upon the inclination of any adjacent slopes, type of backfill, degree of wall restraint, method of backfill placement, degree of backfill compaction, drainage provisions, and magnitude and location of any adjacent surcharge loads. At-rest soil pressure is exerted on a retaining wall when it is restrained against rotation. In contrast, active soil pressure will be exerted on a wall if its top is allowed to rotate or yield a distance of roughly 0.001 times its height or greater.

If the subject retaining walls will be free to rotate at the top, they should be designed for an active earth pressure equivalent to that generated by a fluid weighing 35 pcf for level backfill against the wall. For restrained walls, an at-reset equivalent fluid pressure of 54 pcf should be used in design, again assuming level backfill against the wall. These values assume that the recommended drainage provisions are incorporated, and hydrostatic pressures are not allowed to develop against the wall.

During a seismic event, lateral earth pressures acting on below-grade structural walls will increase by an incremental amount that corresponds to the earthquake loading. Based on the Mononobe-Okabe equation and peak horizontal accelerations appropriate for the site location, seismic loading should be modeled using the active or at-rest earth pressures recommended above, plus an incremental rectangular-shaped seismic load of magnitude $5H$, where H is the total height of the wall.

We assume relatively level ground surface below the base of the walls. As such, we recommend passive earth pressure of 390 pcf for use in design, assuming wall footings are cast against competent native soils or engineered fill. If the ground surface slopes down and away from the base of any of the walls, a lower passive earth pressure should be used and HGSI should be contacted for additional recommendations.

A coefficient of friction of 0.5 may be assumed along the interface between the base of the wall footing and subgrade soils. The recommended coefficient of friction and passive earth pressure values do not include a safety factor, and an appropriate safety factor should be included in design. The upper 12 inches of soil should be neglected in passive pressure computations unless it is protected by pavement or slabs on grade.

The above recommendations for lateral earth pressures assume that the backfill behind the subsurface walls will consist of properly compacted structural fill, and no adjacent surcharge loading. If the walls will be subjected to the influence of surcharge loading within a horizontal distance equal to or less than the height of the wall, the walls should be designed for the additional horizontal pressure. For uniform surcharge pressures, a uniformly distributed lateral pressure of 0.3 times the surcharge pressure should be added.

The recommended equivalent fluid densities assume a free-draining condition behind the walls so that hydrostatic pressures do not build up. This can be accomplished by placing a 12- to 18-inch wide zone of crushed drain rock containing less than 5 percent fines against the walls. A 3-inch minimum diameter perforated, plastic drain pipe should be installed at the base of the walls and connected to a sump to remove water from the crushed drain rock zone. The drain pipe should be wrapped in filter fabric (Mirafi 140N or other as approved by the geotechnical engineer) to minimize clogging. The above drainage measures are intended to remove water from behind the wall to prevent hydrostatic pressures from building up. Additional drainage measures may be specified by the project architect or structural engineer, for damp-proofing or other reasons.

HGSI should be contacted during construction to verify subgrade strength in wall keyway excavations, to verify that backslope soils are in accordance with our assumptions, and to take density tests on the wall backfill materials.

Concrete Slabs-on-Grade

Preparation of areas beneath concrete slab-on-grade floors should be performed as recommended in the *Site Preparation* section. Care should be taken during excavation for foundations and floor slabs, to avoid disturbing subgrade soils. If subgrade soils have been adversely impacted by wet weather or otherwise disturbed, the surficial soils should be scarified to a minimum depth of 8 inches, moisture conditioned to within about 3 percent of optimum moisture content, and compacted to engineered fill specifications. Alternatively, disturbed soils may be removed and the removal zone backfilled with additional crushed rock.

For evaluation of the concrete slab-on-grade floors using the beam on elastic foundation method, a modulus of subgrade reaction of 200 kcf (115 pci) should be assumed for the soils anticipated at subgrade depth. This value assumes the concrete slab system is designed and constructed as recommended herein, with a minimum thickness of crushed rock of 8 inches beneath the slab.

Interior slab-on-grade floors should be provided with an adequate moisture break. The capillary break material should consist of ODOT open graded aggregate per ODOT Standard Specifications 02630-2. The minimum recommended thickness of capillary break materials on re-compacted soil subgrade is 8 inches. The total thickness of crushed aggregate will be dependent on the subgrade conditions at the time of construction, and should be verified visually by proof-rolling. Under-slab aggregate should be compacted to at least 90% of its maximum dry density as determined by ASTM D1557 or equivalent.

In areas where moisture will be detrimental to floor coverings or equipment inside the proposed structure, appropriate vapor barrier and damp-proofing measures should be implemented. A commonly applied vapor barrier system consists of a 10-mil polyethylene vapor barrier placed directly over the capillary break material. Other damp/vapor barrier systems may also be feasible. Appropriate design professionals should be consulted regarding vapor barrier and damp proofing systems, ventilation, building material selection, radon and mold prevention issues, which are outside HGSI's area of expertise.

Perimeter Footing Drains

We recommend the outside edge of perimeter footings be provided with a drainage system consisting of 3-inch minimum diameter perforated pipe embedded in a minimum of 1 ft³ per lineal foot of clean, crushed drain rock. The drain pipe and surrounding drain rock should be wrapped in non-woven geotextile (Mirafi 140N, or approved equivalent) to minimize the potential for clogging and/or ground loss due to piping. Water collected from the footing drains should be directed into the local storm drain system or other suitable outlet. A minimum 0.5 percent fall should be maintained throughout the drain and non-perforated pipe outlet. The footing drains should include clean-outs to allow periodic maintenance and inspection.

Down spouts and roof drains should collect roof water in a system separate from the footing drains in order to reduce the potential for clogging. Roof drain water should be directed to an appropriate discharge point well away from structural foundations. Grades should be sloped downward and away from buildings to reduce the potential for ponded water near structures.

Seismic Design

Structures should be designed to resist earthquake loading in accordance with the methodology described in the current Oregon Structural Specialty Code (OSSC). We recommend Site Class D (Stiff Soils) be used for design per the OSSC, which references ASCE 7. Design values determined for the site using the ASCE 7-16 Hazard Tool are summarized on Table 3, for Risk Category III.

Table 3. Recommended Earthquake Ground Motion Parameters (ASCE 7-16)

Parameter	Value
Location (Lat, Long), degrees	45.3429, -122.6010
Mapped Spectral Acceleration Values (MCE, Site Class B):	
Short Period, S_s	0.823 g
1.0 Sec Period, S_1	0.37 g
Design Values for Site Class D (Stiff Soils):	
Peak Ground Acceleration PGA_M	0.455
F_a	1.171
F_v	N.A.
$SD_s = 2/3 \times F_a \times S_s$	0.643 g
$SD_1 = 2/3 \times F_v \times S_1$	N.A.

Soil liquefaction is a phenomenon wherein saturated soil deposits temporarily lose strength and behave as a liquid in response to earthquake shaking. Soil liquefaction is generally limited to loose, granular soils located below the water table. Following development, on-site soils will consist predominantly of engineered fill and stiff to very stiff silt and clay, which are not considered susceptible to liquefaction. Therefore, it is our opinion that special design or construction measures are not required to mitigate the effects of liquefaction.

Stormwater Infiltration Systems

Our main focus for infiltration testing was in the west-central portion of the site, based on input from the project team. Infiltration rates of 0.13 and 0.25 inches / hour were measured at depths of 5 feet in TP-1 and TP-2 respectively.

Based on results of the infiltration testing, the site is not well suited for use of deep infiltration systems such as dry wells due to weathered rock at depth beneath the site. Some opportunity for infiltration may be realized in the upper part of the soil profile, where an ultimate infiltration rate of 0.13 inches/hour is recommended for design of stormwater planters, pervious pavements, or other shallow facilities. We recommend the system designer select an appropriate infiltration rate based on the depth and location of proposed facilities. The infiltration rates do not incorporate a factor of safety; many local agencies require a minimum factor of safety of 2.0 be applied to the measured (ultimate) infiltration rate. For the design infiltration rate, the system designer should incorporate an appropriate factor of safety against slowing of the rate over time due to biological and sediment clogging.

Infiltration test methods and procedures attempt to simulate the as-built conditions of the planned disposal system. However, due to natural variations in soil properties, actual infiltration rates may vary from the measured and/or recommended design rates. All systems should be constructed such that potential overflow is discharged in a controlled manner away from structures, and all systems should include an adequate factor of safety. Infiltration rates presented in this report should not be applied to inappropriate or complex hydrological models such as a closed basin without extensive further studies.

Excavating Conditions and Utility Trench Backfill

We anticipate that on-site soils can be excavated to depths of at least 10 feet using conventional heavy equipment such as trackhoes. The small backhoe used for this exploration encountered refusal at a depth of

about 7 feet in TP-4, on hard residual soils with rock fragments. TP-5 was terminated due to a large boulder in the bottom of the pit at 5.5 feet bgs. It is likely that large excavator equipment equipped with rock teeth can achieve greater excavation depths; although the presence of boulders should be anticipated in subsurface excavations. Should the combined depth of any planned cuts and utilities exceed about 12 feet, we recommend additional subsurface explorations to evaluate rippability at the deep cut location(s).

Maintenance of safe working conditions, including temporary excavation stability, is the responsibility of the contractor. Actual slope inclinations at the time of construction should be determined based on safety requirements and actual soil and groundwater conditions. All temporary cuts in excess of 4 feet in height should be sloped in accordance with U.S. Occupational Safety and Health Administration (OSHA) regulations (29 CFR Part 1926), or be shored. The existing native soils classify as Type B Soil and temporary excavation side slope inclinations as steep as 1H:1V may be assumed for planning purposes. This cut slope inclination is applicable to excavations above the water table only. Flatter temporary excavation slopes will be needed if groundwater is present, or if significant thicknesses of sandy soils are present in excavation sidewalls.

Perched groundwater conditions often occur over fine-grained native deposits such as those beneath the site, particularly during the wet season. If encountered, the contractor should be prepared to implement an appropriate dewatering system for installation of the utilities. At this time, we anticipate that dewatering systems consisting of ditches, sumps and pumps would be adequate for control of groundwater where encountered during construction conducted during the dry season. Regardless of the dewatering system used, it should be installed and operated such that in-place soils are prevented from being removed along with the groundwater.

Vibrations created by traffic and construction equipment may cause some caving and raveling of excavation walls. In such an event, lateral support for the excavation walls should be provided by the contractor to prevent loss of ground support and possible distress to existing or previously constructed structural improvements.

Utility trench backfill should consist of $\frac{3}{4}$ "-0 crushed rock, compacted to at least 90% of the maximum dry density obtained by Modified Proctor (ASTM D1557) or equivalent. Initial backfill lift thicknesses for a $\frac{3}{4}$ "-0 crushed aggregate base may need to be as great as 4 feet to reduce the risk of flattening underlying flexible pipe. Subsequent lift thickness should not exceed 1 foot. If imported granular fill material is used, then the lifts for large vibrating plate-compaction equipment (e.g. hoe compactor attachments) may be up to 2 feet, provided that proper compaction is being achieved and each lift is tested. Use of large vibrating compaction equipment should be carefully monitored near existing structures and improvements due to the potential for vibration-induced damage.

Adequate density testing should be performed during construction to verify that the recommended relative compaction is achieved. Typically, one density test is taken for every 4 vertical feet of backfill on each 200-lineal-foot section of trench.

New Pavement Sections

Design Recommendations

For design of new pavement sections, we used the AASHTO design methodology with initial serviceability index of 4.2, terminal serviceability of 2.5 and 20-year pavement performance period, in accordance with agency requirements. We applied a 3% growth rate to traffic volume over the 20-year performance period. Resilient modulus of subgrade soils was conservatively taken at 7,500 pci; equivalent to a CBR of 5. This is the lower bound test result from Table 2.

Table 4 summaries estimated traffic, and equivalent 18-kip axle loads (ESALs) for the various pavement sections analyzed as part of the project:

Table 4 – Assumed 2019 Peak Traffic Volumes (ADT)

Location	Average Daily Traffic (ADT), Two-Way	Heavy Truck %	Equivalent 18-kip Axle Loads (ESALs)
Rilance and Mountainview	2,000	3	505,853
On-Site Driveways	500	3	126,463

Pavement section calculations are attached, based on the AASHTO methodology and a 20-year performance period. Table 5 summarizes the recommended dry weather pavement sections for the various street classifications.

Table 5 - Recommended Minimum Pavement Sections

Location	Layer Thickness (inches)		
	AC	¾"-0	1½"-0
Rilance and Mountainview	4	2	10
On-Site Driveways	3	2	8

AC = Asphaltic Cement Concrete
 ¾"-0 = Crushed Rock leveling course
 1½"-0 = Crushed Rock base course

Construction Recommendations

Subgrade soils in new pavement areas should be prepared by moisture conditioning and recompacting to a minimum of 95 percent of Standard Proctor (ASTM D698 or AASHTO T-99). A proof-roll of the subgrade using a 10 cubic yard dump truck, fully loaded with rock, or equivalent loaded vehicle shall be observed by the agency's representative and HGSI. Soft areas shall be repaired or replaced and re-proof rolled until the subgrade is deemed satisfactory by the agency and approved by HGSI. During periods of wet weather, the proof-roll should occur after placement of the base course material to avoid disturbance of subgrade soils.

Base rock should be compacted to a minimum of 95 percent of Modified Proctor (ASTM D1557 or AASHTO T-180). Maximum AC lift thickness is 3 inches. Asphaltic concrete paving should generally be placed and compacted in two lifts, to a minimum of 92% of Rice Density in accordance with agency standards. Pavement section cases where recommended AC thickness is 3 inches or less may be placed in a single lift.

During placement of pavement section materials, density testing should be performed to verify compliance with project specifications. We recommend at least one density test per each lift of

crushed rock or AC, for each approximately 100-foot length of roadway improvements. In addition, density testing may be required at random locations at the agency Inspector's discretion.

Wet Weather Pavement Sections

The following wet weather pavement section recommendations are intended for use in situations where it is not feasible to compact the subgrade soils to agency requirements, due to wet subgrade soil conditions and/or construction during wet weather.

Based on our site review, we recommend a wet weather section with a minimum subgrade deepening of 6 inches to accommodate a working subbase of additional 1½"-0 crushed rock. Geotextile fabric, Mirafi 500x or equivalent, should be placed on subgrade soils prior to placement of base rock.

In some instances it may be preferable to use Special Treated Base (STB) in combination with overexcavation and increasing the thickness of the rock section. Also, cement treating of the roadway subbase is considered sufficient wet weather treatment, and may allow reduction of base rock thicknesses where used. HGSI should be consulted for additional recommendations regarding use of STB or cement treatment in wet weather pavement sections if it is desired to pursue either of these alternatives.

With implementation of the above recommendations, it is our opinion that the resulting pavement section will provide equivalent or greater structural strength than the dry weather pavement section currently planned. However, it should be noted that construction in wet weather is risky and the performance of pavement subgrades depend on a number of factors including the weather conditions, the contractor's methods, and the amount of traffic the road is subjected to. There is a potential that soft spots may develop even with implementation of the wet weather provisions recommended in this letter. If soft spots in the subgrade are identified during roadway excavation, or develop prior to paving, the soft spots should be overexcavated and backfilled with additional crushed rock.

During subgrade excavation, care should be taken to avoid disturbing the subgrade soils. Removals should be performed using an excavator with a smooth-bladed bucket. Truck traffic should be limited until an adequate working surface has been established. We suggest that the crushed rock be spread using bulldozer equipment rather than dump trucks, to reduce the amount of traffic and potential disturbance of subgrade soils.

Care should be taken to avoid overcompaction of the base course materials, which could create pumping, unstable subgrade soil conditions. Heavy and/or vibratory compaction efforts should be applied with caution. Following placement and compaction of the crushed rock to project specifications (95% of Modified Proctor), a finish proof-roll should be performed before paving.

The above recommendations are subject to field verification. HGSI should be on-site during construction to verify subgrade strength and to take density tests on the engineered fill, base rock and asphaltic pavement materials.

Erosion Control Considerations

Based on our subsurface exploration we did not encounter soils considered particularly susceptible to erosion. Erosion during construction can be minimized by implementing the project erosion control plan, which should include judicious use of bio-bags, silt fences, or other appropriate technology. Where used, erosion control devices should be in place and remain in place throughout site preparation and construction.

Erosion and sedimentation of exposed soils can also be minimized by quickly re-vegetating exposed areas of soil, and by staging construction such that large areas of the project site are not denuded and exposed at the same time. Areas of exposed soil requiring immediate and/or temporary protection against exposure should be covered with either mulch or erosion control netting/blankets. Areas of exposed soil requiring permanent stabilization should be seeded with an approved grass seed mixture, or hydroseeded with an approved seed-mulch-fertilizer mixture.

UNCERTAINTIES AND LIMITATIONS

We have prepared this report for the owner and his/her consultants for use in design of this project only. This report should be provided in its entirety to prospective contractors for bidding and estimating purposes; however, the conclusions and interpretations presented in this report should not be construed as a warranty of the subsurface conditions. Experience has shown that soil and groundwater conditions can vary significantly over small distances. Inconsistent conditions can occur between explorations that may not be detected by a geotechnical study. If, during future site operations, subsurface conditions are encountered which vary appreciably from those described herein, HGSI should be notified for review of the recommendations of this report, and revision of such if necessary.

Sufficient geotechnical monitoring, testing and consultation should be provided during construction to confirm that the conditions encountered are consistent with those indicated by explorations. Recommendations for design changes will be provided should conditions revealed during construction differ from those anticipated, and to verify that the geotechnical aspects of construction comply with the contract plans and specifications.

Within the limitations of scope, schedule and budget, HGSI executed these services in accordance with generally accepted professional principles and practices in the field of geotechnical engineering at the time the report was prepared. No warranty, expressed or implied, is made. The scope of our work did not include environmental assessments or evaluations regarding the presence or absence of wetlands or hazardous or toxic substances in the soil, surface water, or groundwater at this site.



We appreciate this opportunity to be of service.

Sincerely,

HARDMAN GEOTECHNICAL SERVICES INC.

Scott L. Hardman, P.E., G.E.
Geotechnical Engineer



Attachments: Reference
Figure 1 – Vicinity Map
Figure 2 – Site Plan
Logs of Backhoe Test Pits TP-1 through TP-5
Infiltration Test Results, TP-1 and TP-2
ASCE 7-16 Seismic Hazard Tool Output (3 pages)



REFERENCE

- Madin, I.P., 1990, Earthquake hazard geology maps of the Portland metropolitan area, Oregon: Oregon Department of Geology and Mineral Industries Open-File Report 0-90-2, scale 1:24,000, 22 p.
- Trimble, D.E., 1963, Geology of Portland, Oregon and adjacent areas; US Geological Survey Bulletin B-1119, Scale 1:62,500.



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Item 3a.

VICINITY MAP



Base Map: USGS Oregon City Quad, from US Topo, 2015

Not to Scale

Project: 535 Holmes Lane Property
Oregon City, Oregon

Project No. 20-2575

FIGURE 1

Page 706



SITE PLAN



Legend

TP-1 Test Pit Designation and
Approximate Location

DCP-1 Dynmanic Cone Penetrometer (DCP)
and Approximate Location

TEST PIT EXCAVATION LOG

Project: Holmes Lane
Oregon City, Oregon

Project No. 20-2575

Test Pit No.: TP - 1

Depth (ft)	Pocket Penetrometer (tons/ft ²)	Sample Interval	Sample Designation	Moisture Content (%)	Groundwater	Material Description
1						Soft, moist SILT, dark brown, highly organic (Topsoil)
2						Stiff, clayey SILT, reddish brown, moist (Residual Soil)
3	3.5					Very stiff, clayey SILT with weathered rock, reddish brown with yellow and black weathered rock fragments (Residual Soil)
4	4.5					
5						Test pit terminated at 5 feet No groundwater was observed Infiltration testing conducted
6						
7						
8						



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LEGEND



S-1

Soil Sample Depth
Interval and Designation



Water Level at
Time of Excavation

Date Excavated: 4/3/2020

Logged By: CSH

TEST PIT EXCAVATION LOG

Project: Holmes Lane
Oregon City, Oregon

Project No. 20-2575

Test Pit No.: TP - 2

Depth (ft)	Pocket Penetrometer (tons/ft ²)	Sample Interval	Sample Designation	Moisture Content (%)	Groundwater	Material Description
1						Soft, moist SILT, dark brown, highly organic (Topsoil)
2						Stiff, clayey SILT, reddish brown, moist (Residual Soil)
3						
4	4.0		2A			Very stiff, clayey SILT with weathered rock, reddish brown with yellow and black weathered rock fragments (Residual Soil)
5						Test pit terminated at 5 feet No groundwater was observed Infiltration testing conducted
6						
7						
8						



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S-1

Soil Sample Depth
Interval and Designation



Water Level at
Time of Excavation

Date Excavated: 4/3/2020

Logged By: CSH

TEST PIT EXCAVATION LOG

Project: Holmes Lane
Oregon City, Oregon

Project No. 20-2575

Test Pit No.: TP - 3

Depth (ft)	Pocket Penetrometer (tons/ft ²)	Sample Interval	Sample Designation	Moisture Content (%)	Groundwater	Material Description
1						Soft, moist SILT, dark brown, highly organic (Topsoil)
2						Soft, clayey SILT, brown, very moist, unconsolidated (Undocumented Fill)
3						
4						Test pit terminated at 4 feet No groundwater was observed
5						
6						
7						
8						



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LEGEND



S-1

Soil Sample Depth
Interval and Designation



Water Level at
Time of Excavation

Date Excavated: 4/3/2020

Logged By: CSH

TEST PIT EXCAVATION LOG

Project: Holmes Lane
Oregon City, Oregon

Project No. 20-2575

Test Pit No.: TP - 4

Depth (ft)	Pocket Penetrometer (tons/ft ²)	Sample Interval	Sample Designation	Moisture Content (%)	Groundwater	Material Description
1						Soft, moist SILT, dark brown, highly organic (Topsoil)
2						Stiff, clayey SILT, reddish brown, moist (Residual Soil)
3		☒	4A			
4						
5						Very stiff, clayey SILT with weathered rock, reddish brown with yellow and black weathered rock fragments (Residual Soil)
6		☒	4B			Weather rock excavating in large fractured chunks 4 to 16 inches
7						Test pit terminated at 7 feet - practical refusal on rock No groundwater was observed
8						



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LEGEND



S-1
Soil Sample Depth
Interval and Designation



Water Level at
Time of Excavation

Date Excavated: 4/3/2020

Logged By: CSH

TEST PIT EXCAVATION LOG

Project: Holmes Lane
Oregon City, Oregon

Project No. 20-2575

Test Pit No.: TP - 5

Depth (ft)	Pocket Penetrometer (tons/ft ²)	Sample Interval	Sample Designation	Moisture Content (%)	Groundwater	Material Description
1						Soft, moist SILT, dark brown, highly organic (Topsoil)
2						Stiff, clayey SILT, reddish brown, moist (Residual Soil)
3						
4						Very stiff, clayey SILT with weathered rock, reddish brown with yellow and black weathered rock fragments (Residual Soil)
5						Boulder in excess of 6ft x 4ft
6						Test pit terminated at 5.5 - refusal on large rock No groundwater was observed
7						
8						



**HARDMAN
GEOTECHNICAL
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10110 SW Nimbus Avenue, Suite B-5
Portland, Oregon 97223
(503) 530-8076

LEGEND



S-1

Soil Sample Depth
Interval and Designation



Water Level at
Time of Excavation

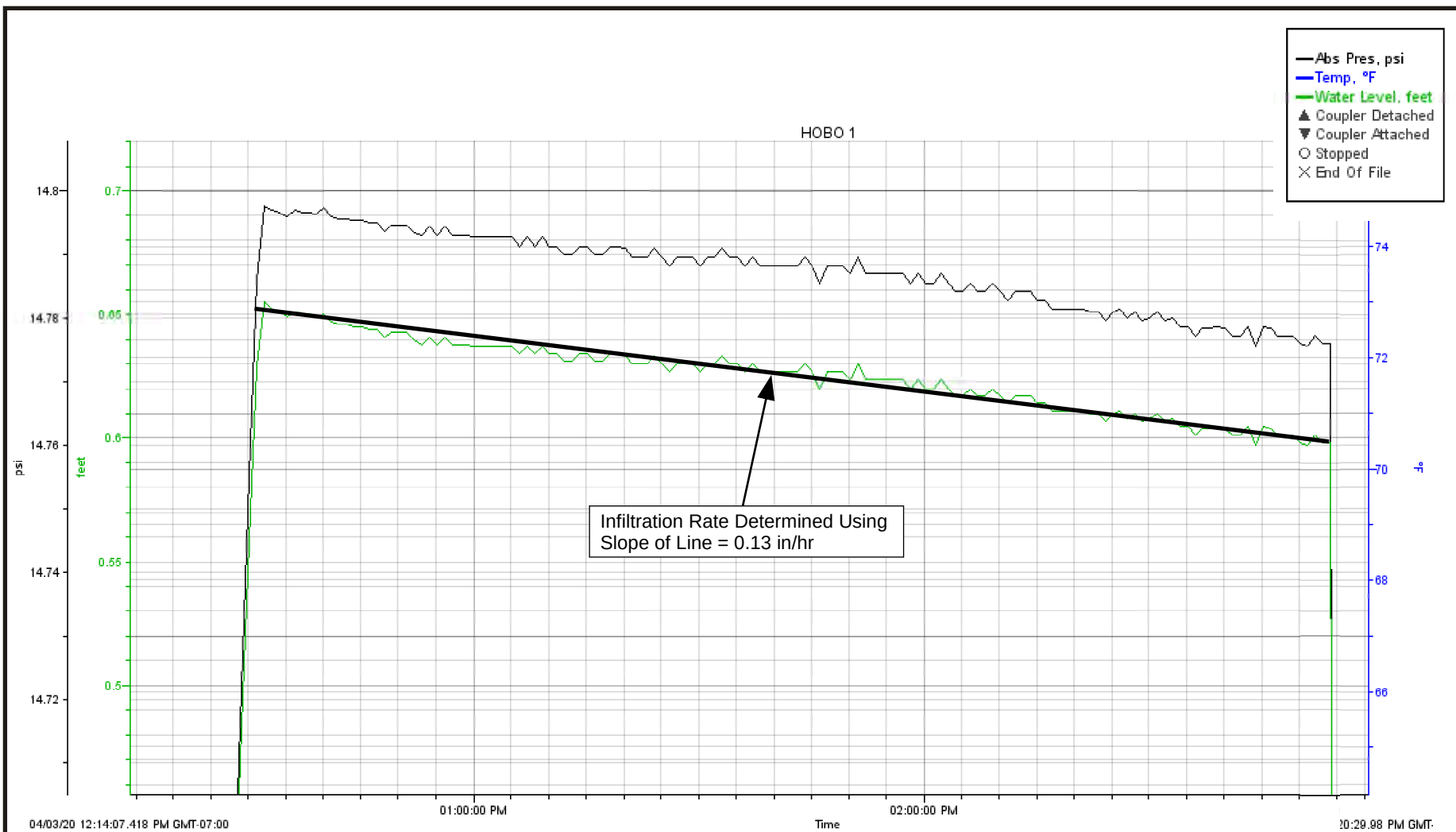
Date Excavated: 4/3/2020

Logged By: CSH



INFILTRATION TEST DATA

Item 3a.



Project No: 20-2575

Project: 535 and 545 Holmes Lane
Oregon City, Oregon

Date Tested: 4/3/2020
Tested By: EAH

Boring: TP-1
Depth: 5 Feet

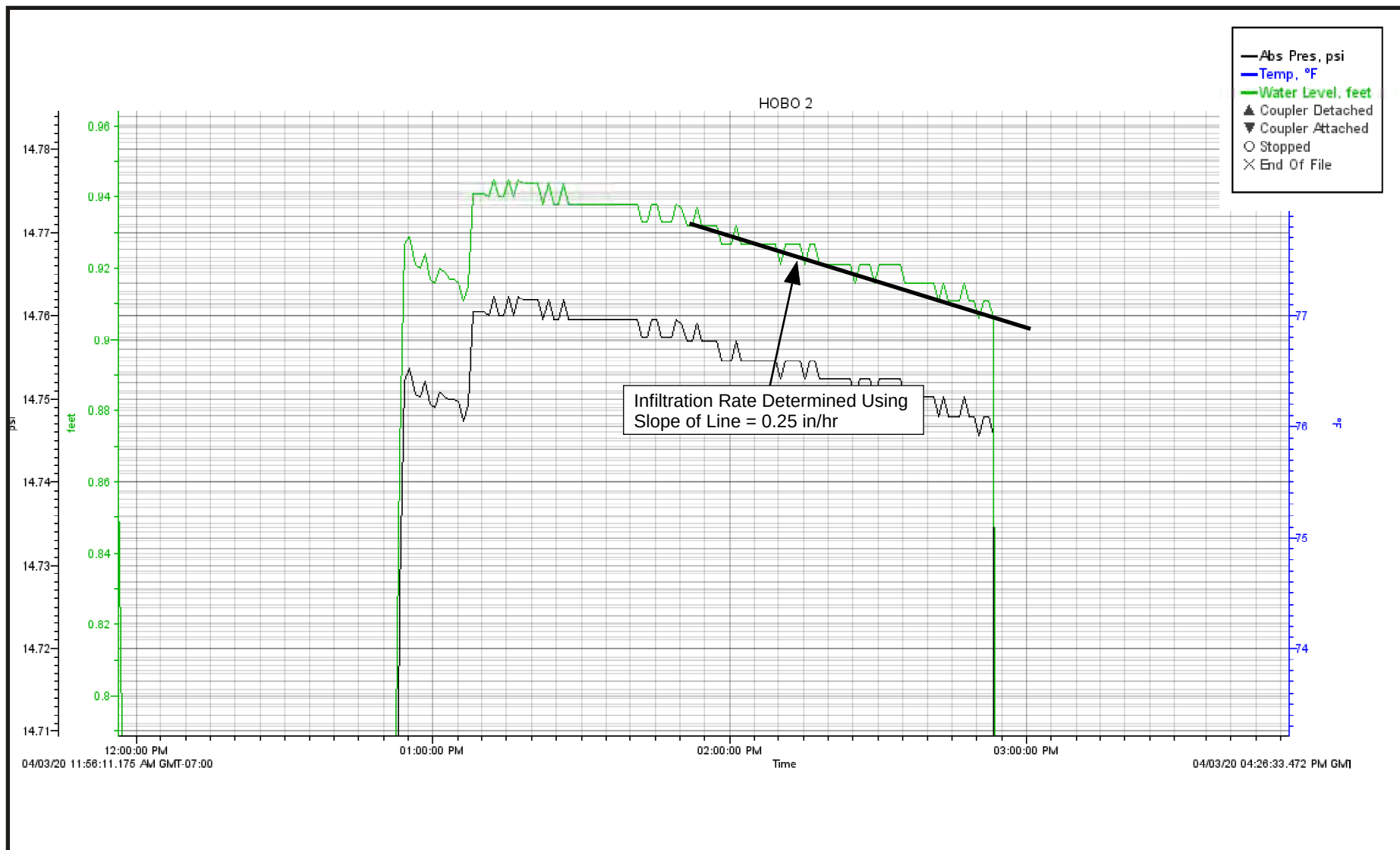


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Practical, Cost-Effective Geotechnical Solutions

INFILTRATION TEST DATA

Item 3a.



Project No: 20-2575

Project: 535 and 545 Holmes Lane
Oregon City, Oregon

Date Tested: 4/3/2020
Tested By: EAH

Boring: TP-2
Depth: 5 Feet

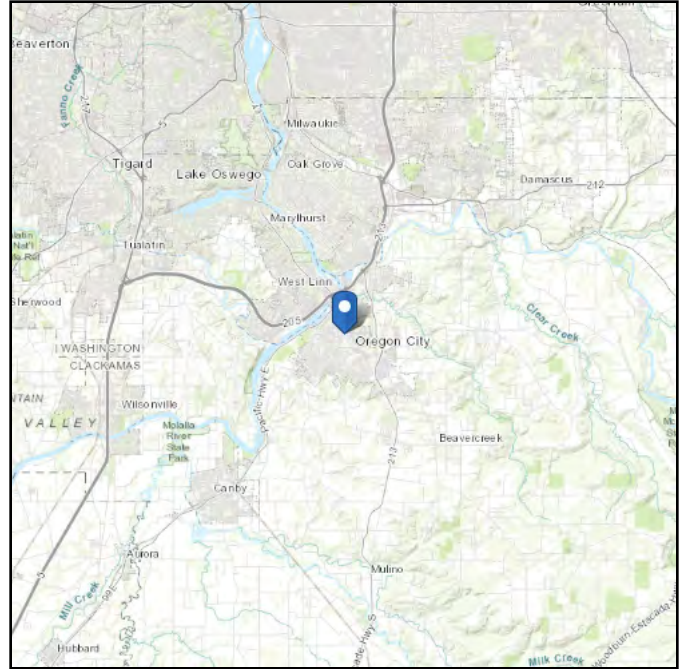


ASCE 7 Hazards Report

Address:
No Address at This
Location

Standard: ASCE/SEI 7-16
Risk Category: III
Soil Class: D - Stiff Soil

Elevation: 468.14 ft (NAVD 88)
Latitude: 45.3429
Longitude: -122.601



Site Soil Class: D - Stiff Soil

Results:

S_S :	0.823	S_{D1} :	N/A
S_1 :	0.37	T_L :	16
F_a :	1.171	PGA :	0.37
F_v :	N/A	PGA_M :	0.455
S_{MS} :	0.964	F_{PGA} :	1.23
S_{M1} :	N/A	I_e :	1.25
S_{DS} :	0.643	C_v :	1.212

Ground motion hazard analysis may be required. See ASCE/SEI 7-16 Section 11.4.8.

Data Accessed: Tue Apr 28 2020

Date Source: [USGS Seismic Design Maps](#)

The ASCE 7 Hazard Tool is provided for your convenience, for informational purposes only, and is provided “as is” and without warranties of any kind. The location data included herein has been obtained from information developed, produced, and maintained by third party providers; or has been extrapolated from maps incorporated in the ASCE 7 standard. While ASCE has made every effort to use data obtained from reliable sources or methodologies, ASCE does not make any representations or warranties as to the accuracy, completeness, reliability, currency, or quality of any data provided herein. Any third-party links provided by this Tool should not be construed as an endorsement, affiliation, relationship, or sponsorship of such third-party content by or from ASCE.

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WinPAS 12

Item 3a.

Pavement Thickness Design According to 1993 AASHTO Guide for Design of Pavements Structures American Concrete Pavement Association

ESAL Determination by Traffic Factor

Project Name: Holmes Lane Properties - Oregon City
Route: Rilance Lane and Mountainview St
Location:
Owner/Agency:
Design Engineer: New pavement sections

Traffic Factor

Estimated Rigid Thickness	4.00 inches
Estimated Structural Number	2.5
Terminal Serviceability	2.5
Design Life	20 years
Annual Growth Rate	2.00 percent
Traffic Input by	Day

Traffic Input by

Total Traffic	2-way
Design Lane Distribution	100.00 percent
Directional Distribution	50.00 percent

ESAL Determination by Traffic Input

Traffic Input As

Average Daily Traffic (ADTT)	0.00
> Average Daily Traffic (ADT)	2,000.00
% of Heavy trucks	3.00

ESAL Traffic Factors

Rigid ESAL/Truck	0.00
Flexible ESAL/Truck	1.90

Total Rigid ESAL	0
Total Flexible ESAL	505,853

WinPAS

Pavement Thickness Design According to
1993 AASHTO Guide for Design of Pavements Structures
American Concrete Pavement Association

Flexible Design Inputs

Project Name: Holmes Lane Properties - Oregon City
Route: Rilance Lane and Mountainview St
Location:
Owner/Agency:
Design Engineer: New pavement sections

Flexible Pavement Design/Evaluation

Structural Number	2.97		Subgrade Resilient Modulus	7,500.00	psi
Total Flexible ESALs	505,853		Initial Serviceability	4.20	
Reliability	85.00	percent	Terminal Serviceability	2.50	
Overall Standard Deviation	0.44				

Layer Pavement Design/Evaluation

Layer Material	Layer Coefficient	Drainage Coefficient	Layer Thickness	Layer SN
Asphalt Cement Concrete	0.42	1.00	4.00	1.68
Crushed Stone Base	0.11	1.00	12.00	1.32
			Σ SN	3.00

>2.97
OK

WinPAS 12

Pavement Thickness Design According to 1993 AASHTO Guide for Design of Pavements Structures American Concrete Pavement Association

Item 3a.

ESAL Determination by Traffic Factor

Project Name: Holmes Lane Properties - Oregon City
Route: On Site Driveways
Location:
Owner/Agency:
Design Engineer: New pavement sections

Traffic Factor

Estimated Rigid Thickness	4.00 inches
Estimated Structural Number	2.5
Terminal Serviceability	2.5
Design Life	20 years
Annual Growth Rate	2.00 percent
Traffic Input by	Day

Traffic Input by

Total Traffic	2-way
Design Lane Distribution	100.00 percent
Directional Distribution	50.00 percent

ESAL Determination by Traffic Input

Traffic Input As

Average Daily Traffic (ADTT)	0.00
> Average Daily Traffic (ADT)	500.00 ✓
% of Heavy trucks	3.00

ESAL Traffic Factors

Rigid ESAL/Truck	0.00
Flexible ESAL/Truck	1.90

Total Rigid ESAL	0
Total Flexible ESAL	126,463 ✓

WinPAS

Pavement Thickness Design According to 1993 AASHTO Guide for Design of Pavements Structures American Concrete Pavement Association

Flexible Design Inputs

Project Name: Holmes Lane Properties - Oregon City
Route: On Site Driveways
Location:
Owner/Agency:
Design Engineer: New pavement sections

Flexible Pavement Design/Evaluation

Structural Number	2.35	Subgrade Resilient Modulus	7,500.00 psi
Total Flexible ESALs	126,463	Initial Serviceability	4.20
Reliability	85.00 percent	Terminal Serviceability	2.50
Overall Standard Deviation	0.44		

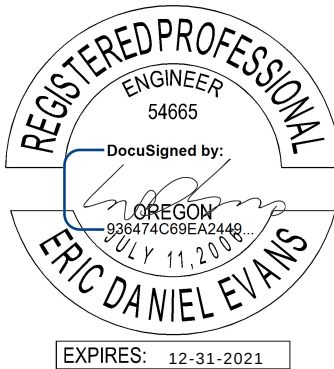
Layer Pavement Design/Evaluation

Layer Material	Layer Coefficient	Drainage Coefficient	Layer Thickness	Layer SN
Asphalt Cement Concrete	0.42	1.00	3.00	1.26
Crushed Stone Base	0.11	1.00	10.00	1.10
			Σ SN	2.36

72.35
✓OK

Preliminary Stormwater Report for
Holmes Lane at
535 & 545 Holmes Lane
City of Oregon City, Oregon
(TL 5001 & 5100, Tax Map 3S2E 06AA)

Emerio Project Number: 0550-002
Oregon City Permit Number: TBD
Date: 09/24/2020
Rev1:03/17/2021



Prepared For:
Scott Miller
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APPENDIX C

- (1) Basin Area Tabulated Data
- (2) BMP Report
- (3) Pond HydroCAD Model Report
- (4) Downstream Analysis HydroCAD Report
- (5) Downstream Culvert Nomograph

APPENDIX D

- (1) Pre-Developed Site Map
- (2) Post-Developed Basin Map
- (3) Proxy Treatment Map
- (4) Downstream Basin Map

Project Overview and Description:

The purpose of this report is to address the stormwater management for the proposed development. The site is currently made up of two large residential tax lots covering approximately 4.33 acres of land, each with with single family homes and associated accessory buildings and driveway areas. The lot line between the two land parcels will be adjusted as part of the development. One parcel will retain one of the two existing homes. The second, larger parcel will be developed into a set of 60 condos accompanied by public and private roads, and public open spaces. Frontage improvements along Holmes Lane and Mountainview Street will also accompany the onsite development. See Appendix A(1) for a vicinity map of the site.

Soil Classification:

The NRCS soil survey of Clackamas County, Oregon classifies the development site soil as Bornstedt Silt Loam, Cottrell Silty Clay Loam, Jory Silty Clay Loam, Saum Silt Loam all with an associated hydrologic group of C. Soil group C will be used in the design of onsite stormwater management facilities. Hydraulic curve numbers associated with soil group C forested and open pervious areas will be used in the hydraulic analysis of the proposed stormwater management facilities and downstream conveyance system. A curve number of 98 will be used for all impervious areas, see Appendix B(2). See Appendix B(1) for a site soil classification map.

Basin Delineation:

Onsite and offsite basins were created after determining post-developed runoff paths. All developed areas are encompassed in these basins. Additionally, offsite upstream areas from Holmes Lane are also included in tabulated basin areas. Onsite building footprints and patio areas were used for lot impervious areas. Large offsite areas that are not managed by the proposed storm system are also tabulated to be used as part of the downstream analysis. See Appendix C(1) for tabulated basin areas, Appendix D(2) for an onsite basin map, and Appendix D(4) for a downstream basin map.

Infiltration:

Onsite infiltration tests were conducted by Hardman Geotechnical Services Inc. (HGSI) on April 3, 2020. These tests yielded infiltration rates of 0.13 in/hr and 0.25 in/hr, see Appendix B(3). Due to the low infiltration rates, the proposed stormwater management facility was designed as a lined facility.

Stormwater Management Methodology:

A proposed onsite detention pond will manage water quality and detention standards for the proposed development. This pond was sized using custom geometry sizing in the BMP Sizing Tool, see Appendix C(2). Data for the inputs in the BMP tool (pond depth, surface area, and discharge) were developed by modelling the proposed pond in HydroCAD v.10. Discharges shown in the HydroCAD report were based off the 10-year storm event, and all surface areas below the top of the growing media is assumed to be the same as the bottom of the pond open storage. A custom geometry flow control structure will be used to restrict flows exiting the pond.

The 10-year peak water surface elevation in HydroCAD was shown to be at an elevation of 461.34'. Due to the rounding limitations of the applied software, it was assumed that the peak water surface elevation was 461.40'. Under these conditions, the proposed pond meets BMP sizing requirements while maintaining over 1 ft of freeboard from the rounded

10-year water surface level with a top of pond elevation of 462.50'. See Appendix C(3) for the HydroCAD pond model and discharge curve.

The proposed flow control structure consists of two horizontal orifices per Figure C-12 shown in the 2019 Oregon City Stormwater and Grading Standards. An overflow will be set at the elevation of the peak 10-year design storm elevation. The geometry of the two orifices can be seen in Appendix C(3) and are shown below.

Low Orifice: 1.6" Diameter, 455.00' Elevation

High Orifice: 5.6" Diameter, 461.00' Elevation

Due to site grading restrictions, approximately 4,092 SF of proposed paved impervious area will go untreated by the proposed detention pond. The proposed detention pond will be sized to treat the retained onsite single-family home and upstream areas of Holmes Lane collected by proposed catch basins. Approximately 4,025 SF of existing impervious area will be proxy treated for the untreated impervious area to meet water quality and detention standards. 67 SF of new impervious area will go without treatment. See Appendix D(3) for a proxy treatment map.

Downstream Analysis:

Per Oregon City requirements, a downstream conveyance analysis was conducted to verify that the additional flow from the site development will not adversely affect the safety and or flooding potential of adjacent or downstream properties. The 25-year 24-hour storm event with storm intensity of 4.0 inches was used to calculate downstream flow. Oregon City stormwater requirements section 5.2.4.D states "the downstream analysis shall extend to the distance where the project site contributes less than 15 percent of the cumulative tributary drainage area or 1,500 feet downstream of the approved point of discharge, whichever is greater." A downstream distance of 1,500 feet from the project site is used as the analysis will extend further downstream than the point of contributing 15 percent of the tributary flow.

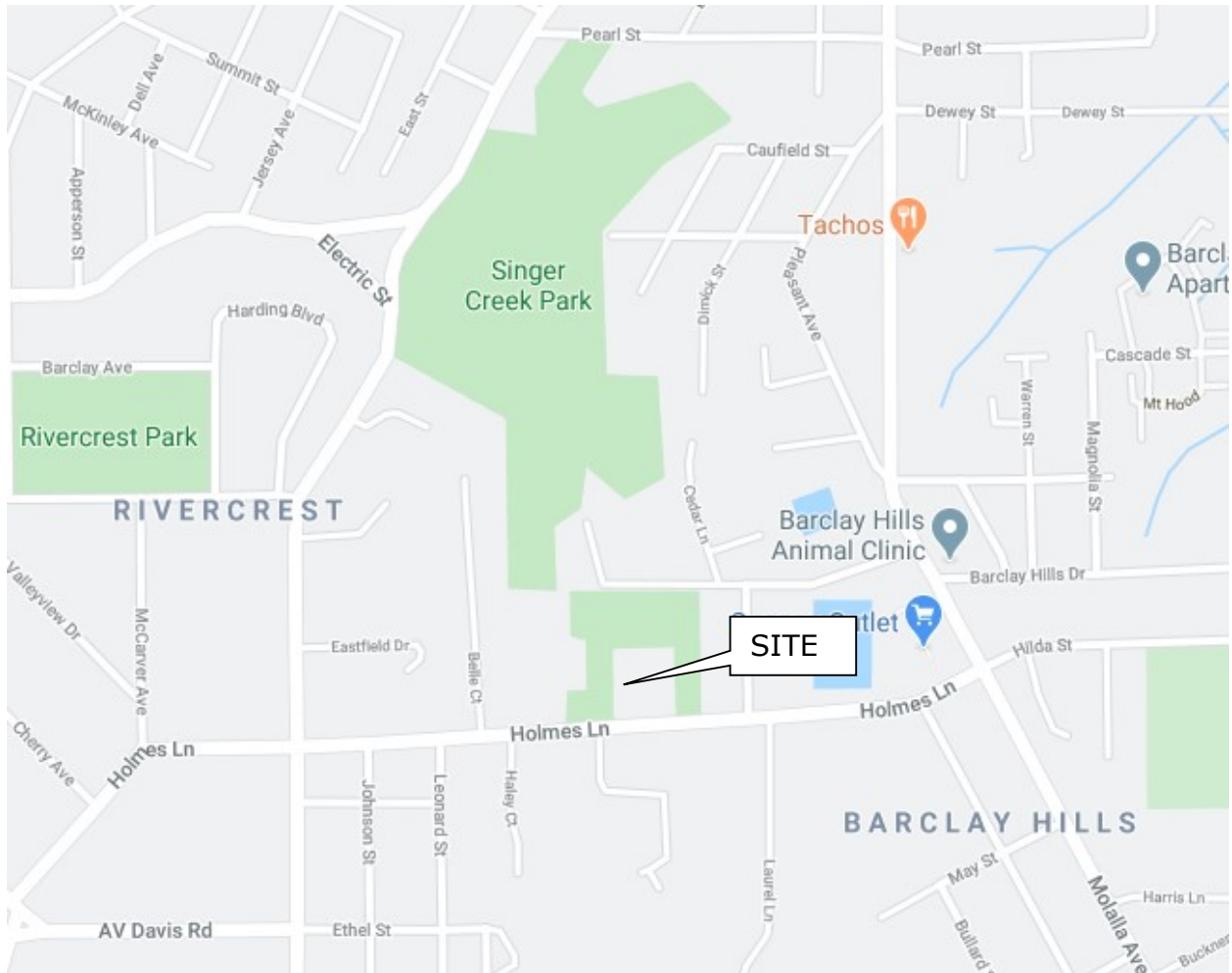
Using the design requirements of Oregon City, flow rates were calculated for each determined basin using the SBUH method, reference the HydroCAD output in Appendix C(4). The existing downstream storm system up to 1,500 feet downstream of the site is composed of an existing creek that runs northward through Singer Creek Park directly northwest of the site. Within this length of stream, a squished culvert conveys the stream under a small road through the park. The stream was modeled and analyzed in HydroCAD using the smallest measured cross section in the field and the shallowest slope per GIS contours, while the culvert was analyzed using a smooth pipe nomograph. Both analyses determine that the downstream system up to 1,500 ft downstream of the site has the capacity to convey the increased onsite flows. See Appendix C(4) for the stream analysis and Appendix C(5) for the nomograph analysis.

Conclusion:

The design of the proposed site satisfies the water quality and detention standards set by the 2019 Oregon City Stormwater and Grading Standards.

Appendix A:

Appendix A(1)
Vicinity Map



Appendix B:

Appendix B(1) Soil Classification Map



Tables — Hydrologic Soil Group — Summary By Map Unit				
Summary by Map Unit — Clackamas County Area, Oregon (OR610)				
Summary by Map Unit — Clackamas County Area, Oregon (OR610)				
Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
8B	Bornstedt silt loam, 0 to 8 percent slopes	C	0.5	12.6%
24B	Cottrell silty clay loam, 2 to 8 percent slopes	C	0.3	8.7%
45B	Jory silty clay loam, 2 to 8 percent slopes	C	3.1	77.6%
78D	Saum silt loam, 15 to 30 percent slopes	C	0.0	1.1%
Totals for Area of Interest			4.0	100.0%

Appendix B(2)
Curve Number Table

RUNOFF CURVE NUMBERS (TR55)					
Table 2-2a: Runoff curve numbers for urban areas ¹					
Cover description		CN for hydrologic soil group			
Cover type and hydrologic condition	Average percent impervious area ²	A	B	C	D
<i>Fully developed urban areas (vegetation established)</i>	Use CN = 86 for Post-Developed Pervious Areas				
Open space (lawns, parks, golf courses, cemeteries, etc.) ³ :					
Poor condition (grass cover <50%)		68	79	86	89
Fair condition (grass cover 50% to 75%)		49	69	79	84
Good condition (grass cover >75%)		39	61	74	80
Impervious areas:					
Paved parking lots, roofs, driveways, etc. (excluding right-of-way)		98	98	98	98
Streets and roads:					
Paved; curbs and storm sewers (excluding right-of-way)	Use CN = 98 for Impervious Areas		98	98	98
Paved; open ditches (including right-of-way)			89	92	93
Gravel (including right-of-way)		76	85	89	91
Dirt (including right-of-way)		72	82	87	89
Western desert urban areas:					
Natural desert landscaping (pervious areas only) ⁴		63	77	85	88
Artificial desert landscaping (impervious weed barrier, desert shrub with 1- to 2-inch sand or gravel mulch and basin borders)		96	96	96	96
Urban districts:					
Commercial and business	85	89	92	94	95
Industrial	72	81	88	91	93
Residential districts by average lot size:					
1/8 acre or less (town houses)	65	77	85	90	92
1/4 acre	38	61	75	83	87
1/3 acre	30	57	72	81	86
1/2 acre	25	54	70	80	85
1 acre	20	51	68	79	84
2 acres	12	46	65	77	82



April 28, 2020
HGSI Project No. 20-2575

Scott Miller
Samm – Miller, LLC
1327 Jay Court
West Linn, Oregon 97070

Samm-miller@comcast.net
503-819-3610

Copy: Eric Evans, Emerio Design

**Subject: GEOTECHNICAL ENGINEERING REPORT
PROPOSED RESIDENTIAL DEVELOPMENT
535 AND 545 HOLMES LANE
OREGON CITY, OREGON**

This report presents the results of a geotechnical engineering study conducted by Hardman Geotechnical Services Inc. (HGSI) for the above-referenced project. The purpose of this study was to evaluate subsurface conditions at the site and to provide geotechnical recommendations for site development. This geotechnical study was performed in accordance with HGSI Proposal No. 20-582, dated March 27, 2020, and your subsequent authorization of our proposal and *General Conditions for Geotechnical Services*.

SITE DESCRIPTION AND PROPOSED DEVELOPMENT

The site consists of is comprised of two properties totaling about 4.32 acres and generally rectangular. Each of the two properties currently supports a residential home and one or more garage / outbuildings. Areas immediately around the houses are landscaped with lawn, shrubs and ornamental trees. Beyond the homes, vegetation is primarily grass field or pasture.

Slopes on site are gentle to moderate, descending to the west and north. The steepest slopes on site are in the northwest corner, at about 6H:1V (Horizontal:Vertical) based on the plan provided. There are no steep slope hazards mapped by Oregon City on the site. There is a steep slope hazard north and northwest of the site, with a designated 50-foot buffer that extends near the northwest corner of the site. The buffer does not encroach onto the site based on information provided on the Oregon City GIS mapping online utility.

The project includes construction of multi-family residential buildings, driveway and parking areas, and stormwater facilities. A preliminary site plan provided to us indicates the existing home on the east property (545 Holmes Lane) will be retained, although the outbuildings will be removed. An extension of Rilance Lane will traverse the site north-south, and connect to Mountainview Street to the north. A water quality facility is planned in the west-central portion of the site.

REGIONAL GEOLOGY AND SEISMIC SETTING

The subject site lies within the Portland Basin, a broad structural depression situated between the Coast Range on the west and the Cascade Range on the east. The Portland Basin is a northwest-southwest trending structural basin produced by broad regional downwarping of the area. The Portland Basin is approximately 20 miles wide and 45 miles long and is filled with consolidated and unconsolidated sedimentary rocks of late Miocene, Pliocene and Pleistocene age.

Geologic maps indicate the subject site is underlain by the Boring Lava lithologic unit which consists of basaltic and basaltic andesite lava flows erupted from a series of local volcanic vents during Plio-Pleistocene time (about 600,000 thousand to 2.6 million years ago) (Trimble, 1963; Madin, 1990). The total thickness of the Boring Lava unit ranges from greater than 600 feet near vents to less than 50 feet on the outer margins.

At least three major seismic source zones capable of generating damaging earthquakes are known to exist in the region. These include the Portland Hills Fault Zone, Gales Creek-Newberg-Mt. Angel Structural Zone, and the Cascadia Subduction Zone. These potential earthquake source zones are included in the determination of seismic design values for structures, as presented in the *Seismic Design* section.

FIELD EXPLORATION

Backhoe Test Pits

The site-specific exploration for this study was conducted on April 3, 2020 and consisted of five test pits (designated TP-1 through TP-5), excavated to a maximum depths of 4 to 7 feet below ground surface (bgs) at the approximate locations shown on the attached Site Plan, Figure 2. It should be noted that exploration locations were determined in the field by pacing or taping distances from apparent property corners and other site features shown on the plans provided. As such, the locations of the explorations should be considered approximate.

Explorations were conducted under the full-time observation of HGSI personnel. Soil samples obtained from the explorations were classified in the field and representative portions were placed in relatively air-tight plastic bags. These soil samples were then returned to the laboratory for further examination. Pertinent information including soil sample depths, stratigraphy, soil engineering characteristics, and groundwater occurrence was recorded. Soils were classified in general accordance with the Unified Soil Classification System.

Summary exploration logs are attached to this report. The stratigraphic contacts shown on the individual logs represent the approximate boundaries between soil types. The actual transitions may be more gradual. The soil and groundwater conditions depicted are only for the specific dates and locations reported, and therefore, are not necessarily representative of other locations and times.

Infiltration Testing

On April 3, 2020, HGSI performed falling head infiltration tests using the open pit method in test pits TP-1 and TP-2. Soils were pre-saturated for several hours prior to testing. Infiltration tests were performed by measuring the water level at one minute intervals using HOBO™ data loggers, which measures water pressure corrected for temperature and barometric pressure. See attached HOBO™ water level data logger plots. The infiltration rate was determined based on the slope of the water depth line near the end the test. Table 1 presents the results of the falling head infiltration tests.

Table 1. Summary of Infiltration Test Results

Test Pit	Depth (feet)	Soil Type	Infiltration Rate (in/hr)	Hydraulic Head Range during Testing (inches)
TP-1	5	Clayey SILT	0.13	7.5 – 7.3
TP-2	5	Clayey SILT	0.25	11 – 10.5

Dynamic Cone Penetrometer (DCP) Testing and Subgrade Soil Evaluation

On April 3, 2020, HGSi conducted Dynamic Cone Penetrometer (DCP) tests along the alignment of the proposed street, to evaluate subgrade soil strength. Test equipment and methodology were in general accordance with ASTM Test Method D6951/D6951M – 09, *Standard Test Method for Use of the Dynamic Cone Penetrometer in Shallow Pavement Applications*. Correlated California Bearing Ratio (CBR) values at the test locations are summarized in Table 2, for the depth intervals indicated. Correlated CBR values were determined using ASTM D6951/D6951M - 09.

Table 2. DCP Field Test Results and Correlated CBR Values

Test Designation	Test Location	Material Tested	Depth Interval (feet bgs)	Correlated CBR
DCP-1	Rilance Lane at Holmes Lane (see Fig. 2)	Native Clayey Silt	2.5 – 3.3	8
DCP-2	Rilance Lane site interior (see Fig. 2)	Native Clayey Silt	3.1 – 3.5	5
DCP-3	Rilance Lane at Mountain-view Street (see Fig. 2)	Native Clayey Silt	2.3 – 3.5	7

SUBSURFACE CONDITIONS

The following discussion is a summary of subsurface conditions encountered in our explorations. For more detailed information regarding subsurface conditions at specific exploration locations, refer to the attached exploration logs. Also, please note that subsurface conditions can vary between exploration locations, as discussed in the *Uncertainty and Limitations* section below.

Soil

On-site soils are anticipated to consist of undocumented fill, topsoil, and native soil as described below.

Undocumented Fill – Undocumented fill was encountered in TP-3, which may have been in an area of septic drainfield. The fill in TP-3 consisted of soft, unconsolidated clayey silt extending to a depth of about 4 feet bgs, where the pit was terminated to avoid damaging any drain field pipes.

Localized areas of undocumented fill may be present in the vicinity of the existing structures, driveway, or in other areas beyond our exploration locations.

Topsoil – Topsoil was encountered in all test pits, and extended to depths of about 8 to 12 inches. These soils generally consisted of dark brown, organic silt (OL), with the upper approximately 6 inches of topsoil being highly organic. In some areas, topsoil may be thicker due to historic tilling or other agricultural activities.

Native Soil and Residual Soils – Underlying the topsoil in all test pits except TP-3, we encountered stiff clayey silt, extending to depths of about 2 to 5 feet bgs. Below the stiff clayey silt, all test pits except TP-3 encountered residual soils; typically very stiff to hard clayey silt, with less weathered rock fragments (residual soils). Test pit TP-4 encountered refusal to the small backhoe equipment used for the exploration at a depth of about 7 feet. TP-5 was terminated at about 5.5 feet bgs on a large unweathered boulder, covering nearly the entire extent of the test pit bottom.

Groundwater

During the field exploration, no groundwater seepage was encountered in the test pits. Perched groundwater conditions often occur over fine-grained native deposits such as those beneath the site, particularly during the wet season. It is anticipated that groundwater conditions will vary depending on the season, local subsurface conditions, changes in site utilization, and other factors. The groundwater conditions reported above are for the specific date and locations indicated, and therefore may not necessarily be indicative of other times and/or locations.

CONCLUSIONS AND RECOMMENDATIONS

Results of this study indicate that the proposed development is geotechnically feasible, provided that the recommendations of this report are incorporated into the design and construction phases of the project. No slope stability hazard areas were identified on site, and none are indicated by available geologic and hazard mapping at the time of this report. Recommendations are presented below regarding site preparation, engineered fill, wet weather earthwork, spread footing foundations, below grade structural retaining walls, perimeter footing drains, seismic design, stormwater infiltration systems, excavating conditions and utility trench backfill, typical pavement sections, and erosion control considerations.

Site Preparation

The areas of the site to be graded should first be cleared of vegetation and any loose debris; and debris from clearing should be removed from the site. Organic-rich topsoil should then be removed to competent native soils. We anticipate that the average depth of topsoil stripping will be 8 to 12 inches over most of the site. The final depth of stripping removal may vary depending on local subsurface conditions and the contractor's methods, and should be determined on the basis of site observations after the initial stripping has been performed. Stripped organic soil should be stockpiled only in designated areas or removed from the site and stripping operations should be observed and documented by HGSI. Existing subsurface structures (tile drains, old utility lines, septic drain fields, etc.) beneath areas of proposed structures and pavement should be removed and the excavations backfilled with engineered fill.

Undocumented fill was encountered in TP-3, which is thought to have been located in a septic drain field area. There is potential for old fills to be present on site in areas beyond our explorations. Where encountered beneath proposed structures, pavements, or other settlement-sensitive improvements, undocumented fill should be removed down to firm inorganic native soils and the removal area backfilled with engineered fill (see below). HGSI should observe removal excavations (if any) prior to fill placement to verify that overexcavations are adequate and an appropriate bearing stratum is exposed.

In construction areas, once stripping has been verified, the area should be ripped or tilled to a depth of 12 inches, moisture conditioned, and compacted in-place prior to the placement of engineered fill. Exposed subgrade soils should be evaluated by HGSI. For large areas, this evaluation is normally performed by proof-rolling the exposed subgrade with a fully loaded scraper or dump truck. For smaller areas where access is restricted, the subgrade should be evaluated by probing the soil with a steel probe. Soft/loose soils identified during subgrade preparation should be compacted to a firm and unyielding condition or over-excavated and replaced with engineered fill, as described below. The depth of overexcavation, if required, should be evaluated by HGSI at the time of construction.

Engineered Fill

In general, we anticipate that on-site soils will be suitable for use as engineered fill in dry weather conditions, provided they are relatively free of organics and are properly moisture conditioned for compaction. Imported fill material must be approved by the geotechnical engineer prior to being imported to the site. Oversize material greater than 6 inches in size should not be used within 3 feet of foundation footings, and material greater than 12 inches in diameter should not be used in engineered fill.

Engineered fill should be compacted in horizontal lifts not exceeding 8 inches using standard compaction equipment. We recommend that engineered fill be compacted to at least 90 percent of the maximum dry density determined by ASTM D1557 (Modified Proctor) or equivalent. On-site soils may be wet or dry of optimum; therefore, we anticipate that moisture conditioning of native soil will be necessary for compaction operations.

Proper test frequency and earthwork documentation usually requires daily observation and testing during stripping, rough grading, and placement of engineered fill. Field density testing should conform to ASTM D2922 and D3017, or D1556. Engineered fill should be periodically observed and tested by HGSI. Typically, one density test is performed for at least every 2 vertical feet of fill placed or every 500 yd³, whichever requires more testing.

Wet Weather Earthwork

The on-site soils are moisture sensitive and may be difficult to handle or traverse with construction equipment during periods of wet weather. Earthwork is typically most economical when performed under dry weather conditions. Earthwork performed during the wet-weather season will probably require expensive measures such as cement treatment or imported granular material to compact fill to the recommended engineering specifications. If earthwork is to be performed or fill is to be placed in wet weather or under wet conditions when soil moisture content is difficult to control, the following recommendations should be incorporated into the contract specifications.

- Earthwork should be performed in small areas to minimize exposure to wet weather. Excavation or the removal of unsuitable soils should be followed promptly by the placement and compaction of clean engineered fill. The size and type of construction equipment used may have to be limited to prevent soil disturbance. Under some circumstances, it may be necessary to excavate soils with a backhoe to minimize subgrade disturbance caused by equipment traffic;
- The ground surface within the construction area should be graded to promote run-off of surface water and to prevent the ponding of water;
- Material used as engineered fill should consist of clean, granular soil containing less than about 7 percent fines. The fines should be non-plastic. Alternatively, cement treatment of on-site soils may be performed to facilitate wet weather placement;

April 28, 2020

HGSI Project No. 20-2575

- The ground surface within the construction area should be sealed by a smooth drum vibratory roller, or equivalent, and under no circumstances should be left uncompacted and exposed to moisture. Soils which become too wet for compaction should be removed and replaced with clean granular materials;
- Excavation and placement of fill should be observed by the geotechnical engineer to verify that all unsuitable materials are removed and suitable compaction and site drainage is achieved; and
- Bales of straw and/or geotextile silt fences should be strategically located to control erosion.

If cement or lime treatment is used to facilitate wet weather construction, HGSI should be contacted to provide additional recommendations and field monitoring.

Spread Footing Foundations

Shallow, conventional isolated or continuous spread footings may be used to support the proposed structures, provided they are founded on competent native soils, or compacted engineered fill placed directly upon the competent native soils. We recommend a maximum allowable bearing pressure of 2,000 pounds per square foot (psf) for designing spread footings bearing on undisturbed native soils or engineered fill. The recommended maximum allowable bearing pressure may be increased by a factor of 1.33 for short term transient conditions such as wind and seismic loading. All footings should be founded at least 18 inches below the lowest adjacent finished grade. Minimum footing widths should be determined by the project engineer/architect in accordance with applicable design codes.

Assuming construction is accomplished as recommended herein, and for the foundation loads anticipated, we estimate total settlement of spread foundations of less than about 1 inch and differential settlement between two adjacent load-bearing components supported on competent soil of less than about ½ inch. We anticipate that the majority of the estimated settlement will occur during construction, as loads are applied.

Wind, earthquakes, and unbalanced earth loads will subject the proposed structure to lateral forces. Lateral forces on a structure will be resisted by a combination of sliding resistance of its base or footing on the underlying soil and passive earth pressure against the buried portions of the structure. For use in design, a coefficient of friction of 0.45 may be assumed along the interface between the base of the footing and subgrade soils. Passive earth pressure for buried portions of structures may be calculated using an equivalent fluid weight of 390 pounds per cubic foot (pcf), assuming footings are cast against dense, natural soils or engineered fill. The recommended coefficient of friction and passive earth pressure values do not include a safety factor. The upper 12 inches of soil should be neglected in passive pressure computations unless it is protected by pavement or slabs on grade.

Footing excavations should be trimmed neat and the bottom of the excavation should be carefully prepared. Loose, wet or otherwise softened soil should be removed from the footing excavation prior to placing reinforcing steel bars. HGSI should observe foundation excavations to verify that adequate bearing soils have been reached. Due to the high moisture sensitivity of on-site soils, construction during wet weather may require overexcavation of footings and backfill with compacted, crushed aggregate.

Below-Grade Structural Retaining Walls

Lateral earth pressures against below-grade retaining walls will depend upon the inclination of any adjacent slopes, type of backfill, degree of wall restraint, method of backfill placement, degree of backfill compaction, drainage provisions, and magnitude and location of any adjacent surcharge loads. At-rest soil pressure is exerted on a retaining wall when it is restrained against rotation. In contrast, active soil pressure will be exerted on a wall if its top is allowed to rotate or yield a distance of roughly 0.001 times its height or greater.

If the subject retaining walls will be free to rotate at the top, they should be designed for an active earth pressure equivalent to that generated by a fluid weighing 35 pcf for level backfill against the wall. For restrained walls, an at-reset equivalent fluid pressure of 54 pcf should be used in design, again assuming level backfill against the wall. These values assume that the recommended drainage provisions are incorporated, and hydrostatic pressures are not allowed to develop against the wall.

During a seismic event, lateral earth pressures acting on below-grade structural walls will increase by an incremental amount that corresponds to the earthquake loading. Based on the Mononobe-Okabe equation and peak horizontal accelerations appropriate for the site location, seismic loading should be modeled using the active or at-rest earth pressures recommended above, plus an incremental rectangular-shaped seismic load of magnitude $5H$, where H is the total height of the wall.

We assume relatively level ground surface below the base of the walls. As such, we recommend passive earth pressure of 390 pcf for use in design, assuming wall footings are cast against competent native soils or engineered fill. If the ground surface slopes down and away from the base of any of the walls, a lower passive earth pressure should be used and HGSI should be contacted for additional recommendations.

A coefficient of friction of 0.5 may be assumed along the interface between the base of the wall footing and subgrade soils. The recommended coefficient of friction and passive earth pressure values do not include a safety factor, and an appropriate safety factor should be included in design. The upper 12 inches of soil should be neglected in passive pressure computations unless it is protected by pavement or slabs on grade.

The above recommendations for lateral earth pressures assume that the backfill behind the subsurface walls will consist of properly compacted structural fill, and no adjacent surcharge loading. If the walls will be subjected to the influence of surcharge loading within a horizontal distance equal to or less than the height of the wall, the walls should be designed for the additional horizontal pressure. For uniform surcharge pressures, a uniformly distributed lateral pressure of 0.3 times the surcharge pressure should be added.

The recommended equivalent fluid densities assume a free-draining condition behind the walls so that hydrostatic pressures do not build up. This can be accomplished by placing a 12- to 18-inch wide zone of crushed drain rock containing less than 5 percent fines against the walls. A 3-inch minimum diameter perforated, plastic drain pipe should be installed at the base of the walls and connected to a sump to remove water from the crushed drain rock zone. The drain pipe should be wrapped in filter fabric (Mirafi 140N or other as approved by the geotechnical engineer) to minimize clogging. The above drainage measures are intended to remove water from behind the wall to prevent hydrostatic pressures from building up. Additional drainage measures may be specified by the project architect or structural engineer, for damp-proofing or other reasons.

HGSI should be contacted during construction to verify subgrade strength in wall keyway excavations, to verify that backslope soils are in accordance with our assumptions, and to take density tests on the wall backfill materials.

Concrete Slabs-on-Grade

Preparation of areas beneath concrete slab-on-grade floors should be performed as recommended in the *Site Preparation* section. Care should be taken during excavation for foundations and floor slabs, to avoid disturbing subgrade soils. If subgrade soils have been adversely impacted by wet weather or otherwise disturbed, the surficial soils should be scarified to a minimum depth of 8 inches, moisture conditioned to within about 3 percent of optimum moisture content, and compacted to engineered fill specifications. Alternatively, disturbed soils may be removed and the removal zone backfilled with additional crushed rock.

For evaluation of the concrete slab-on-grade floors using the beam on elastic foundation method, a modulus of subgrade reaction of 200 kcf (115 pci) should be assumed for the soils anticipated at subgrade depth. This value assumes the concrete slab system is designed and constructed as recommended herein, with a minimum thickness of crushed rock of 8 inches beneath the slab.

Interior slab-on-grade floors should be provided with an adequate moisture break. The capillary break material should consist of ODOT open graded aggregate per ODOT Standard Specifications 02630-2. The minimum recommended thickness of capillary break materials on re-compacted soil subgrade is 8 inches. The total thickness of crushed aggregate will be dependent on the subgrade conditions at the time of construction, and should be verified visually by proof-rolling. Under-slab aggregate should be compacted to at least 90% of its maximum dry density as determined by ASTM D1557 or equivalent.

In areas where moisture will be detrimental to floor coverings or equipment inside the proposed structure, appropriate vapor barrier and damp-proofing measures should be implemented. A commonly applied vapor barrier system consists of a 10-mil polyethylene vapor barrier placed directly over the capillary break material. Other damp/vapor barrier systems may also be feasible. Appropriate design professionals should be consulted regarding vapor barrier and damp proofing systems, ventilation, building material selection, radon and mold prevention issues, which are outside HGSI's area of expertise.

Perimeter Footing Drains

We recommend the outside edge of perimeter footings be provided with a drainage system consisting of 3-inch minimum diameter perforated pipe embedded in a minimum of 1 ft³ per lineal foot of clean, crushed drain rock. The drain pipe and surrounding drain rock should be wrapped in non-woven geotextile (Mirafi 140N, or approved equivalent) to minimize the potential for clogging and/or ground loss due to piping. Water collected from the footing drains should be directed into the local storm drain system or other suitable outlet. A minimum 0.5 percent fall should be maintained throughout the drain and non-perforated pipe outlet. The footing drains should include clean-outs to allow periodic maintenance and inspection.

Down spouts and roof drains should collect roof water in a system separate from the footing drains in order to reduce the potential for clogging. Roof drain water should be directed to an appropriate discharge point well away from structural foundations. Grades should be sloped downward and away from buildings to reduce the potential for ponded water near structures.

Seismic Design

Structures should be designed to resist earthquake loading in accordance with the methodology described in the current Oregon Structural Specialty Code (OSSC). We recommend Site Class D (Stiff Soils) be used for design per the OSSC, which references ASCE 7. Design values determined for the site using the ASCE 7-16 Hazard Tool are summarized on Table 3, for Risk Category III.

Table 3. Recommended Earthquake Ground Motion Parameters (ASCE 7-16)

Parameter	Value
Location (Lat, Long), degrees	45.3429, -122.6010
Mapped Spectral Acceleration Values (MCE, Site Class B):	
Short Period, S_s	0.823 g
1.0 Sec Period, S_1	0.37 g
Design Values for Site Class D (Stiff Soils):	
Peak Ground Acceleration PGA_M	0.455
F_a	1.171
F_v	N.A.
$SD_s = 2/3 \times F_a \times S_s$	0.643 g
$SD_1 = 2/3 \times F_v \times S_1$	N.A.

Soil liquefaction is a phenomenon wherein saturated soil deposits temporarily lose strength and behave as a liquid in response to earthquake shaking. Soil liquefaction is generally limited to loose, granular soils located below the water table. Following development, on-site soils will consist predominantly of engineered fill and stiff to very stiff silt and clay, which are not considered susceptible to liquefaction. Therefore, it is our opinion that special design or construction measures are not required to mitigate the effects of liquefaction.

Stormwater Infiltration Systems

Our main focus for infiltration testing was in the west-central portion of the site, based on input from the project team. Infiltration rates of 0.13 and 0.25 inches / hour were measured at depths of 5 feet in TP-1 and TP-2 respectively.

Based on results of the infiltration testing, the site is not well suited for use of deep infiltration systems such as dry wells due to weathered rock at depth beneath the site. Some opportunity for infiltration may be realized in the upper part of the soil profile, where an ultimate infiltration rate of 0.13 inches/hour is recommended for design of stormwater planters, pervious pavements, or other shallow facilities. We recommend the system designer select an appropriate infiltration rate based on the depth and location of proposed facilities. The infiltration rates do not incorporate a factor of safety; many local agencies require a minimum factor of safety of 2.0 be applied to the measured (ultimate) infiltration rate. For the design infiltration rate, the system designer should incorporate an appropriate factor of safety against slowing of the rate over time due to biological and sediment clogging.

Infiltration test methods and procedures attempt to simulate the as-built conditions of the planned disposal system. However, due to natural variations in soil properties, actual infiltration rates may vary from the measured and/or recommended design rates. All systems should be constructed such that potential overflow is discharged in a controlled manner away from structures, and all systems should include an adequate factor of safety. Infiltration rates presented in this report should not be applied to inappropriate or complex hydrological models such as a closed basin without extensive further studies.

Excavating Conditions and Utility Trench Backfill

We anticipate that on-site soils can be excavated to depths of at least 10 feet using conventional heavy equipment such as trackhoes. The small backhoe used for this exploration encountered refusal at a depth of

about 7 feet in TP-4, on hard residual soils with rock fragments. TP-5 was terminated due to a large boulder in the bottom of the pit at 5.5 feet bgs. It is likely that large excavator equipment equipped with rock teeth can achieve greater excavation depths; although the presence of boulders should be anticipated in subsurface excavations. Should the combined depth of any planned cuts and utilities exceed about 12 feet, we recommend additional subsurface explorations to evaluate rippability at the deep cut location(s).

Maintenance of safe working conditions, including temporary excavation stability, is the responsibility of the contractor. Actual slope inclinations at the time of construction should be determined based on safety requirements and actual soil and groundwater conditions. All temporary cuts in excess of 4 feet in height should be sloped in accordance with U.S. Occupational Safety and Health Administration (OSHA) regulations (29 CFR Part 1926), or be shored. The existing native soils classify as Type B Soil and temporary excavation side slope inclinations as steep as 1H:1V may be assumed for planning purposes. This cut slope inclination is applicable to excavations above the water table only. Flatter temporary excavation slopes will be needed if groundwater is present, or if significant thicknesses of sandy soils are present in excavation sidewalls.

Perched groundwater conditions often occur over fine-grained native deposits such as those beneath the site, particularly during the wet season. If encountered, the contractor should be prepared to implement an appropriate dewatering system for installation of the utilities. At this time, we anticipate that dewatering systems consisting of ditches, sumps and pumps would be adequate for control of groundwater where encountered during construction conducted during the dry season. Regardless of the dewatering system used, it should be installed and operated such that in-place soils are prevented from being removed along with the groundwater.

Vibrations created by traffic and construction equipment may cause some caving and raveling of excavation walls. In such an event, lateral support for the excavation walls should be provided by the contractor to prevent loss of ground support and possible distress to existing or previously constructed structural improvements.

Utility trench backfill should consist of $\frac{3}{4}$ "-0 crushed rock, compacted to at least 90% of the maximum dry density obtained by Modified Proctor (ASTM D1557) or equivalent. Initial backfill lift thicknesses for a $\frac{3}{4}$ "-0 crushed aggregate base may need to be as great as 4 feet to reduce the risk of flattening underlying flexible pipe. Subsequent lift thickness should not exceed 1 foot. If imported granular fill material is used, then the lifts for large vibrating plate-compaction equipment (e.g. hoe compactor attachments) may be up to 2 feet, provided that proper compaction is being achieved and each lift is tested. Use of large vibrating compaction equipment should be carefully monitored near existing structures and improvements due to the potential for vibration-induced damage.

Adequate density testing should be performed during construction to verify that the recommended relative compaction is achieved. Typically, one density test is taken for every 4 vertical feet of backfill on each 200-lineal-foot section of trench.

New Pavement Sections

Design Recommendations

For design of new pavement sections, we used the AASHTO design methodology with initial serviceability index of 4.2, terminal serviceability of 2.5 and 20-year pavement performance period, in accordance with agency requirements. We applied a 3% growth rate to traffic volume over the 20-year performance period. Resilient modulus of subgrade soils was conservatively taken at 7,500 pci; equivalent to a CBR of 5. This is the lower bound test result from Table 2.

Table 4 summaries estimated traffic, and equivalent 18-kip axle loads (ESALs) for the various pavement sections analyzed as part of the project:

Table 4 – Assumed 2019 Peak Traffic Volumes (ADT)

Location	Average Daily Traffic (ADT), Two-Way	Heavy Truck %	Equivalent 18-kip Axle Loads (ESALs)
Rilance and Mountainview	2,000	3	505,853
On-Site Driveways	500	3	126,463

Pavement section calculations are attached, based on the AASHTO methodology and a 20-year performance period. Table 5 summarizes the recommended dry weather pavement sections for the various street classifications.

Table 5 - Recommended Minimum Pavement Sections

Location	Layer Thickness (inches)		
	AC	¾"-0	1½"-0
Rilance and Mountainview	4	2	10
On-Site Driveways	3	2	8

AC = Asphaltic Cement Concrete
 ¾"-0 = Crushed Rock leveling course
 1½"-0 = Crushed Rock base course

Construction Recommendations

Subgrade soils in new pavement areas should be prepared by moisture conditioning and recompacting to a minimum of 95 percent of Standard Proctor (ASTM D698 or AASHTO T-99). A proof-roll of the subgrade using a 10 cubic yard dump truck, fully loaded with rock, or equivalent loaded vehicle shall be observed by the agency's representative and HGSI. Soft areas shall be repaired or replaced and re-proof rolled until the subgrade is deemed satisfactory by the agency and approved by HGSI. During periods of wet weather, the proof-roll should occur after placement of the base course material to avoid disturbance of subgrade soils.

Base rock should be compacted to a minimum of 95 percent of Modified Proctor (ASTM D1557 or AASHTO T-180). Maximum AC lift thickness is 3 inches. Asphaltic concrete paving should generally be placed and compacted in two lifts, to a minimum of 92% of Rice Density in accordance with agency standards. Pavement section cases where recommended AC thickness is 3 inches or less may be placed in a single lift.

During placement of pavement section materials, density testing should be performed to verify compliance with project specifications. We recommend at least one density test per each lift of

crushed rock or AC, for each approximately 100-foot length of roadway improvements. In addition, density testing may be required at random locations at the agency Inspector's discretion.

Wet Weather Pavement Sections

The following wet weather pavement section recommendations are intended for use in situations where it is not feasible to compact the subgrade soils to agency requirements, due to wet subgrade soil conditions and/or construction during wet weather.

Based on our site review, we recommend a wet weather section with a minimum subgrade deepening of 6 inches to accommodate a working subbase of additional 1½"-0 crushed rock. Geotextile fabric, Mirafi 500x or equivalent, should be placed on subgrade soils prior to placement of base rock.

In some instances it may be preferable to use Special Treated Base (STB) in combination with overexcavation and increasing the thickness of the rock section. Also, cement treating of the roadway subbase is considered sufficient wet weather treatment, and may allow reduction of base rock thicknesses where used. HGSI should be consulted for additional recommendations regarding use of STB or cement treatment in wet weather pavement sections if it is desired to pursue either of these alternatives.

With implementation of the above recommendations, it is our opinion that the resulting pavement section will provide equivalent or greater structural strength than the dry weather pavement section currently planned. However, it should be noted that construction in wet weather is risky and the performance of pavement subgrades depend on a number of factors including the weather conditions, the contractor's methods, and the amount of traffic the road is subjected to. There is a potential that soft spots may develop even with implementation of the wet weather provisions recommended in this letter. If soft spots in the subgrade are identified during roadway excavation, or develop prior to paving, the soft spots should be overexcavated and backfilled with additional crushed rock.

During subgrade excavation, care should be taken to avoid disturbing the subgrade soils. Removals should be performed using an excavator with a smooth-bladed bucket. Truck traffic should be limited until an adequate working surface has been established. We suggest that the crushed rock be spread using bulldozer equipment rather than dump trucks, to reduce the amount of traffic and potential disturbance of subgrade soils.

Care should be taken to avoid overcompaction of the base course materials, which could create pumping, unstable subgrade soil conditions. Heavy and/or vibratory compaction efforts should be applied with caution. Following placement and compaction of the crushed rock to project specifications (95% of Modified Proctor), a finish proof-roll should be performed before paving.

The above recommendations are subject to field verification. HGSI should be on-site during construction to verify subgrade strength and to take density tests on the engineered fill, base rock and asphaltic pavement materials.

Erosion Control Considerations

Based on our subsurface exploration we did not encounter soils considered particularly susceptible to erosion. Erosion during construction can be minimized by implementing the project erosion control plan, which should include judicious use of bio-bags, silt fences, or other appropriate technology. Where used, erosion control devices should be in place and remain in place throughout site preparation and construction.

Erosion and sedimentation of exposed soils can also be minimized by quickly re-vegetating exposed areas of soil, and by staging construction such that large areas of the project site are not denuded and exposed at the same time. Areas of exposed soil requiring immediate and/or temporary protection against exposure should be covered with either mulch or erosion control netting/blankets. Areas of exposed soil requiring permanent stabilization should be seeded with an approved grass seed mixture, or hydroseeded with an approved seed-mulch-fertilizer mixture.

UNCERTAINTIES AND LIMITATIONS

We have prepared this report for the owner and his/her consultants for use in design of this project only. This report should be provided in its entirety to prospective contractors for bidding and estimating purposes; however, the conclusions and interpretations presented in this report should not be construed as a warranty of the subsurface conditions. Experience has shown that soil and groundwater conditions can vary significantly over small distances. Inconsistent conditions can occur between explorations that may not be detected by a geotechnical study. If, during future site operations, subsurface conditions are encountered which vary appreciably from those described herein, HGSI should be notified for review of the recommendations of this report, and revision of such if necessary.

Sufficient geotechnical monitoring, testing and consultation should be provided during construction to confirm that the conditions encountered are consistent with those indicated by explorations. Recommendations for design changes will be provided should conditions revealed during construction differ from those anticipated, and to verify that the geotechnical aspects of construction comply with the contract plans and specifications.

Within the limitations of scope, schedule and budget, HGSI executed these services in accordance with generally accepted professional principles and practices in the field of geotechnical engineering at the time the report was prepared. No warranty, expressed or implied, is made. The scope of our work did not include environmental assessments or evaluations regarding the presence or absence of wetlands or hazardous or toxic substances in the soil, surface water, or groundwater at this site.



We appreciate this opportunity to be of service.

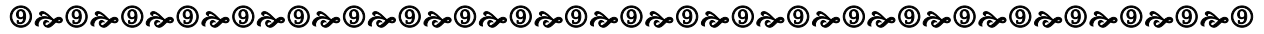
Sincerely,

HARDMAN GEOTECHNICAL SERVICES INC.

Scott L. Hardman, P.E., G.E.
Geotechnical Engineer



Attachments: Reference
Figure 1 – Vicinity Map
Figure 2 – Site Plan
Logs of Backhoe Test Pits TP-1 through TP-5
Infiltration Test Results, TP-1 and TP-2
ASCE 7-16 Seismic Hazard Tool Output (3 pages)



REFERENCE

- Madin, I.P., 1990, Earthquake hazard geology maps of the Portland metropolitan area, Oregon: Oregon Department of Geology and Mineral Industries Open-File Report 0-90-2, scale 1:24,000, 22 p.
- Trimble, D.E., 1963, Geology of Portland, Oregon and adjacent areas; US Geological Survey Bulletin B-1119, Scale 1:62,500.



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Item 3a.

VICINITY MAP



Base Map: USGS Oregon City Quad, from US Topo, 2015

Not to Scale

Project: 535 Holmes Lane Property
Oregon City, Oregon

Project No. 20-2575

FIGURE 1

Page 745



SITE PLAN



Legend

TP-1 Test Pit Designation and
Approximate Location

DCP-1 Dynmanic Cone Penetrometer (DCP)
and Approximate Location

TEST PIT EXCAVATION LOG

Project: Holmes Lane
Oregon City, Oregon

Project No. 20-2575

Test Pit No.: TP - 1

Depth (ft)	Pocket Penetrometer (tons/ft ²)	Sample Interval	Sample Designation	Moisture Content (%)	Groundwater	Material Description
1						Soft, moist SILT, dark brown, highly organic (Topsoil)
2						Stiff, clayey SILT, reddish brown, moist (Residual Soil)
3	3.5					Very stiff, clayey SILT with weathered rock, reddish brown with yellow and black weathered rock fragments (Residual Soil)
4	4.5					
5						Test pit terminated at 5 feet No groundwater was observed Infiltration testing conducted
6						
7						
8						



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LEGEND



S-1

Soil Sample Depth
Interval and Designation



Water Level at
Time of Excavation

Date Excavated: 4/3/2020

Logged By: CSH

TEST PIT EXCAVATION LOG

Project: Holmes Lane
Oregon City, Oregon

Project No. 20-2575

Test Pit No.: TP - 2

Depth (ft)	Pocket Penetrometer (tons/ft ²)	Sample Interval	Sample Designation	Moisture Content (%)	Groundwater	Material Description
1						Soft, moist SILT, dark brown, highly organic (Topsoil)
2						Stiff, clayey SILT, reddish brown, moist (Residual Soil)
3						
4	4.0		2A			Very stiff, clayey SILT with weathered rock, reddish brown with yellow and black weathered rock fragments (Residual Soil)
5						Test pit terminated at 5 feet No groundwater was observed Infiltration testing conducted
6						
7						
8						



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S-1

Soil Sample Depth
Interval and Designation



Water Level at
Time of Excavation

Date Excavated: 4/3/2020

Logged By: CSH

TEST PIT EXCAVATION LOG

Project: Holmes Lane
Oregon City, Oregon

Project No. 20-2575

Test Pit No.: TP - 3

Depth (ft)	Pocket Penetrometer (tons/ft ²)	Sample Interval	Sample Designation	Moisture Content (%)	Groundwater	Material Description
1						Soft, moist SILT, dark brown, highly organic (Topsoil)
2						Soft, clayey SILT, brown, very moist, unconsolidated (Undocumented Fill)
3						
4						Test pit terminated at 4 feet No groundwater was observed
5						
6						
7						
8						



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S-1

Soil Sample Depth
Interval and Designation



Water Level at
Time of Excavation

Date Excavated: 4/3/2020

Logged By: CSH

TEST PIT EXCAVATION LOG

Project: Holmes Lane
Oregon City, Oregon

Project No. 20-2575

Test Pit No.: TP - 4

Depth (ft)	Pocket Penetrometer (tons/ft ²)	Sample Interval	Sample Designation	Moisture Content (%)	Groundwater	Material Description
1						Soft, moist SILT, dark brown, highly organic (Topsoil)
2						Stiff, clayey SILT, reddish brown, moist (Residual Soil)
3		☒	4A			
4						
5						Very stiff, clayey SILT with weathered rock, reddish brown with yellow and black weathered rock fragments (Residual Soil)
6		☒	4B			Weather rock excavating in large fractured chunks 4 to 16 inches
7						Test pit terminated at 7 feet - practical refusal on rock No groundwater was observed
8						



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LEGEND



S-1
Soil Sample Depth
Interval and Designation



Water Level at
Time of Excavation

Date Excavated: 4/3/2020

Logged By: CSH

TEST PIT EXCAVATION LOG

Project: Holmes Lane
Oregon City, Oregon

Project No. 20-2575

Test Pit No.: TP - 5

Depth (ft)	Pocket Penetrometer (tons/ft ²)	Sample Interval	Sample Designation	Moisture Content (%)	Groundwater	Material Description
1						Soft, moist SILT, dark brown, highly organic (Topsoil)
2						Stiff, clayey SILT, reddish brown, moist (Residual Soil)
3						
4						Very stiff, clayey SILT with weathered rock, reddish brown with yellow and black weathered rock fragments (Residual Soil)
5						Boulder in excess of 6ft x 4ft
6						Test pit terminated at 5.5 - refusal on large rock No groundwater was observed
7						
8						



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LEGEND



S-1

Soil Sample Depth
Interval and Designation



Water Level at
Time of Excavation

Date Excavated: 4/3/2020

Logged By: CSH

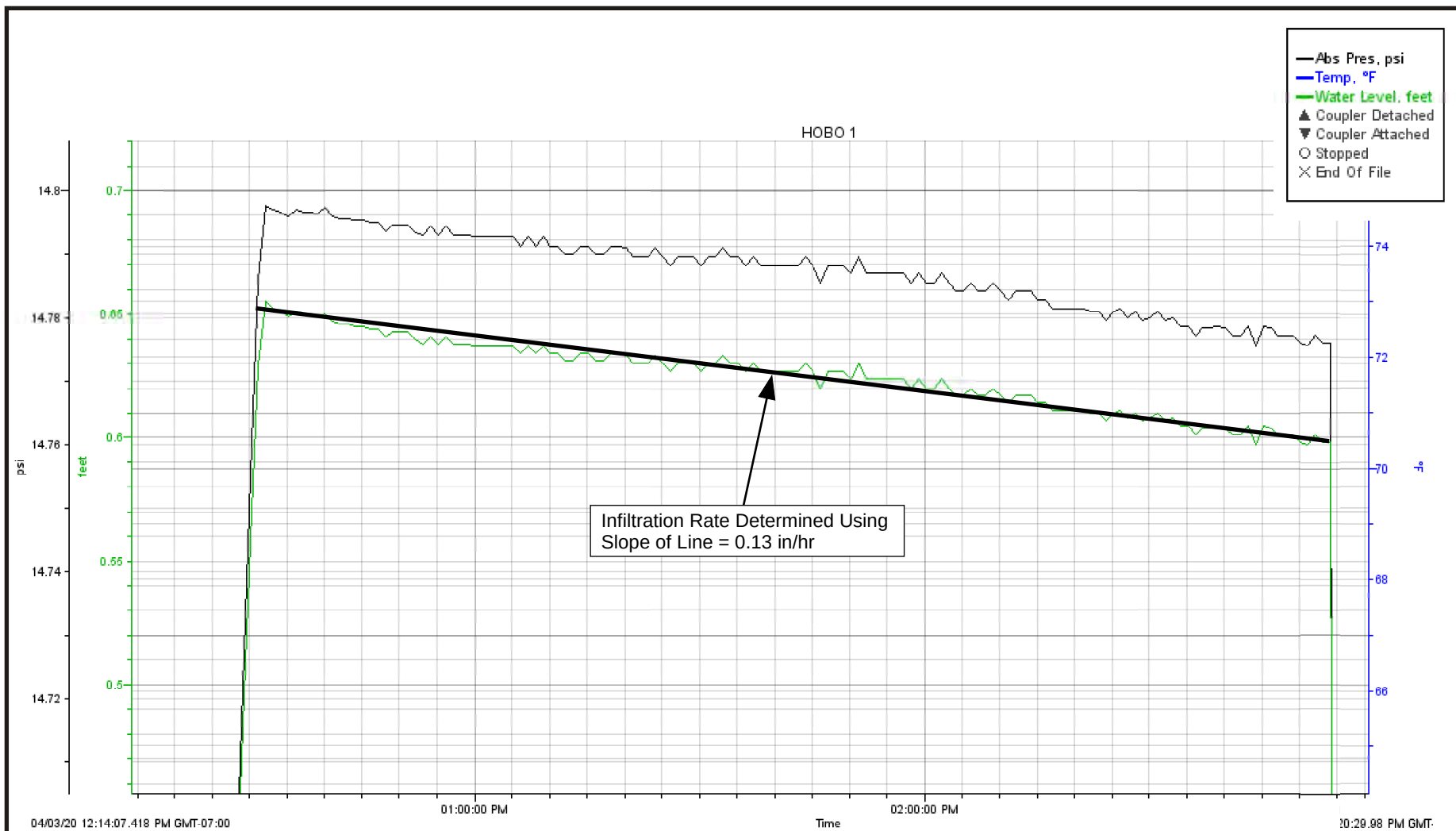


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INFILTRATION TEST DATA

Item 3a.



Project No: 20-2575

Project: 535 and 545 Holmes Lane
Oregon City, Oregon

Date Tested: 4/3/2020
Tested By: EAH

Boring: TP-1
Depth: 5 Feet

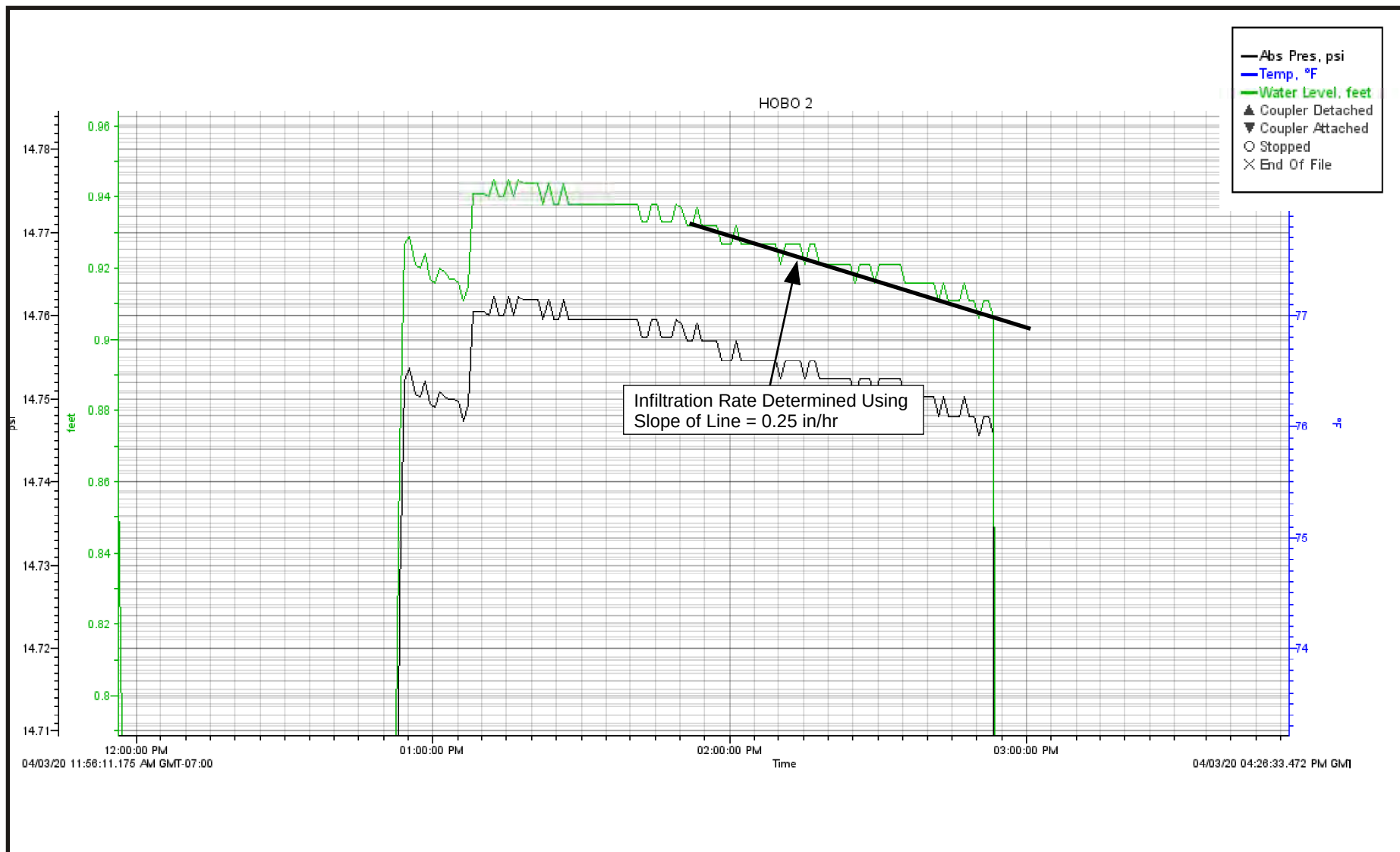


**HARDMAN
GEOTECHNICAL
SERVICES INC.**

Practical, Cost-Effective Geotechnical Solutions

INFILTRATION TEST DATA

Item 3a.



Project No: 20-2575

Project: 535 and 545 Holmes Lane
Oregon City, Oregon

Date Tested: 4/3/2020
Tested By: EAH

Boring: TP-2
Depth: 5 Feet



ASCE 7 Hazards Report

Address:

No Address at This
Location

Standard: ASCE/SEI 7-16

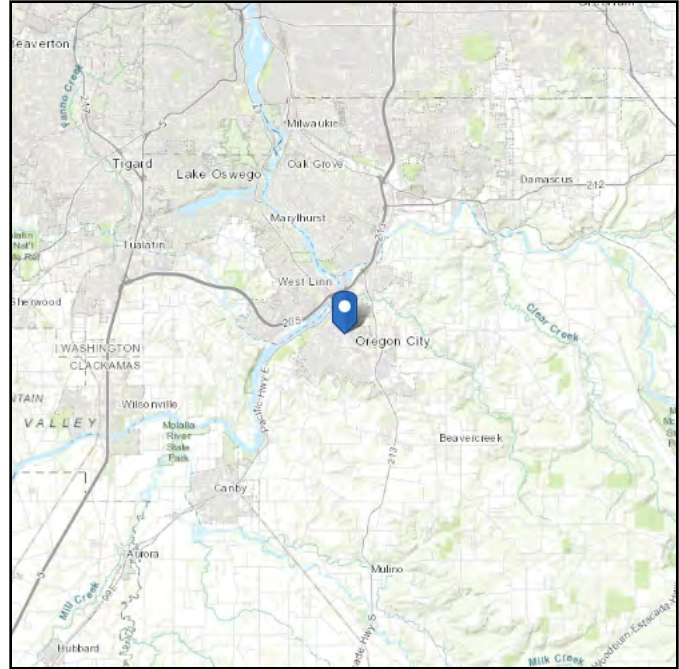
Risk Category: III

Soil Class: D - Stiff Soil

Elevation: 468.14 ft (NAVD 88)

Latitude: 45.3429

Longitude: -122.601



Site Soil Class: D - Stiff Soil

Results:

S_S :	0.823	S_{D1} :	N/A
S_1 :	0.37	T_L :	16
F_a :	1.171	PGA :	0.37
F_v :	N/A	PGA_M :	0.455
S_{MS} :	0.964	F_{PGA} :	1.23
S_{M1} :	N/A	I_e :	1.25
S_{DS} :	0.643	C_v :	1.212

Ground motion hazard analysis may be required. See ASCE/SEI 7-16 Section 11.4.8.

Data Accessed: Tue Apr 28 2020

Date Source: [USGS Seismic Design Maps](#)

The ASCE 7 Hazard Tool is provided for your convenience, for informational purposes only, and is provided “as is” and without warranties of any kind. The location data included herein has been obtained from information developed, produced, and maintained by third party providers; or has been extrapolated from maps incorporated in the ASCE 7 standard. While ASCE has made every effort to use data obtained from reliable sources or methodologies, ASCE does not make any representations or warranties as to the accuracy, completeness, reliability, currency, or quality of any data provided herein. Any third-party links provided by this Tool should not be construed as an endorsement, affiliation, relationship, or sponsorship of such third-party content by or from ASCE.

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WinPAS 12

Item 3a.

Pavement Thickness Design According to
1993 AASHTO Guide for Design of Pavements Structures
American Concrete Pavement Association

ESAL Determination by Traffic Factor

Project Name: Holmes Lane Properties - Oregon City
Route: Rilance Lane and Mountainview St
Location:
Owner/Agency:
Design Engineer: New pavement sections

Traffic Factor

Estimated Rigid Thickness	4.00 inches
Estimated Structural Number	2.5
Terminal Serviceability	2.5
Design Life	20 years
Annual Growth Rate	2.00 percent
Traffic Input by	Day

Traffic Input by

Total Traffic	2-way
Design Lane Distribution	100.00 percent
Directional Distribution	50.00 percent

ESAL Determination by Traffic Input

Traffic Input As

Average Daily Traffic (ADTT)	0.00
> Average Daily Traffic (ADT)	2,000.00
% of Heavy trucks	3.00

ESAL Traffic Factors

Rigid ESAL/Truck	0.00
Flexible ESAL/Truck	1.90

Total Rigid ESAL	0
Total Flexible ESAL	505,853

WinPAS

Pavement Thickness Design According to
1993 AASHTO Guide for Design of Pavements Structures
American Concrete Pavement Association

Flexible Design Inputs

Project Name: Holmes Lane Properties - Oregon City
Route: Rilance Lane and Mountainview St
Location:
Owner/Agency:
Design Engineer: New pavement sections

Flexible Pavement Design/Evaluation

Structural Number	2.97		Subgrade Resilient Modulus	7,500.00	psi
Total Flexible ESALs	505,853		Initial Serviceability	4.20	
Reliability	85.00	percent	Terminal Serviceability	2.50	
Overall Standard Deviation	0.44				

Layer Pavement Design/Evaluation

Layer Material	Layer Coefficient	Drainage Coefficient	Layer Thickness	Layer SN
Asphalt Cement Concrete	0.42	1.00	4.00	1.68
Crushed Stone Base	0.11	1.00	12.00	1.32
			Σ SN	3.00

>2.97
OK

WinPAS 12

Pavement Thickness Design According to 1993 AASHTO Guide for Design of Pavements Structures American Concrete Pavement Association

Item 3a.

ESAL Determination by Traffic Factor

Project Name: Holmes Lane Properties - Oregon City
Route: On Site Driveways
Location:
Owner/Agency:
Design Engineer: New pavement sections

Traffic Factor

Estimated Rigid Thickness	4.00 inches
Estimated Structural Number	2.5
Terminal Serviceability	2.5
Design Life	20 years
Annual Growth Rate	2.00 percent
Traffic Input by	Day

Traffic Input by

Total Traffic	2-way
Design Lane Distribution	100.00 percent
Directional Distribution	50.00 percent

ESAL Determination by Traffic Input

Traffic Input As

Average Daily Traffic (ADTT)	0.00
> Average Daily Traffic (ADT)	500.00 ✓
% of Heavy trucks	3.00

ESAL Traffic Factors

Rigid ESAL/Truck	0.00
Flexible ESAL/Truck	1.90

Total Rigid ESAL	0
Total Flexible ESAL	126,463 ✓

WinPAS

Pavement Thickness Design According to 1993 AASHTO Guide for Design of Pavements Structures American Concrete Pavement Association

Flexible Design Inputs

Project Name: Holmes Lane Properties - Oregon City
Route: On Site Driveways
Location:
Owner/Agency:
Design Engineer: New pavement sections

Flexible Pavement Design/Evaluation

Structural Number	2.35	Subgrade Resilient Modulus	7,500.00 psi
Total Flexible ESALs	126,463	Initial Serviceability	4.20
Reliability	85.00 percent	Terminal Serviceability	2.50
Overall Standard Deviation	0.44		

Layer Pavement Design/Evaluation

Layer Material	Layer Coefficient	Drainage Coefficient	Layer Thickness	Layer SN
Asphalt Cement Concrete	0.42	1.00	3.00	1.26
Crushed Stone Base	0.11	1.00	10.00	1.10
			Σ SN	2.36

72.35
✓OK

Appendix C:

Basin Area Tabulated Data
Holmes Lane

Appendix: C(1)

Basin #	Name	Total Area	Total Area	Qty of Lots	Lot Impervious	ROW/Tract Imp	Total Impervious	Total Pervious (Calc'd)
		SF	Acres		SF	SF	SF	SF
101	Onsite Post-Developed	158,549	3.64	60	42,000	66,231	108,231	50,318
201	Holmes Lane	5,528	0.13	0	0	4,575	4,575	953
202	Mountainview Street	1,599	0.04	0	0	1,394	1,394	205
301	Untreated Onsite and Holmes Lane	8,739	0.20	0	0	4,092	4,092	4,647
401	Offsite Areas	3,429,772	78.74	201	502,500	430,035	932,535	2,497,237

WES BMP Sizing Software Version 1.6.0.2, May 2018

WES BMP Sizing Report

Project Information

Project Name	Holmes Lane
Project Type	MultiFamily
Location	535 & 545 Holmes Lane
Stormwater Management Area	165676
Project Applicant	
Jurisdiction	OutofDistrict

Drainage Management Area

Name	Area (sq-ft)	Pre-Project Cover	Post-Project Cover	DMA Soil Type	BMP
Onsite Impervious	108,231	Forested	ConventionalConcrete	C	Pond
Onsite Pervious	50,318	Forested	Grass	C	Pond
Holmes Lane Impervious	4,575	Forested	ConventionalConcrete	C	Pond
Holmes Lane Pervious	953	Forested	Grass	C	Pond
Mountainview Street Impervious	1,394	Forested	ConventionalConcrete	C	Pond
Mountainview Street Pervious	205	Forested	Grass	C	Pond

LID Facility Sizing Details

Pond Sizing Details

Pond ID	Design Criteria(1)	Facility Soil Type	Max Depth (ft)(2)	Top Area (sq-ft)	Side Slope (1:H)	Facility Vol. (cu-ft)(3)	Water Storage Vol. (cu-ft)(4)	Adequate Size?
Pond	FCWQT	Lined	8.00	6,352.0	0	50,816.0	39,382.4	Yes

1. FCWQT = Flow control and water quality treatment, WQT = Water quality treatment only
2. Depth is measured from the bottom of the facility and includes the three feet of media (drain rock, separation layer and growing media).
3. Maximum volume of the facility. Includes the volume occupied by the media at the bottom of the facility.
4. Maximum water storage volume of the facility. Includes water storage in the three feet of soil media assuming a 40 percent porosity.

Custom Pond Geometry Configuration

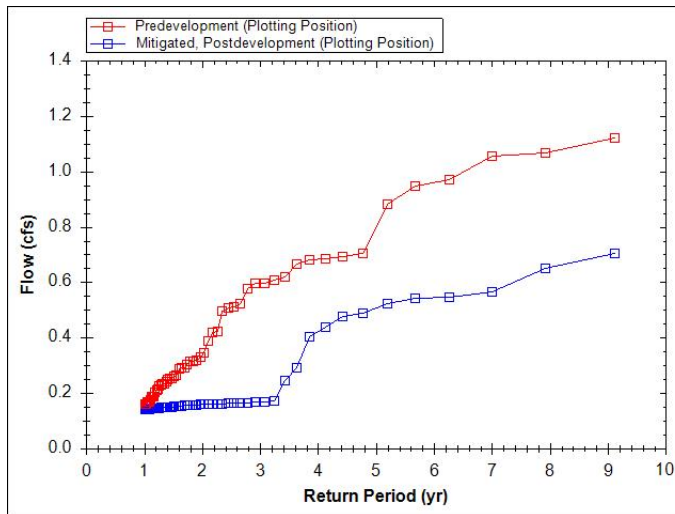
Pond ID: Pond

Design: FlowControlAndTreatment

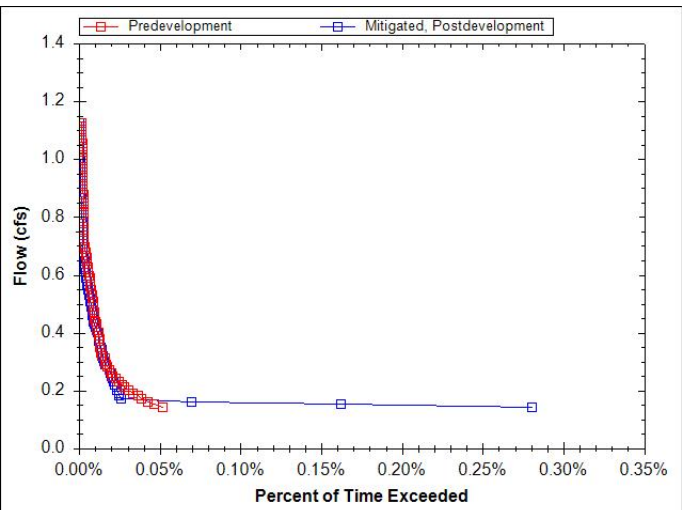
Shape Curve

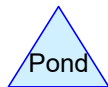
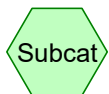
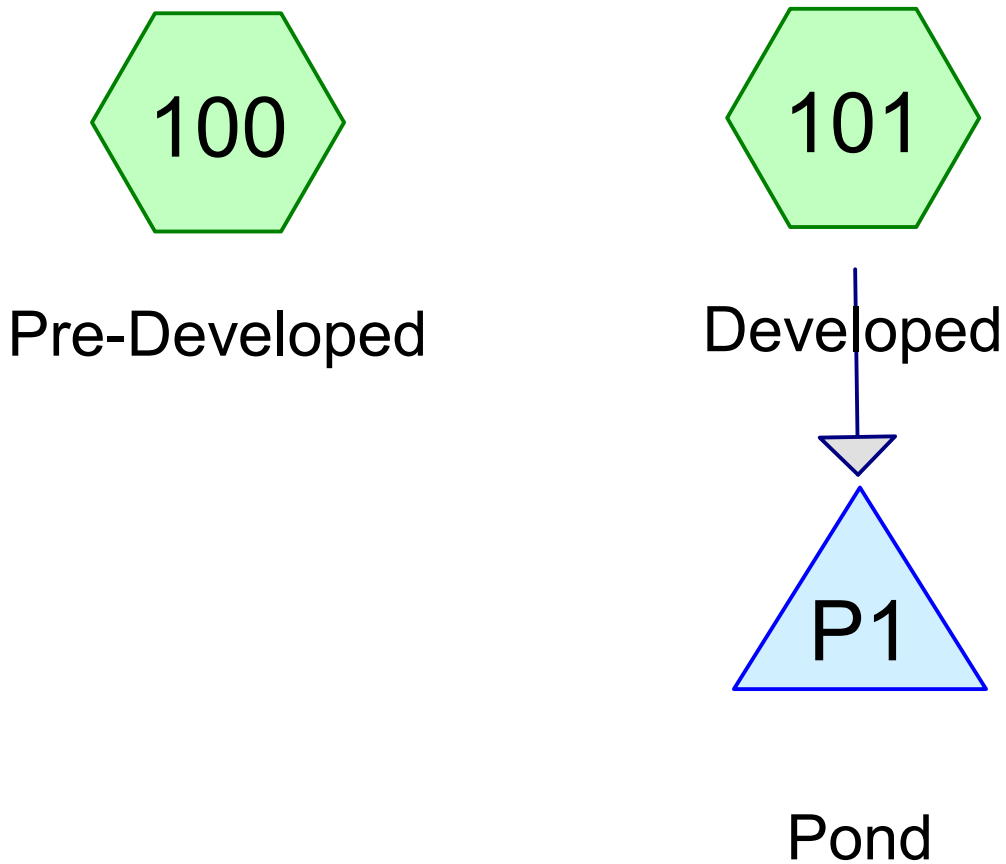
Depth (ft)	Area (sq ft)	Discharge (cfs)
.0	3,131.0	.0
.2	3,131.0	.0
.4	3,131.0	.0
.6	3,131.0	.1
.8	3,131.0	.1
1.0	3,131.0	.1
1.2	3,131.0	.1
1.4	3,131.0	.1
1.6	3,131.0	.1
1.8	3,131.0	.1
2.0	3,131.0	.1
2.2	3,131.0	.1
2.4	3,131.0	.1
2.6	3,131.0	.1
2.8	3,131.0	.1
3.0	3,131.0	.1
3.2	3,304.0	.1
3.4	3,488.0	.1
3.6	3,604.0	.1
3.8	3,653.0	.1
4.0	3,702.0	.1
4.2	3,751.0	.1
4.4	3,800.0	.1
4.6	3,849.0	.1
4.8	3,898.0	.2
5.0	3,947.0	.2
5.2	3,996.0	.2
5.4	4,045.0	.2
5.6	4,094.0	.2
5.8	4,143.0	.2
6.0	4,192.0	.2
6.2	4,240.0	.6
6.4	4,289.0	.7

Flow Frequency Chart



Flow Duration Chart





Routing Diagram for 0550-002 Pond Model
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0550-002 Pond Model

Prepared by Emerio Design LLC

Printed 3/16/2021

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Page 2

Area Listing (selected nodes)

Area (acres)	CN	Description (subcatchment-numbers)
2.622	98	Impervious (101)
1.182	86	Pervious (101)
3.803	73	Woods, Fair, HSG C (100)
7.607	84	TOTAL AREA

0550-002 Pond Model

Type IA 24-hr 10-Year Rainfall=3.50"

Prepared by Emerio Design LLC

Printed 3/16/2021

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Page 3

Summary for Subcatchment 100: Pre-Developed

Runoff = 0.871 cfs @ 8.00 hrs, Volume= 0.374 af, Depth= 1.18"

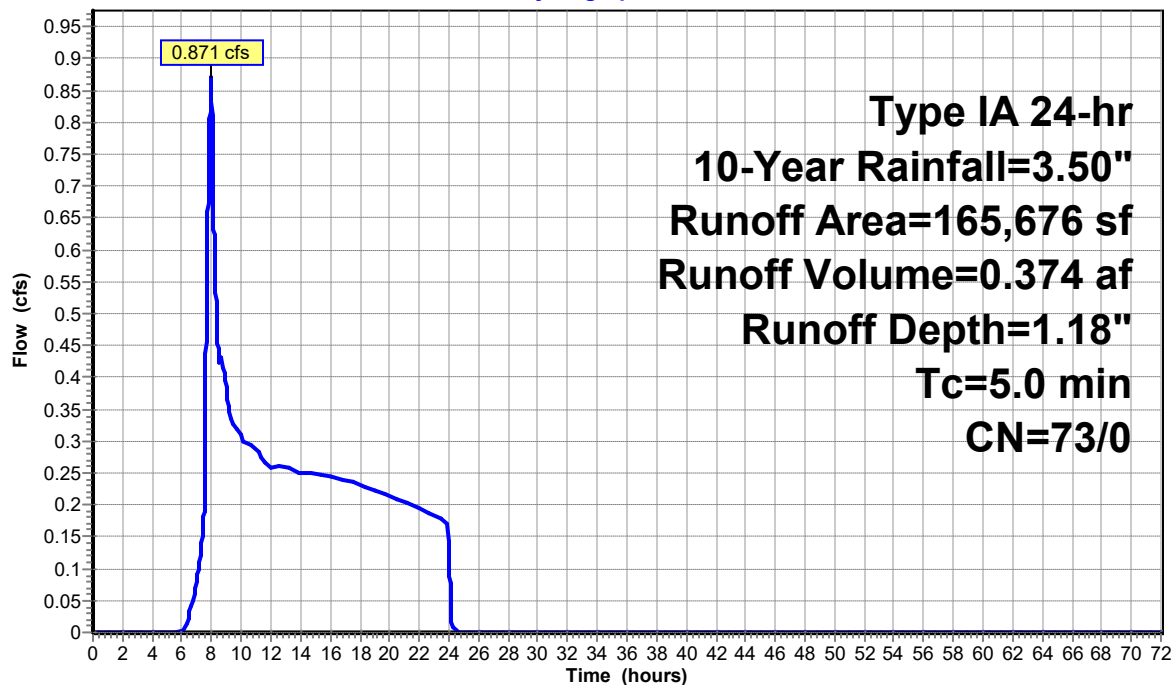
Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-72.00 hrs, dt= 0.01 hrs
Type IA 24-hr 10-Year Rainfall=3.50"

Area (sf)	CN	Description
165,676	73	Woods, Fair, HSG C
165,676	73	100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					Direct Entry,

Subcatchment 100: Pre-Developed

Hydrograph



Runoff

0550-002 Pond Model

Type IA 24-hr 10-Year Rainfall=3.50"

Prepared by Emerio Design LLC

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Summary for Subcatchment 101: Developed

Runoff = 2.756 cfs @ 7.89 hrs, Volume= 0.920 af, Depth= 2.90"

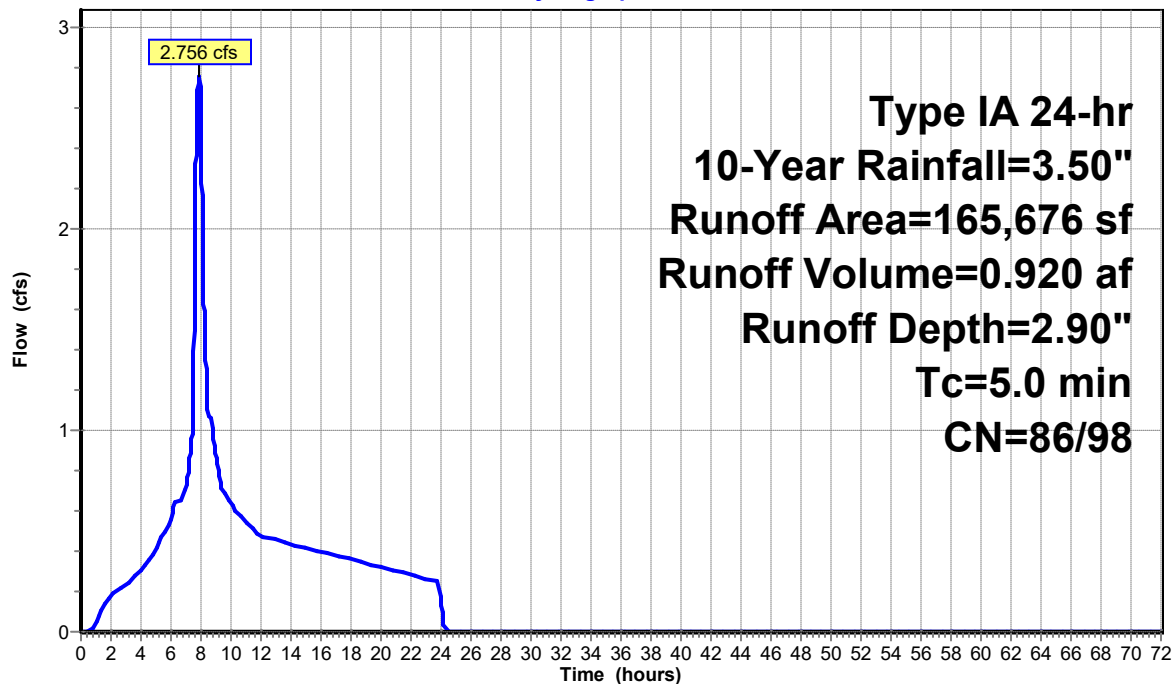
Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-72.00 hrs, dt= 0.01 hrs
Type IA 24-hr 10-Year Rainfall=3.50"

	Area (sf)	CN	Description
*	114,200	98	Impervious
*	51,476	86	Pervious
	165,676	94	Weighted Average
	51,476	86	31.07% Pervious Area
	114,200	98	68.93% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					Direct Entry,

Subcatchment 101: Developed

Hydrograph



0550-002 Pond Model

Type IA 24-hr 10-Year Rainfall=3.50"

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Summary for Pond P1: Pond

Inflow Area = 3.803 ac, 68.93% Impervious, Inflow Depth = 2.90" for 10-Year event
 Inflow = 2.756 cfs @ 7.89 hrs, Volume= 0.920 af
 Outflow = 0.674 cfs @ 9.77 hrs, Volume= 0.920 af, Atten= 76%, Lag= 112.5 min
 Primary = 0.674 cfs @ 9.77 hrs, Volume= 0.920 af

Routing by Stor-Ind method, Time Span= 0.00-72.00 hrs, dt= 0.01 hrs
 Peak Elev= 461.34' @ 9.77 hrs Surf.Area= 4,275 sf Storage= 14,328 cf

Plug-Flow detention time= 588.8 min calculated for 0.920 af (100% of inflow)
 Center-of-Mass det. time= 588.8 min (1,275.7 - 687.0)

Volume	Invert	Avail.Storage	Storage Description	
#1	455.00'	19,425 cf	Custom Stage Data (Prismatic) Listed below (Recalc)	
Elevation (feet)	Surf.Area (sq-ft)	Voids (%)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
455.00	3,131	0.0	0	0
455.01	3,131	30.0	9	9
456.49	3,131	30.0	1,390	1,400
456.50	3,131	1.0	0	1,400
457.99	3,131	1.0	47	1,447
458.00	3,131	100.0	31	1,478
458.50	3,580	100.0	1,678	3,156
459.50	3,824	100.0	3,702	6,858
460.50	4,070	100.0	3,947	10,805
461.50	4,313	100.0	4,192	14,996
462.50	4,545	100.0	4,429	19,425

Device	Routing	Invert	Outlet Devices
#1	Primary	455.00'	12.0" Round Culvert L= 10.0' CMP, square edge headwall, Ke= 0.500 Inlet / Outlet Invert= 455.00' / 454.90' S= 0.0100 ' S= 0.0100 ' Cc= 0.900 n= 0.013, Flow Area= 0.79 sf
#2	Device 1	455.00'	1.6" Horiz. Low Orifice C= 0.620 Limited to weir flow at low heads
#3	Device 1	461.00'	5.6" Horiz. High Orifice C= 0.620 Limited to weir flow at low heads
#4	Device 1	461.40'	24.0" Horiz. Overflow Wier C= 0.620 Limited to weir flow at low heads

Primary OutFlow Max=0.674 cfs @ 9.77 hrs HW=461.34' (Free Discharge)

- 1=Culvert (Passes 0.674 cfs of 9.142 cfs potential flow)
 2=Low Orifice (Orifice Controls 0.175 cfs @ 12.53 fps)
 3=High Orifice (Orifice Controls 0.499 cfs @ 2.92 fps)
 4=Overflow Wier (Controls 0.000 cfs)

0550-002 Pond Model

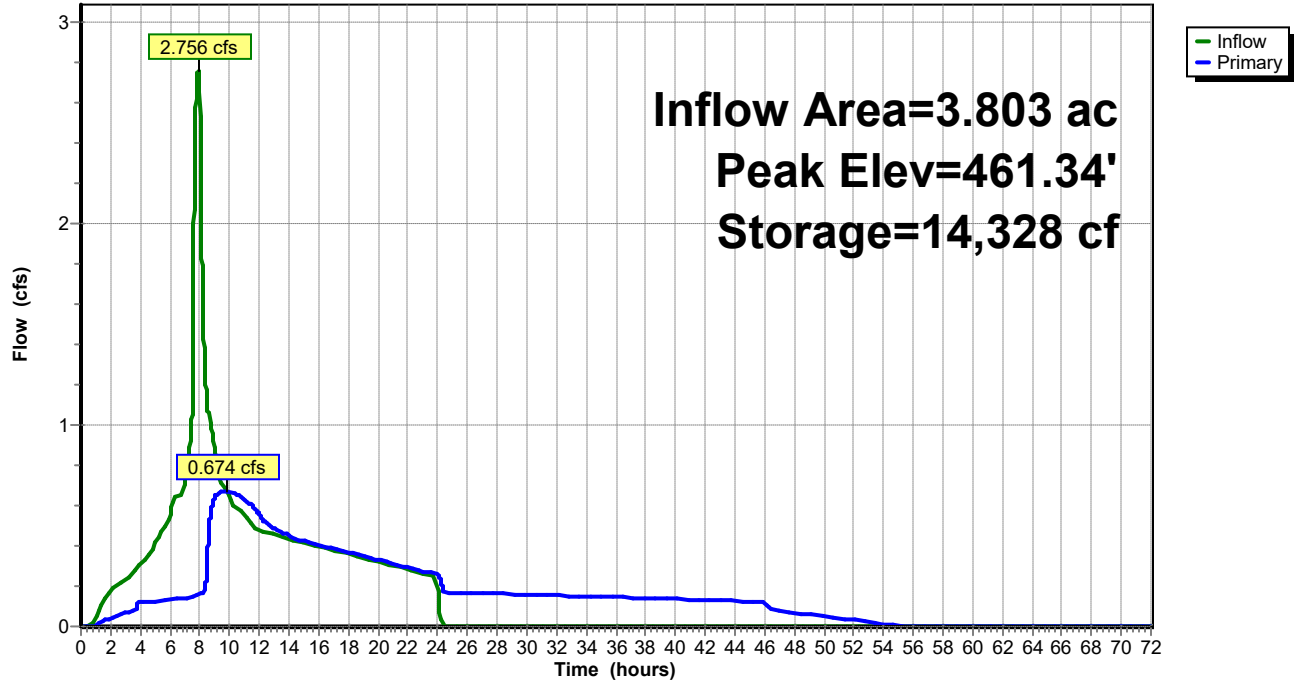
Type IA 24-hr 10-Year Rainfall=3.50"

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Pond P1: Pond**Hydrograph**

0550-002 Pond Model

Type IA 24-hr 10-Year Rainfall=3.50"

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Stage-Discharge for Pond P1: Pond

Elevation (feet)	Primary (cfs)	Elevation (feet)	Primary (cfs)	Elevation (feet)	Primary (cfs)	Elevation (feet)	Primary (cfs)
455.00	0.000	457.08	0.100	459.16	0.142	461.24	0.590
455.04	0.006	457.12	0.101	459.20	0.142	461.28	0.624
455.08	0.020	457.16	0.102	459.24	0.143	461.32	0.656
455.12	0.024	457.20	0.103	459.28	0.144	461.36	0.686
455.16	0.028	457.24	0.104	459.32	0.144	461.40	0.714
455.20	0.031	457.28	0.105	459.36	0.145	461.44	0.905
455.24	0.034	457.32	0.106	459.40	0.146	461.48	1.231
455.28	0.037	457.36	0.107	459.44	0.146	461.52	1.645
455.32	0.039	457.40	0.108	459.48	0.147	461.56	2.130
455.36	0.042	457.44	0.109	459.52	0.148	461.60	2.675
455.40	0.044	457.48	0.109	459.56	0.148	461.64	3.276
455.44	0.046	457.52	0.110	459.60	0.149	461.68	3.925
455.48	0.048	457.56	0.111	459.64	0.150	461.72	4.621
455.52	0.050	457.60	0.112	459.68	0.150	461.76	5.360
455.56	0.052	457.64	0.113	459.72	0.151	461.80	6.140
455.60	0.054	457.68	0.114	459.76	0.152	461.84	6.958
455.64	0.056	457.72	0.115	459.80	0.152	461.88	7.813
455.68	0.057	457.76	0.115	459.84	0.153	461.92	8.703
455.72	0.059	457.80	0.116	459.88	0.153	461.96	9.612
455.76	0.061	457.84	0.117	459.92	0.154	462.00	9.641
455.80	0.062	457.88	0.118	459.96	0.155	462.04	9.671
455.84	0.064	457.92	0.119	460.00	0.155	462.08	9.701
455.88	0.065	457.96	0.120	460.04	0.156	462.12	9.730
455.92	0.067	458.00	0.120	460.08	0.157	462.16	9.759
455.96	0.068	458.04	0.121	460.12	0.157	462.20	9.789
456.00	0.069	458.08	0.122	460.16	0.158	462.24	9.818
456.04	0.071	458.12	0.123	460.20	0.158	462.28	9.847
456.08	0.072	458.16	0.123	460.24	0.159	462.32	9.876
456.12	0.074	458.20	0.124	460.28	0.160	462.36	9.905
456.16	0.075	458.24	0.125	460.32	0.160	462.40	9.934
456.20	0.076	458.28	0.126	460.36	0.161	462.44	9.962
456.24	0.077	458.32	0.127	460.40	0.161	462.48	9.991
456.28	0.079	458.36	0.127	460.44	0.162		
456.32	0.080	458.40	0.128	460.48	0.163		
456.36	0.081	458.44	0.129	460.52	0.163		
456.40	0.082	458.48	0.130	460.56	0.164		
456.44	0.083	458.52	0.130	460.60	0.164		
456.48	0.085	458.56	0.131	460.64	0.165		
456.52	0.086	458.60	0.132	460.68	0.166		
456.56	0.087	458.64	0.133	460.72	0.166		
456.60	0.088	458.68	0.133	460.76	0.167		
456.64	0.089	458.72	0.134	460.80	0.167		
456.68	0.090	458.76	0.135	460.84	0.168		
456.72	0.091	458.80	0.135	460.88	0.168		
456.76	0.092	458.84	0.136	460.92	0.169		
456.80	0.093	458.88	0.137	460.96	0.170		
456.84	0.094	458.92	0.138	461.00	0.170		
456.88	0.095	458.96	0.138	461.04	0.209		
456.92	0.096	459.00	0.139	461.08	0.280		
456.96	0.097	459.04	0.140	461.12	0.371		
457.00	0.098	459.08	0.140	461.16	0.479		
457.04	0.099	459.12	0.141	461.20	0.554		

0550-002 Pond Model

Type IA 24-hr 10-Year Rainfall=3.50"

Prepared by Emerio Design LLC

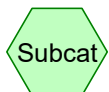
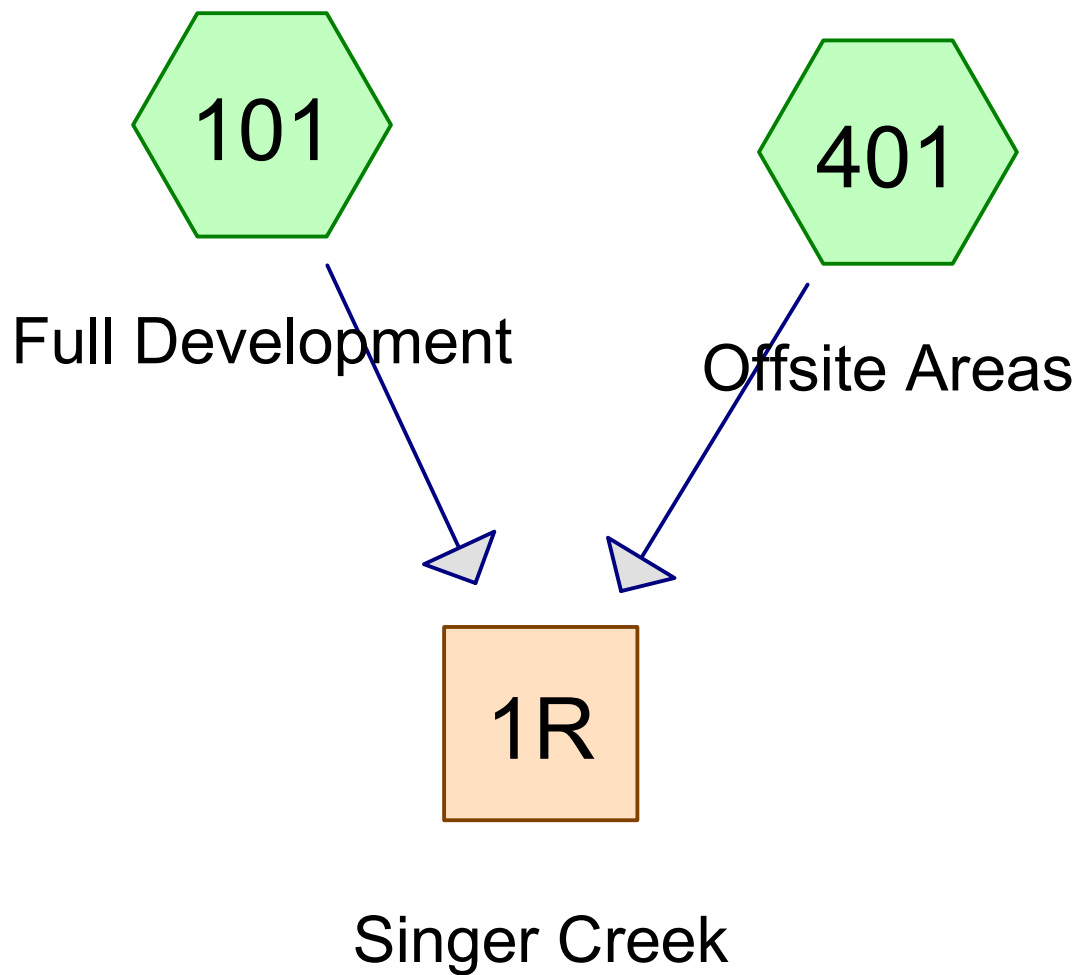
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Stage-Area-Storage for Pond P1: Pond

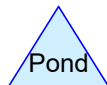
Elevation (feet)	Surface (sq-ft)	Storage (cubic-feet)	Elevation (feet)	Surface (sq-ft)	Storage (cubic-feet)
455.00	3,131	0	460.20	3,996	9,595
455.10	3,131	94	460.30	4,021	9,996
455.20	3,131	188	460.40	4,045	10,399
455.30	3,131	282	460.50	4,070	10,805
455.40	3,131	376	460.60	4,094	11,213
455.50	3,131	470	460.70	4,119	11,623
455.60	3,131	564	460.80	4,143	12,037
455.70	3,131	658	460.90	4,167	12,452
455.80	3,131	751	461.00	4,192	12,870
455.90	3,131	845	461.10	4,216	13,290
456.00	3,131	939	461.20	4,240	13,713
456.10	3,131	1,033	461.30	4,264	14,138
456.20	3,131	1,127	461.40	4,289	14,566
456.30	3,131	1,221	461.50	4,313	14,996
456.40	3,131	1,315	461.60	4,336	15,429
456.50	3,131	1,400	461.70	4,359	15,863
456.60	3,131	1,403	461.80	4,383	16,300
456.70	3,131	1,406	461.90	4,406	16,740
456.80	3,131	1,409	462.00	4,429	17,182
456.90	3,131	1,412	462.10	4,452	17,626
457.00	3,131	1,416	462.20	4,475	18,072
457.10	3,131	1,419	462.30	4,499	18,521
457.20	3,131	1,422	462.40	4,522	18,972
457.30	3,131	1,425	462.50	4,545	19,425
457.40	3,131	1,428			
457.50	3,131	1,431			
457.60	3,131	1,434			
457.70	3,131	1,437			
457.80	3,131	1,441			
457.90	3,131	1,444			
458.00	3,131	1,478			
458.10	3,221	1,795			
458.20	3,311	2,122			
458.30	3,400	2,458			
458.40	3,490	2,802			
458.50	3,580	3,156			
458.60	3,604	3,515			
458.70	3,629	3,876			
458.80	3,653	4,241			
458.90	3,678	4,607			
459.00	3,702	4,976			
459.10	3,726	5,348			
459.20	3,751	5,721			
459.30	3,775	6,098			
459.40	3,800	6,476			
459.50	3,824	6,858			
459.60	3,849	7,241			
459.70	3,873	7,627			
459.80	3,898	8,016			
459.90	3,922	8,407			
460.00	3,947	8,800			
460.10	3,972	9,196			



Subcat



Reach



Pond



Link

Routing Diagram for 0550-002 Downstream

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0550-002 Downstream

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Area Listing (all nodes)

Area (acres)	CN	Description (subcatchment-numbers)
24.124	98	Impervious (101, 401)
1.288	86	Pervious (101)
57.329	76	Woods/grass comb., Fair, HSG C (401)
82.741	83	TOTAL AREA

0550-002 Downstream

Type IA 24-hr 25-Year Rainfall=4.00"

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Summary for Subcatchment 101: Full Development

Runoff = 3.372 cfs @ 7.89 hrs, Volume= 1.125 af, Depth= 3.37"

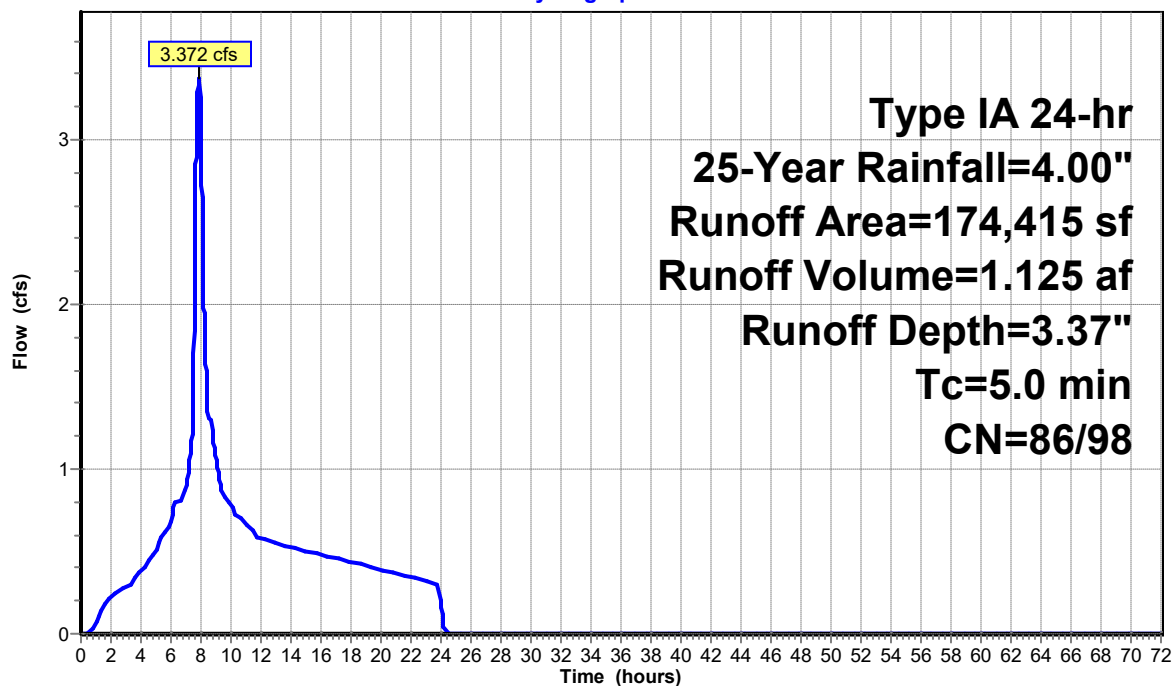
Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-72.00 hrs, dt= 0.01 hrs
Type IA 24-hr 25-Year Rainfall=4.00"

	Area (sf)	CN	Description
*	118,292	98	Impervious
*	56,123	86	Pervious
	174,415	94	Weighted Average
	56,123	86	32.18% Pervious Area
	118,292	98	67.82% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.0					Direct Entry,

Subcatchment 101: Full Development

Hydrograph



0550-002 Downstream

Type IA 24-hr 25-Year Rainfall=4.00"

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Summary for Subcatchment 401: Offsite Areas

Runoff = 29.616 cfs @ 8.01 hrs, Volume= 15.023 af, Depth= 2.29"

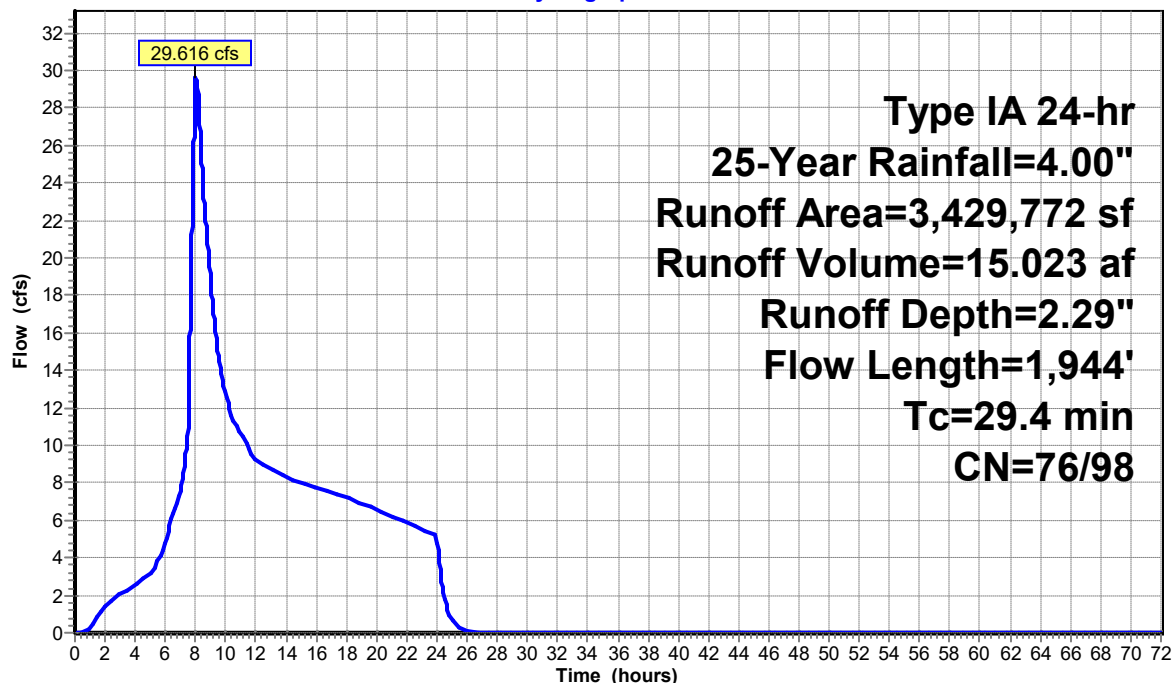
Runoff by SBUH method, Split Pervious/Imperv., Time Span= 0.00-72.00 hrs, dt= 0.01 hrs
Type IA 24-hr 25-Year Rainfall=4.00"

Area (sf)	CN	Description
* 932,535	98	Impervious
2,497,237	76	Woods/grass comb., Fair, HSG C
3,429,772	82	Weighted Average
2,497,237	76	72.81% Pervious Area
932,535	98	27.19% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
11.1	100	0.0200	0.15		Sheet Flow, Grass: Short n= 0.150 P2= 2.50"
8.9	630	0.0558	1.18		Shallow Concentrated Flow, Woodland Kv= 5.0 fps
6.8	346	0.1150	0.85		Shallow Concentrated Flow, Forest w/Heavy Litter Kv= 2.5 fps
2.6	868	0.0718	5.51	58.44	Channel Flow, Area= 10.6 sf Perim= 18.4' r= 0.58' n= 0.050
29.4	1,944	Total			

Subcatchment 401: Offsite Areas

Hydrograph



0550-002 Downstream

Type IA 24-hr 25-Year Rainfall=4.00"

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Summary for Reach 1R: Singer Creek

Inflow Area = 82.741 ac, 29.16% Impervious, Inflow Depth = 2.34" for 25-Year event
 Inflow = 32.821 cfs @ 8.01 hrs, Volume= 16.148 af
 Outflow = 32.226 cfs @ 8.12 hrs, Volume= 16.148 af, Atten= 2%, Lag= 7.0 min

Routing by Stor-Ind+Trans method, Time Span= 0.00-72.00 hrs, dt= 0.01 hrs

Max. Velocity= 6.08 fps, Min. Travel Time= 4.1 min

Avg. Velocity = 2.78 fps, Avg. Travel Time= 9.0 min

Peak Storage= 7,945 cf @ 8.06 hrs

Average Depth at Peak Storage= 0.82'

Bank-Full Depth= 1.50' Flow Area= 10.6 sf, Capacity= 89.388 cfs

Custom cross-section, Length= 1,500.0' Slope= 0.0718 '/'

Constant n= 0.050 Sluggish weedy reaches w/pools

Inlet Invert= 433.70', Outlet Invert= 326.00'



Offset (feet)	Elevation (feet)	Chan.Depth (feet)
-4.27	1.50	0.00
-2.80	0.00	1.50
2.80	0.00	1.50
4.33	1.50	0.00

Depth (feet)	End Area (sq-ft)	Perim. (feet)	Storage (cubic-feet)	Discharge (cfs)
0.00	0.0	5.6	0	0.000
1.50	10.6	9.8	15,975	89.388

0550-002 Downstream

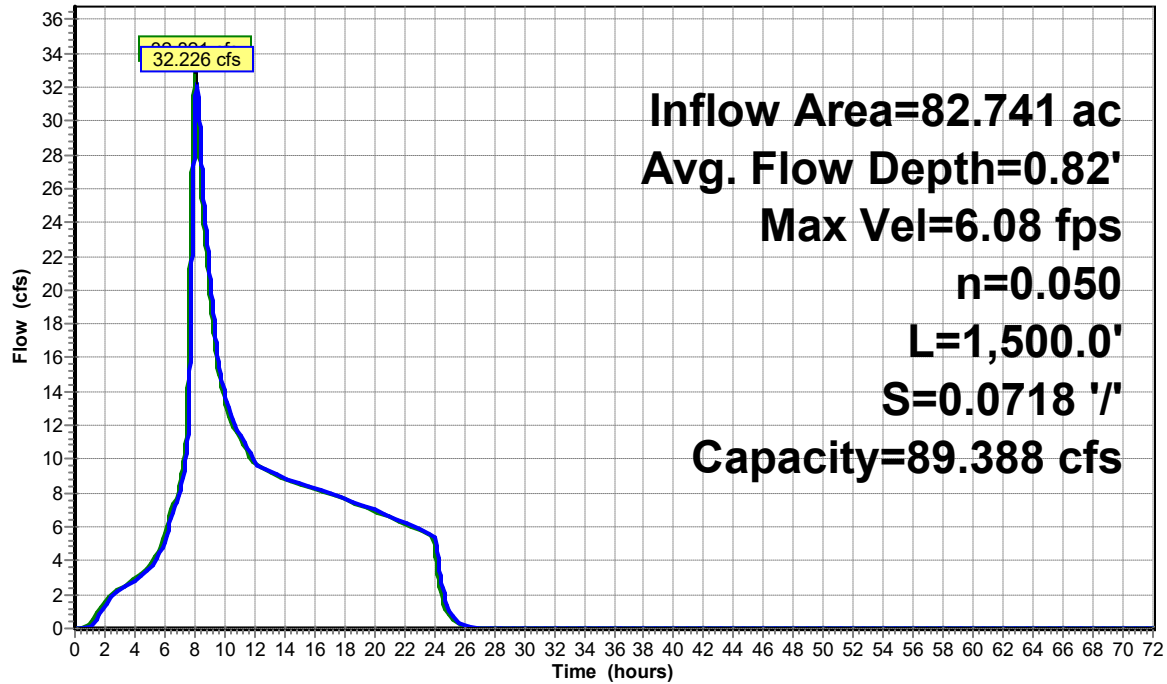
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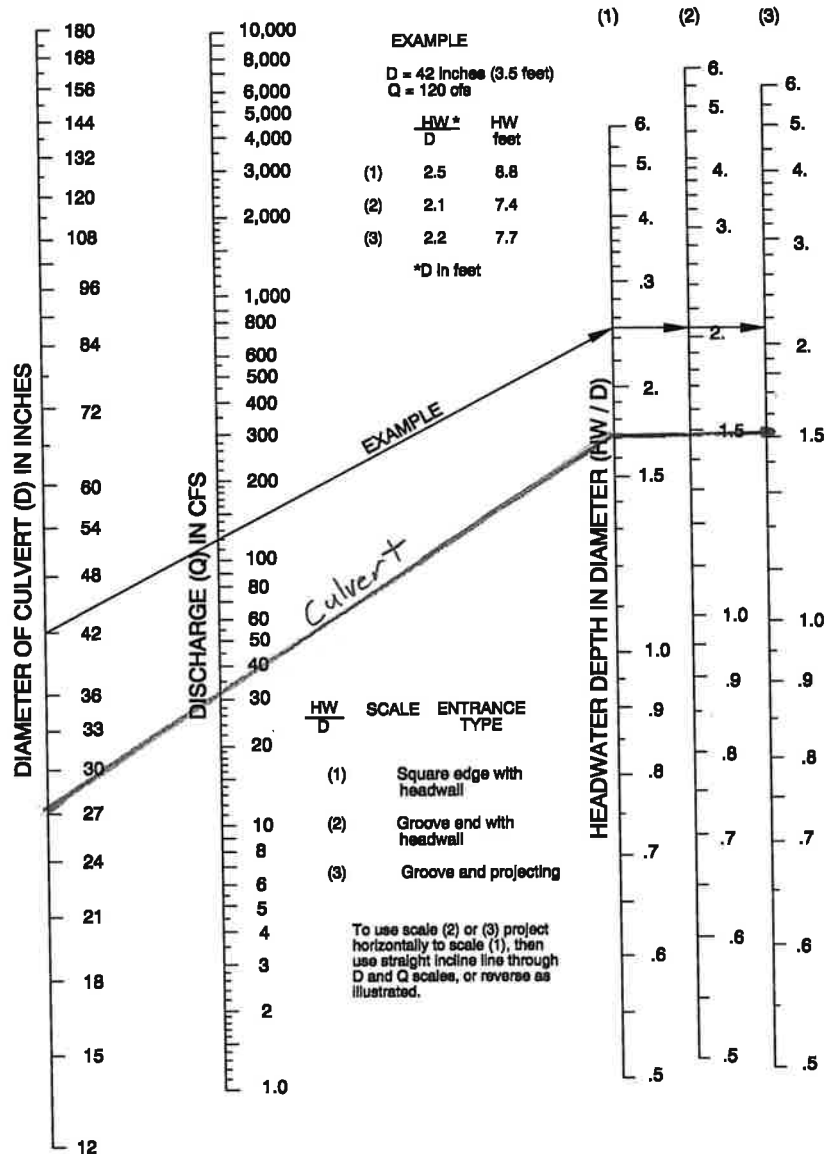
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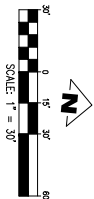
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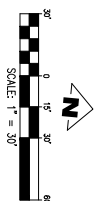
Page 6

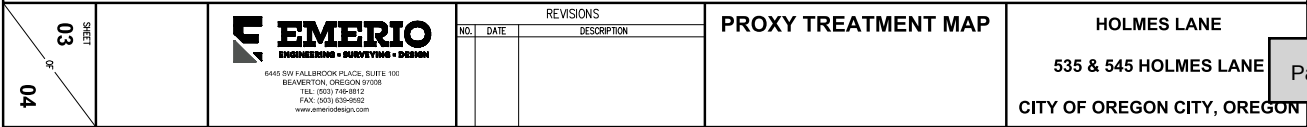
Reach 1R: Singer Creek**Hydrograph**

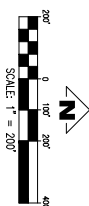
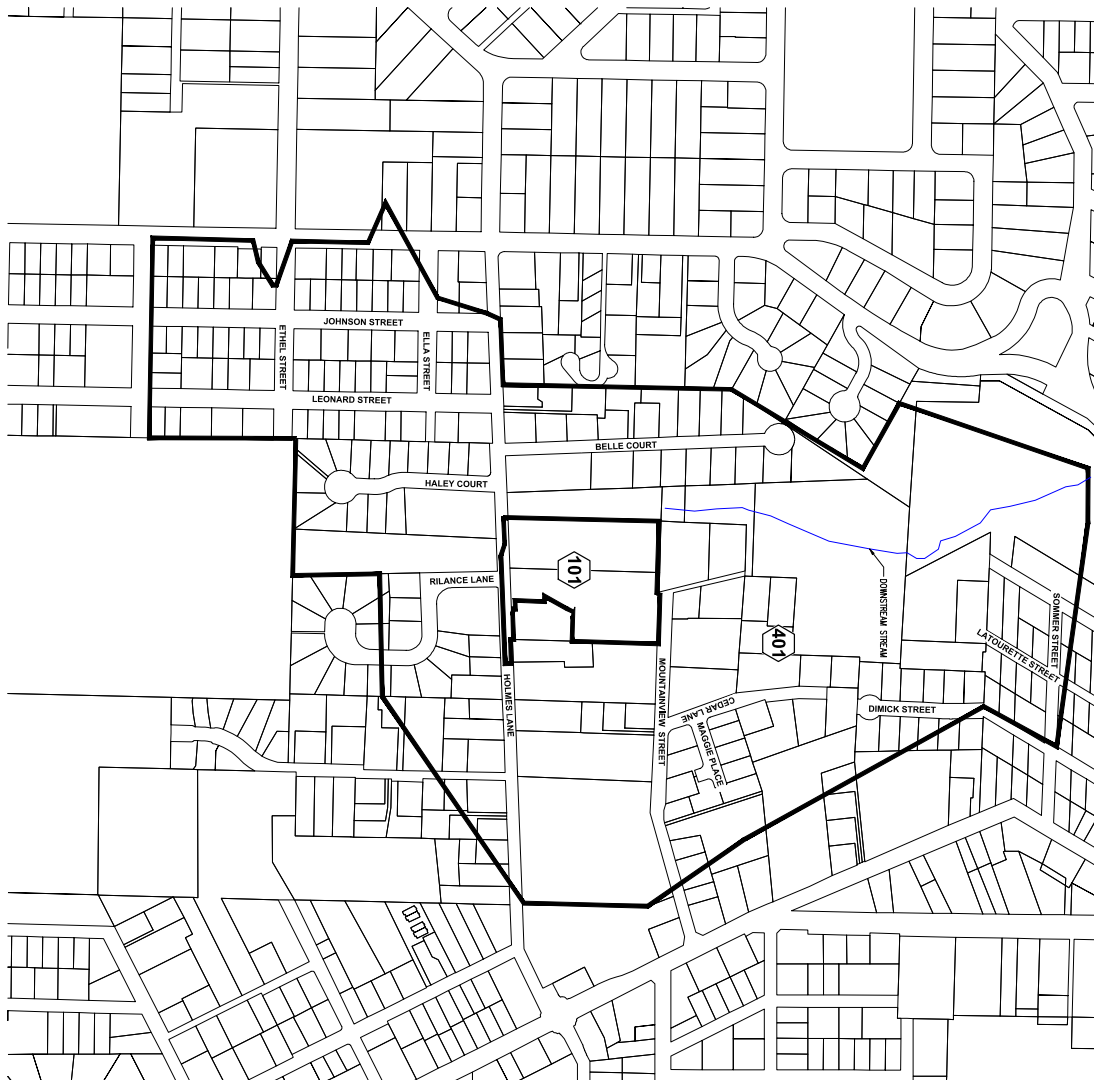


Appendix D:

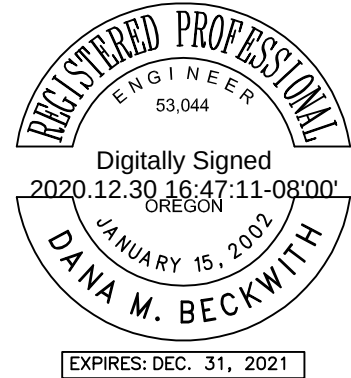








SHEET 04 OF 04		 EMERIO ENGINEERING • SURVEYING • DESIGN 6445 SW FALLBROOK PLACE, SUITE 110 BEAVERTON, OREGON 97008 TEL: (503) 746-8812 FAX: (503) 636-6662 www.emeriodesign.com	<table><tr><th colspan="3">REVISIONS</th></tr><tr><th>NO.</th><th>DATE</th><th>DESCRIPTION</th></tr><tr><td> </td><td> </td><td> </td></tr></table>	REVISIONS			NO.	DATE	DESCRIPTION				DOWNSTREAM BASIN MAP	HOLMES LANE 535 & 545 HOLMES LANE CITY OF OREGON CITY, OREGON
REVISIONS														
NO.	DATE	DESCRIPTION												



Transportation Impact Study For PA20-16 Mountainview Townhomes Subdivision

Prepared for
City of Oregon City

Prepared by



December 2020

Oregon City TIS Checklist**Completed?****Notes**

2. Table of Contents – Listings of all sections, figures, and tables included in the report.	☒	
3. Executive Summary – A summary of key points, findings, conclusions, and recommendations including a mitigation plan.	☒	
4. Introduction:	☒	
• Proposed land use action including site location, zoning, building size, and project scope.	☒	
• Map showing the proposed site, building footprint, access driveways, and parking facilities.	☒	
• Map of the study area that shows site location and surrounding roadway facilities.	☒	
5. Existing Conditions:	☒	
• Existing site conditions and adjacent land uses.	☒	
• Roadway characteristics of important transportation facilities and modal opportunities located within the study area, including roadway functional classifications, street cross-section, posted speeds, bicycle and pedestrian facilities, on-street parking, and transit facilities.	☒	
• Existing lane configurations and traffic control devices at the study area intersections.	☒	
• Existing traffic volumes and operational analysis of the study area roadways and intersections.	☒	
• Roadway and intersection crash history analysis.	☒	
• Intersection and stopping sight distance related to new and impacted driveways and intersections.	☒	
6. Background Conditions (without the proposed land use action)	☒	
• Approved in-process developments and funded transportation improvements in the study area.	☒	No In-Process developments
• Traffic growth assumptions.	☒	
• Addition of traffic from other planned developments.	☒	
• Background traffic volumes and operational analysis.	☒	
7. Full Buildout Traffic Conditions (with the proposed land use action)	☒	
• Description of the proposed development plans.	☒	
• Trip generation characteristics of proposed project (including trip reduction documentation).	☒	
• Trip distribution assumptions.	☒	
• Full buildout traffic volumes and intersection operational analysis.	☒	
• Site circulation and parking.	☒	
• Intersection and site-access driveway queuing analysis.	☒	No queueing anticipated
• Recommended roadway and intersection mitigation measures (if necessary).	☒	
8. Conclusions and recommendations	☒	
9. Appendix- With dividers or tabs	☒	
• Traffic count summary sheets.	☒	
• Crash analysis summary sheets.	☒	
• Existing, Background, and Full Buildout traffic operational analysis worksheets with detail to review capacity calculations.	☒	
• Signal, left-turn, and right-turn lane warrant evaluation calculations.	☐	
• Signal timing sheets depicting the timing and phasing used in analysis.	☒	
• Other analysis summary sheets such as queuing.	☒	
To present the information required to analyze the transportation impacts of development, the following figures shall be included in the TIS:		
1. Vicinity Map	☒	
2. Existing Lane Configurations and Traffic Control Devices	☒	
3. Existing Traffic Volumes and Levels of Service for each required time period	☒	
4. Future Year Background Traffic Volumes and Levels of Service for each required time period	☒	
5. Proposed Site Plan, including access points for abutting parcels and for those across the street from the proposed development	☒	
6. Future Year Assumed Lane Configurations and Traffic Control Devices	☒	
7. Estimated Trip Distribution/Assignment Pattern	☒	
8. Trip reductions (pass-by trips at site access (es))	☒	No pass by trips
9. Site-Generated Traffic Volumes for each required time period	☒	
10. Full Buildout Traffic Volumes and Levels of Service for each required time period	☒	

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EXECUTIVE SUMMARY

- The Mountainview Townhomes Subdivision will be located at 535 and 545 Holmes Lane in Oregon City, Oregon. The site fronts Mountainview Street to the north and Holmes Lane to the south. The site will consist of 60 multifamily housing units. The development will replace two single-family homes.
- A capacity analysis showed that both study intersections operate at acceptable levels of service under existing conditions and that they continue to operate at acceptable levels with the addition of background growth and site trips. No capacity issues were found and no mitigations are recommended.
- A crash data analysis was conducted for the two study intersections. Ten crashes were reported at the intersection of Holmes Lane at Molalla Avenue and none were reported at the intersection of Holmes Lane at Rilance Lane. Crash patterns were analyzed and no mitigations are recommended.
- A sight distance study was performed and it was found that a crest vertical curve limits sight distance from the proposed southern access to Holmes Lane to 425 feet to the east. This still meets all sight distance standards. No other sight distance issues were found and both site accesses are expected to meet all standards.
- Traffic signal and turn lane warrants analyses were not conducted due to low volumes that did not meet the minimum threshold for analysis.
- Site circulation and parking were examined. No circulation or parking issues are expected.
- Intersection and site driveway queueing was analyzed. No queueing issues are expected.

INTRODUCTION

A transportation impact study was conducted for the proposed Mountainview Townhomes Subdivision to be located at 535 and 545 Holmes Lane in Oregon City, Oregon. The project site is currently zone R-2 – Multi-Family Dwelling District. Adjacent land uses include primarily residential and institutional zoning for single and multi-family housing and parks. The proposed use is allowed under existing zoning.¹ The purpose of this analysis is to identify potential impacts to the transportation network for the year of opening for the site, based on the standards established by the City of Oregon City. Based on coordination with the City of Oregon City², the following intersections and site accesses were evaluated:

- Holmes Lane at Rilance Lane
- Holmes Lane at Molalla Avenue

The site fronts Mountainview Street to the north and Holmes Lane to the south. The subdivision will consist of 60 multifamily housing units. The existing site has two single-family homes that will be removed. Figure 1 provides a vicinity map that shows the project site and the study intersections. Figure 2 shows a preliminary site plan.

¹ Oregon City Municipal Code section 17.18.020.

² Email from City of Oregon City Traffic Engineer dated August 27, 2020.

EXISTING CONDITIONS

Existing transportation conditions were evaluated at the study intersections. All modes of travel were evaluated, including pedestrians, bicycles, transit, and motor vehicles. The characteristics of the existing transportation conditions are summarized in Table 1.

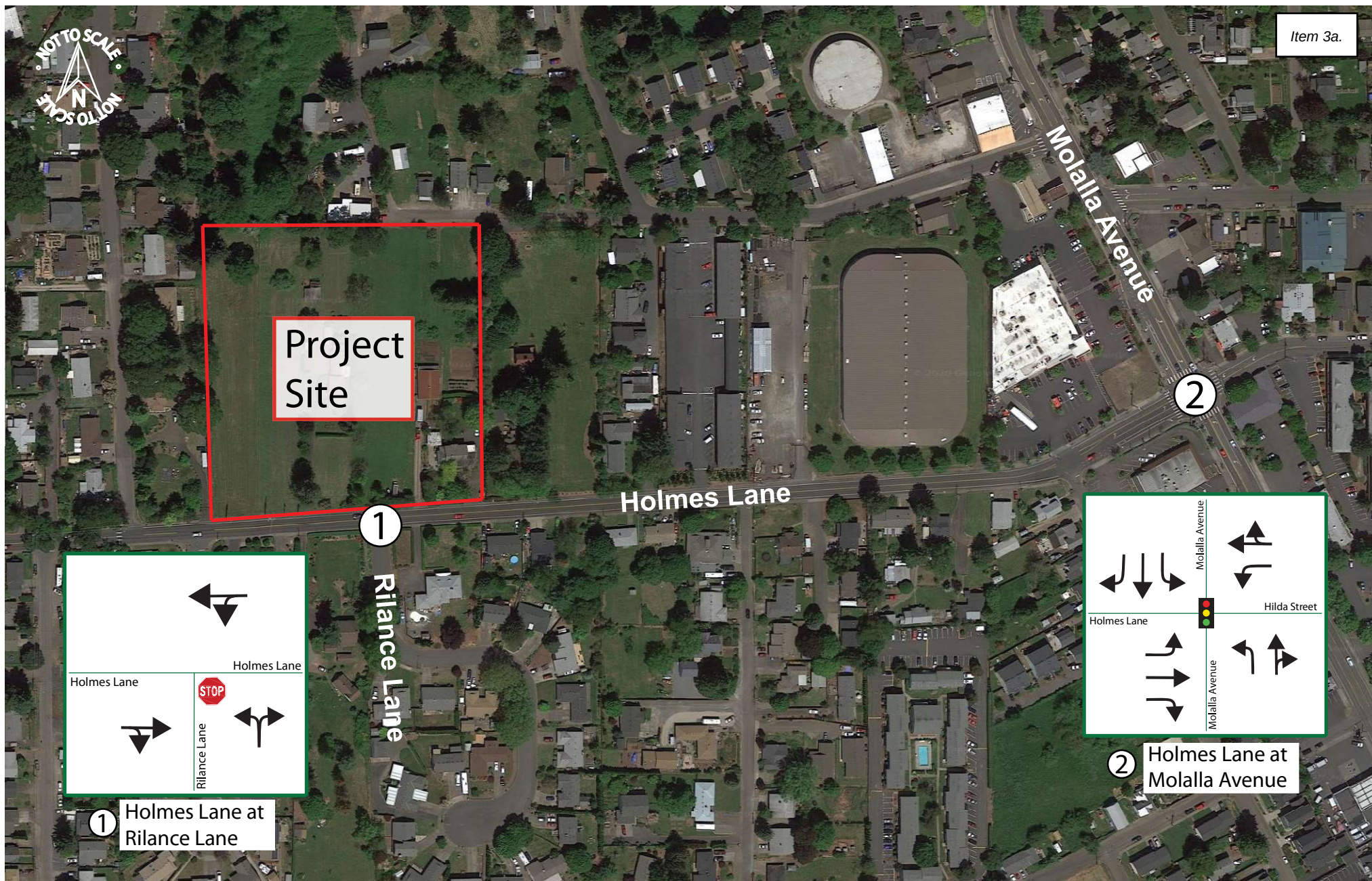
Table 1: Roadway Characteristics

Roadway	Functional Classification ¹	Posted Speed Limit	Sidewalks	Transit	Bike Lanes	Lane Geometry	On-Street Parking
Molalla Avenue	Arterial	40 mph	None west of site, both sides east of site	None	Both sides	One 11'-12' lane in each direction and a two-way left-turn lane	None
Holmes Lane	Collector	35 mph	South side only	None	South side only east of Rilance Lane	One 10'-11' lane in each direction	None
Rilance Lane	Local Road	25 mph	West side only	None	None	32' unmarked cross-section	Both sides
Mountainview Street	Local Road	25 mph	Both sides east of Cedar Lane	None	None	18' unmarked cross-section	None
Notes: ¹ Based on the Oregon City TSP							

Existing Traffic Volumes

Historic traffic count data were used in this study while collection of new count data was not possible due to the COVID-19 pandemic that disrupted typical traffic patterns. These counts were collected on September 28th and November 2nd in 2017 at the intersection of Molalla Avenue at Holmes Lane during a 24-hour period. The count data collected were tube counts along each approach that did not account for turning movements at the intersection. Turning movements were derived from directional ratios of the numbers of vehicles moving in each direction along all four legs of the intersection. Traffic count data did not exist for the intersection of Holmes Lane at Rilance Lane, so traffic counts were derived from those at the intersection of Holmes Lane at Molalla Avenue and trip generation projections.

Per conversations with the City of Oregon City, a background growth rate of one percent per year over three years was applied to adjust this count data for 2020 base year analysis. The peak hour traffic count data and existing lane configurations are shown in Figure 3. The detailed traffic count data has been included in Appendix A.



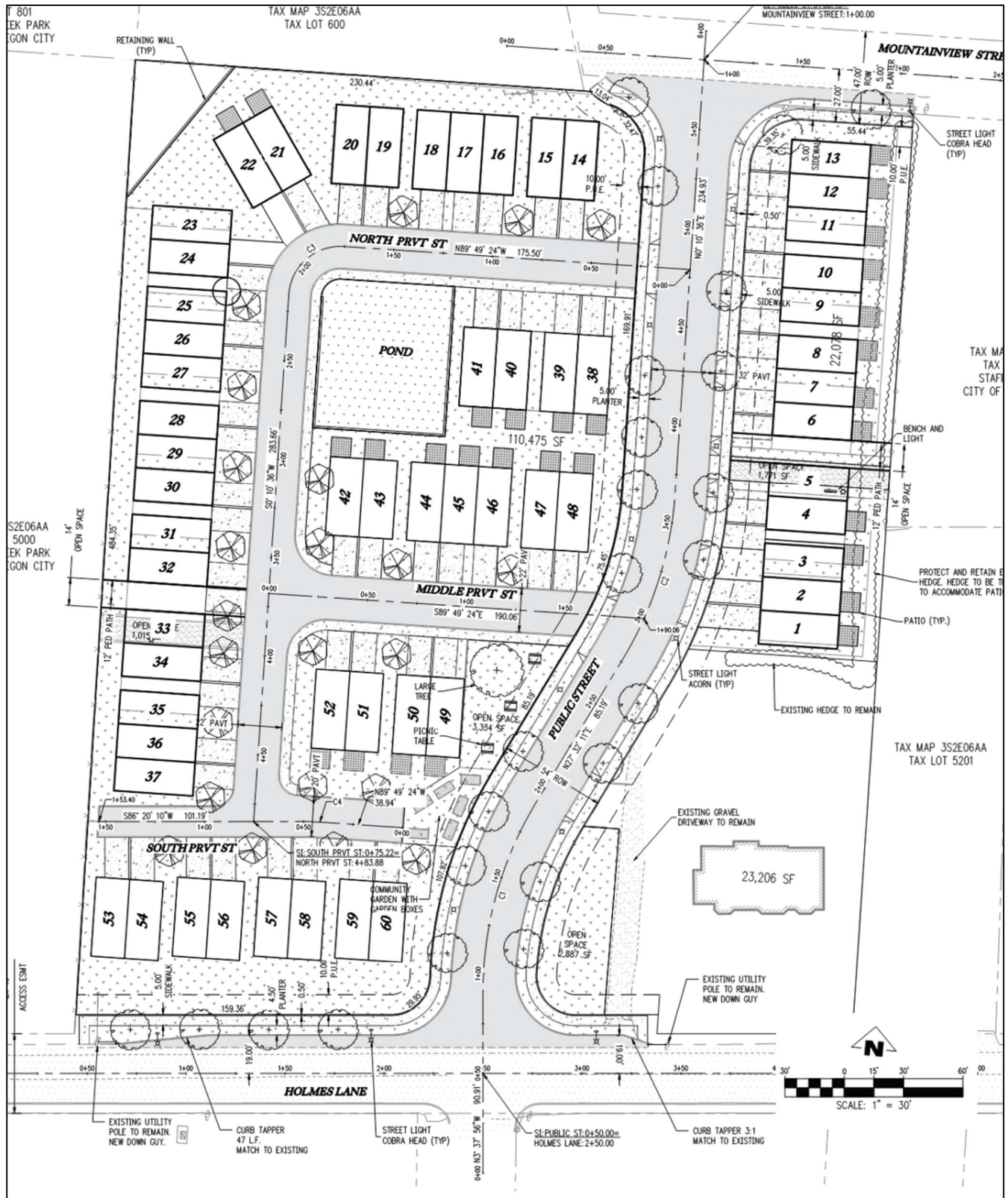
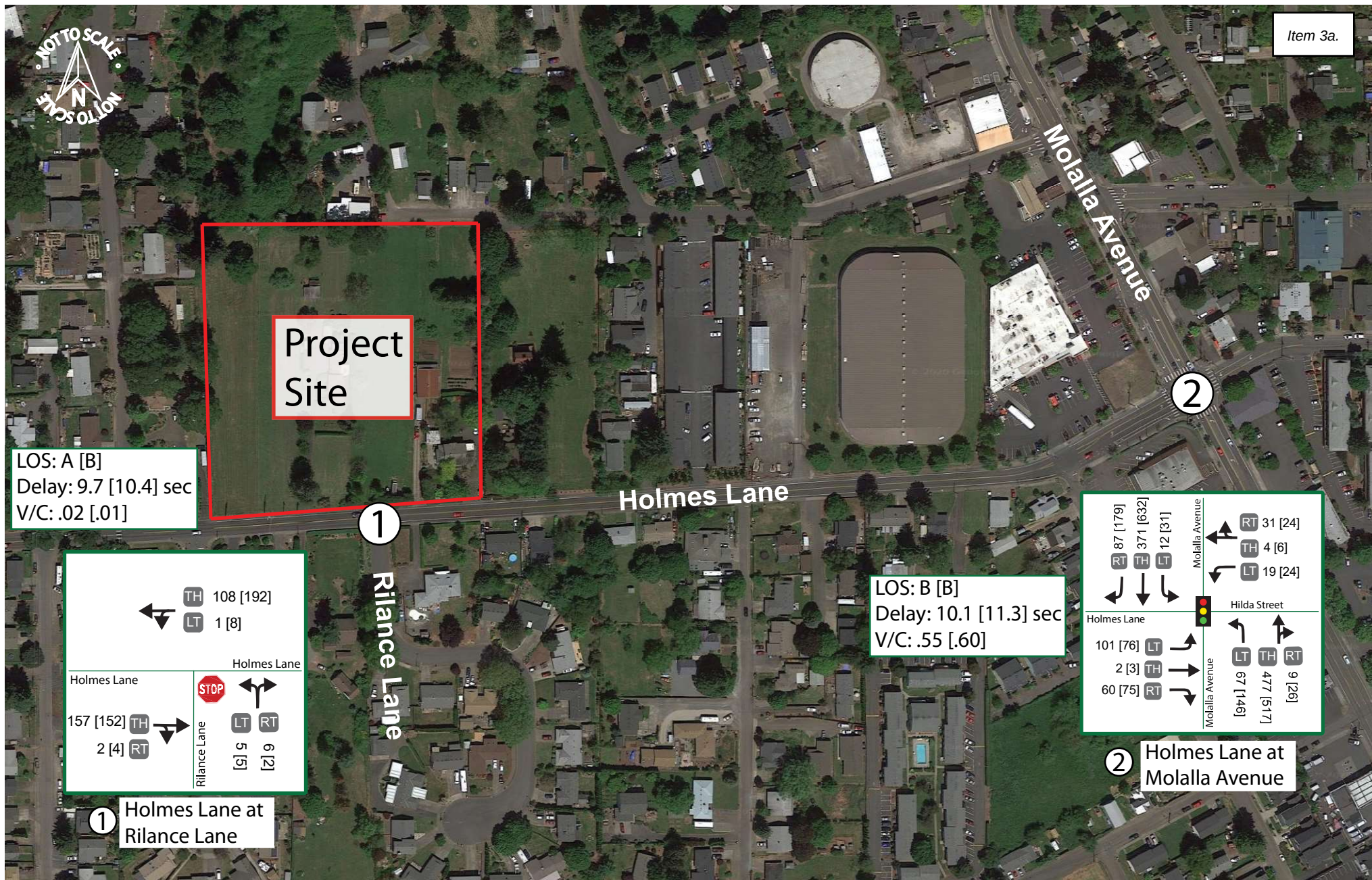


Figure 2: Preliminary Site Plan



Existing Intersection Operations

An intersection performance analysis was conducted to document the existing operations for the study intersections and to develop a baseline for analyzing future intersection operational needs associated with the proposed development. The peak periods analyzed for this evaluation include the AM peak period (7:00 AM to 9:00 AM) and the PM peak period (4:00 PM to 6:00 PM).

The level of service (LOS) and volume-to-capacity (V/C) analyses presented in this report has been completed using the Synchro (Version 10) analysis software. Synchro is based on the Highway Capacity Manual, 6th Edition (HCM 6) methodology for signalized and unsignalized intersections. The analysis was performed for all study intersections.

The City of Oregon City utilizes a maximum recommended volume-to-capacity (v/c) ratio of 0.99 for arterial roadway intersections and a maximum LOS of D for signalized intersections, in accordance with Chapter 16.12.033 of the Oregon City Municipal Code. For unsignalized intersections, Oregon City requires performance of LOS E or better, though LOS F “will be tolerated at movements serving no more than twenty vehicles during the peak hour.”³ Table 2 summarizes the mobility targets and the existing traffic operations for the study intersections.

Table 2: Existing Intersection Performance Summary

Intersection	Mobility Targets	Peak Hour	2020 Existing Conditions		
			Control Delay (Sec) ¹	Level of Service	V/C
Signalized					
Molalla Avenue at Holmes Lane	V/C < 0.99 LOS D or better	AM	10.1	B	0.55
		PM	11.3	B	0.60
Unsignalized					
Holmes Lane at Rilance Lane	LOS E or better	AM	9.7	A	0.02
		PM	10.4	B	0.01
Notes: ¹ Delay is reported as the average total delay of the intersection, Red = does not meet mobility target					

Notes: ¹Delay is reported as the average total delay of the intersection, **Red** = does not meet mobility target

Under existing conditions, all study intersections meet mobility targets.

Crash Data Analysis

For the study intersections, the last five years of complete available crash data (January 2014 through December 2018) were obtained from the ODOT Crash Data System and were reviewed to identify traffic safety concerns at the study intersection. The crash rates presented in Table 3 are based on the number of crashes per million entering vehicles (MEV). Typically, an intersection is not considered unsafe unless its crash rate exceeds the threshold of 1.0 crashes per MEV. The crash rates were also compared to the statewide 90th percentile crash rates for the various intersection configurations. If the crash rate is higher than the statewide 90th percentile crash rate, the intersection is flagged for further analysis and needs to be reviewed in more depth⁴.

³ Oregon City Municipal Code 16.12.033.C.2.a

⁴ ODOT Analysis Procedure Manual, Section 4.2, Crash Data.

Table 3: Crash Data Summary

Intersection	Crash History (Years)	Number of Crashes	Crashes per year	Annual Traffic Entering (veh/yr)	Crash rate per M.E.V. ¹	Statewide 90 th Percentile Crash Rate ²
Molalla Avenue at Holmes Lane	5	10	2	6,347,350	0.315	0.86 (4SG)
Notes: ¹ M.E.V. = million entering vehicles. ² Assessment of Statewide Intersection Safety Performance, FHWA-OR-RD-18, Portland State University and Oregon State University, June 2011, Table 4.1, p. 47. 4ST = four-leg stop control, 4SG = four-leg signalized, 3ST = three-leg stop control, 3SG = three-leg signalized						

No crashes were reported at the intersection of Holmes Lane at Rilance Lane. As noted in Table 3, the crash rate for Holmes Lane at Molalla Avenue is well below the rate that would indicate a safety concern. Table 4 shows the crash types by year. There were six rear-end crashes and four turning movement crashes. Four of the rear-end crashes occurred between vehicles traveling southeast to northwest. Three of the turning movement collisions occurred between vehicles traveling northwest to southeast and southeast to southwest. Many of the crash causes were vehicles failing to yield the right-of-way. Due to the low number of crashes, it is not recommended that these patterns be reviewed for mitigation. Detailed crash data is available in Appendix B.

Table 4: Crash Types

Crash Type	Intersection				
	Molalla Avenue at Holmes Lane				
YEAR	2014	2015	2016	2017	2018
Rear End	2(2)		3(0)		1(1)
Turning Movement	1(1)	1(1)		1(1)	1(1)
Subtotal:	3(3)	1(1)	3(0)	1(1)	2(2)
Total:	10(7)				

Note: X(X)= Total Crash (Injury crashes)

Sight Distance Evaluation

Intersection and stopping sight distances were evaluated for the proposed site accesses onto Holmes Lane and Mountainview Street. The proposed southern site access is located opposite the existing southern leg of Rilance Lane. The proposed northern site access meets the western terminus of Mountainview Street.

The sight distance evaluation follows the guidance provided in the American Association of State Highway and Transportation Officials' (AASHTO) Geometric Design of Highways and Streets, 2011. The following AASHTO guidance was used:

- **Mountainview Street Access:** With a posted speed of 25-mph roadway, AASHTO requires 155 feet of stopping sight distance and 280 feet of intersection sight distance.
- **Holmes Lane:** With a posted speed of 35-mph roadway, AASHTO requires 250 feet of stopping sight distance and 390 feet of intersection sight distance.

For all evaluations, the AASHTO requirements were followed for an assumed object height of 4.5 feet, a driver's eye height of 3.5 feet, and a driver's setback of 15 feet from the traveled way. Intersection sight distance was compared to the AASHTO design intersection sight distance for the following cases:

- Case B1, Left Turn from the Minor Road⁵
- Case B2, Right Turn from the Minor Road⁶

Table 5 shows a summary of the sight distance evaluation.

Table 5: Sight Distance Evaluation

Sight Distance Evaluated	Estimated Available Sightline (ft)	Sight Distance Standards (ft)	Meets Standard?
Proposed Mountainview Street site access			
Case B1: Left-turn	N/A	N/A	N/A
	N/A	N/A	N/A
Case B2: Right-turn	> 400	240	Yes
SSD – WB on Mountainview Street	> 400	155	Yes
SSD – EB on Mountainview Street	N/A	N/A	N/A
Proposed Holmes Lane site access			
Case B1: Left-turn	To the east ≈ 425	390	Yes
	To the west > 500	390	Yes
Case B2: Right-turn	≈ 425	335	Yes
SSD – EB on Holmes Lane	>500	250	Yes
SSD – WB on Holmes Lane	≈ 425	250	Yes

A crest vertical curve on Holmes Lane limits sight distance to the east from the second proposed site access to 425 feet. This still meets all sight distance standards. No other obstructions were found in either direction at the proposed access locations. Frontage improvements will be designed to minimize impacts to sight distance. No mitigations are recommended.

BACKGROUND OPERATING CONDITIONS (WITHOUT DEVELOPMENT)

A background operation analysis was conducted to determine the expected traffic conditions for the study intersections for the buildout year of 2023 assuming no site improvements. Background growth rates and in-process trips were researched for inclusion in this analysis. Through coordination with the City of Oregon City⁷, it was determined that no in-process developments affected either study intersection and that a one percent per year growth rate should be applied to develop background volumes. The volumes are shown in Figure 4 and the intersection performance is shown in Table 6.

Table 6: 2023 Background Conditions Intersection Performance Summary

Intersection	Mobility Targets	Peak Hour	2023 Background Conditions		
			Control Delay (Sec) ¹	Level of Service	V/C
Signalized					
Molalla Avenue at Holmes Lane	V/C < 0.99 LOS D or better	AM	10.3	B	0.56
		PM	10.9	B	0.61
Unsignalized					
Holmes Lane at Rilance Lane	LOS E or better	AM	9.8	A	0.02
		PM	10.4	B	0.01
Notes: ¹ Delay is reported as the average total delay of the intersection. Red = does not meet mobility target					

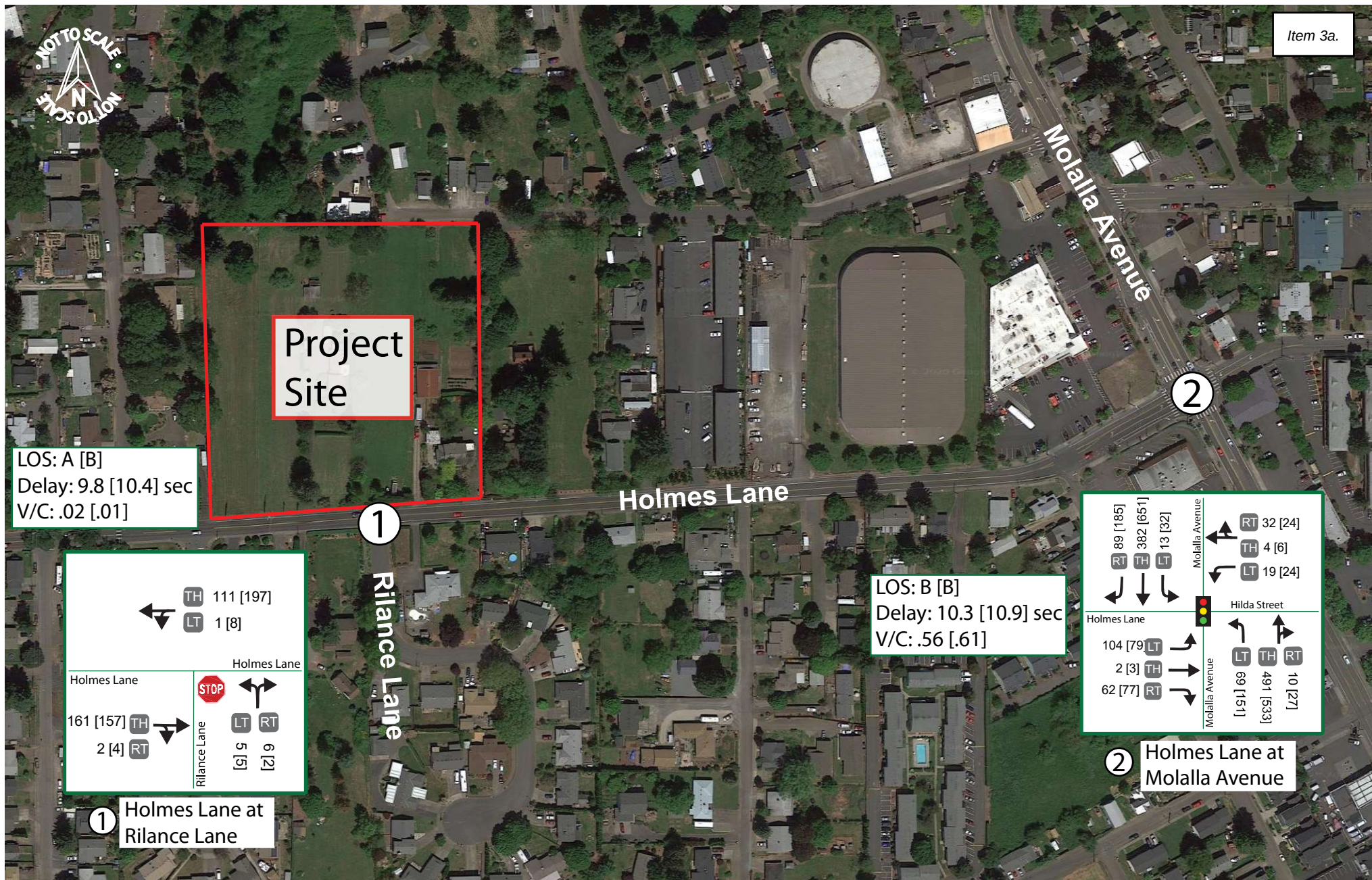
Notes: ¹Delay is reported as the average total delay of the intersection, **Red** = does not meet mobility target

Under 2023 background conditions, the study intersections meet mobility targets.

⁵ AASHTO, Case B1 – Intersections with stop control on the minor road (AASHTO, Case B1, Table 9-6).

⁶ AASHTO, Case B2 – Intersections with stop control on the minor road (AASHTO, Case B2, Table 9-8).

⁷ Email from City of Oregon City Traffic Engineer dated August 27, 2020.



FULL BUILDOUT TRAFFIC CONDITIONS

The proposed development consists of 60 multifamily housing units. The development will replace two single-family homes. A new roadway will be developed that meets the alignment of Rilance Lane to the south and connects to the western terminus of Mountainview Street to the north.

Trip Generation and Trip Distribution

Trip rates were derived from the Institute of Transportation Engineer's (ITE) *Trip Generation Manual, 10th Edition* based on the land uses. Rated average or fitted curve equations as recommended by Chapter 4 of the ITE *Trip Generation Handbook* will be utilized in the trip generation development. Estimates were developed for AM, PM and Average Daily Trips (ADT). The 24-hour volume counts and developed turn movement volumes were used to distribute site generated vehicle traffic. Trip distribution is shown in Figure 5.

For a conservative analysis of the study intersections, all traffic traveling to and from the project site was assumed to utilize the proposed southern access to the intersection at Rilance Lane. In reality, a portion of the site trips will utilize the northern access to travel to and from Molalla Avenue.

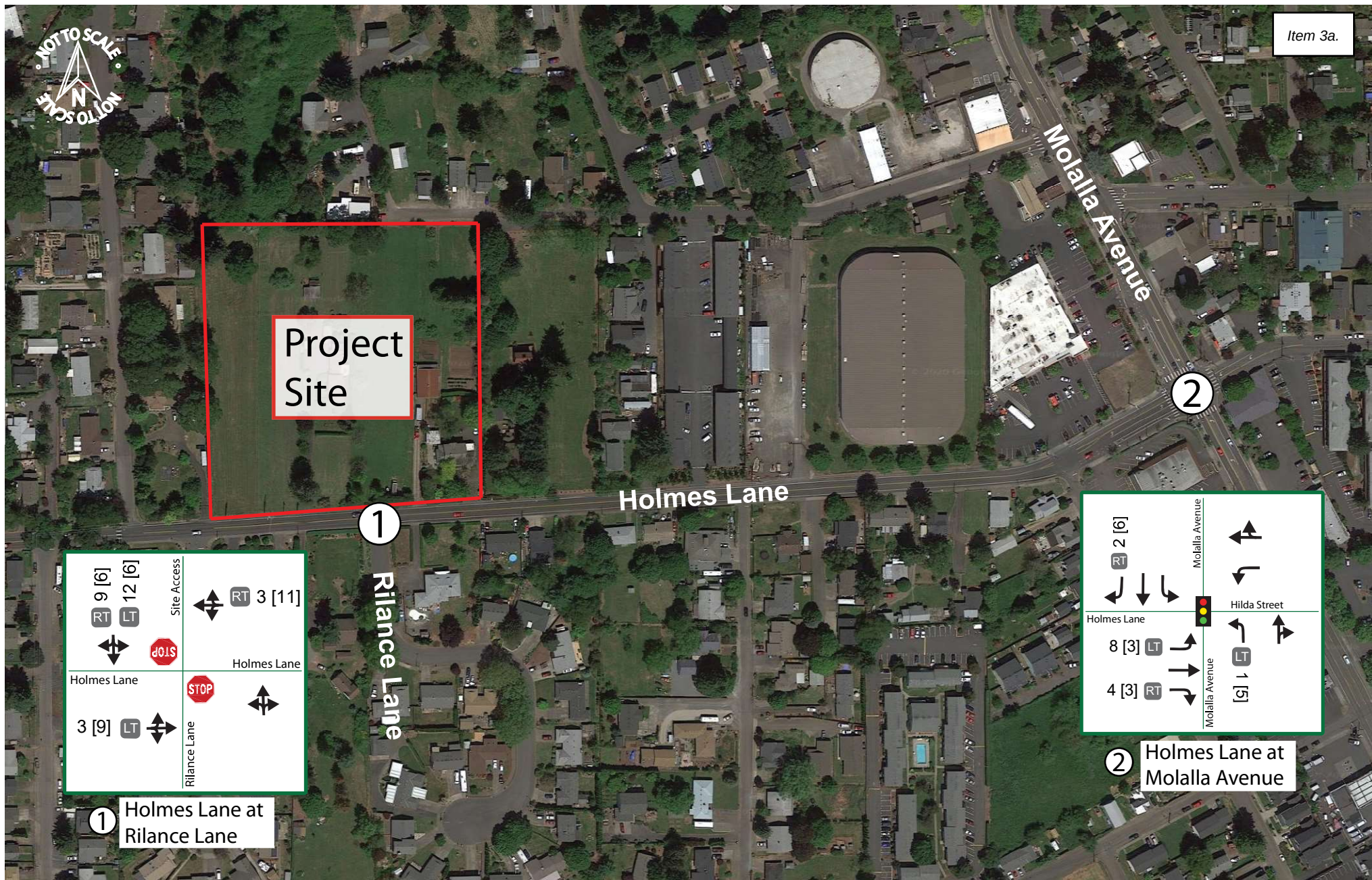
In review of ITE land use codes, the trips generated by the new development and existing facilities will most closely be represented by the following ITE Land Use Codes:

- 210 – Single-Family Home
- 220 – Multifamily Housing (Low-Rise)

As summarized in Table 7, the proposed development is expected to generate 27 net new AM peak hour trips, 32 net new PM peak hour trips, and 420 net new total daily trips.

Table 7: Buildout Year Trip Generation Summary

ITE Code	Size	Unit	Peak Hour Rate			AM Peak Hour			PM Peak Hour			Weekday Daily Total
			AM	PM	Daily	Total	In	Out	Total	In	Out	
Proposed												
220	60	units	0.36	0.44	5.44	28	6	22	34	21	13	439
Existing												
210	2	unit	0.74	0.99	9.44	1	0	1	2	1	1	19
Net New Site Trips												
Proposed minus Existing Site Trips						27	6	21	32	20	12	420



2023 Buildout Operating Conditions (with Development)

To develop the 2023 Buildout traffic volumes, project site generated trips were distributed through study intersections and added to the 2023 background volumes. Trips were distributed based on the existing traffic patterns in the study area. The 2023 Buildout traffic volumes are presented in Figure 6. The 2023 Buildout conditions capacity analysis results are summarized in Table 8.

Table 8: 2023 Buildout Conditions Intersection Performance Summary

Intersection	Mobility Targets	Peak Hour	2023 Buildout Conditions		
			Control Delay (Sec) ¹	Level of Service	V/C
Signalized					
Molalla Avenue at Holmes Lane	V/C < 0.99 LOS D or better	AM	10.5	B	0.57
		PM	11.0	B	0.61
Unsignalized					
Holmes Lane at Rilance Lane	LOS E or better	AM	10.1	B	0.03
		PM	11.0	B	0.02
Notes: ¹ Delay is reported as the average total delay of the intersection, Red = does not meet mobility target					

Under 2023 buildout conditions, the study intersections meet mobility targets. No capacity mitigations are recommended. All HCM reports for all capacity analyses, including signal timing sheets and assumptions, are provided in Appendix C.

Traffic Signal and Turn Lane Warrants

Traffic signal warrants were not examined because the buildout volumes for Holmes Lane at Rilance Lane did not meet the minimum thresholds for analysis as outlined in Section 4C.04.03 of the Manual for Uniform Traffic Control Devices (MUTCD). Left and right turn lane warrants were similarly not examined due to low turning movement volumes for movements not served by a dedicated turn lane under 2023 buildout conditions at both study intersections.

Site Circulation and Parking

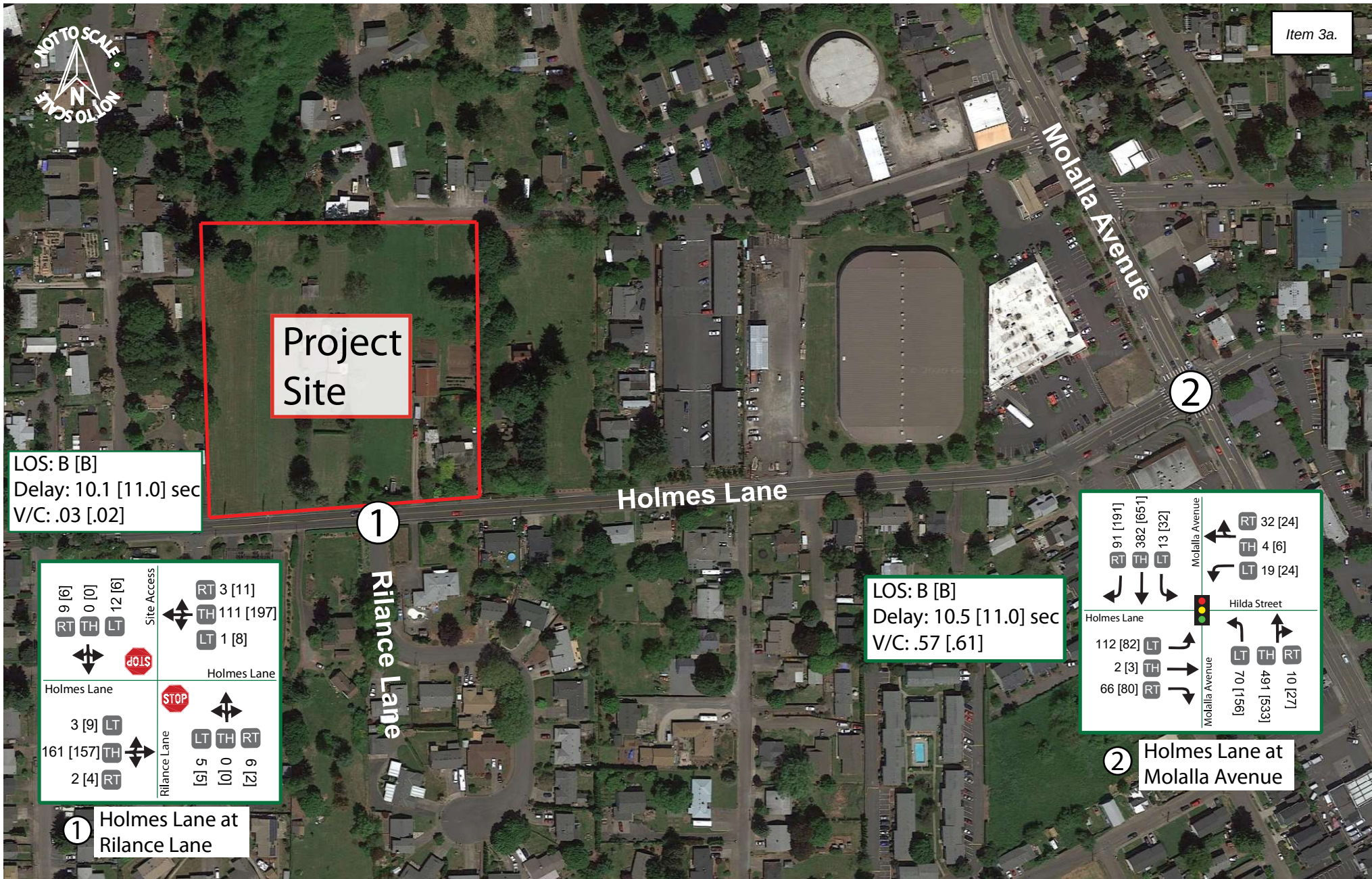
Figure 2 shows a preliminary site plan with circulation options. Off-street parking will be provided to accommodate the proposed townhomes. Circulation and parking requirements will meet the Oregon City Design Standards.

Intersection and Site-Access Driveway Queuing Analysis

The greatest possibility of queueing exists during the AM peak hour when 20 vehicles are expected to exit the site and may utilize the proposed southbound stop sign at the intersection of Holmes Lane at Rilance Lane. Other site-access volumes will be uncontrolled. No intersection or site-access driveway queueing issues are anticipated.

Recommended Roadway and Intersection Mitigation Measures

No roadway and intersections mitigation measures are recommended in association with this development.



CONCLUSIONS AND RECOMMENDATIONS

The Mountainview Townhomes Subdivision will be located at 535 and 545 Holmes Lane in Oregon City, Oregon. The site fronts Mountainview Street to the north and Holmes Lane to the south. The site will consist of 60 multifamily housing units. The development will replace two single-family homes.

A capacity analysis was conducted for the two study intersections of Holmes Lane at Molalla Avenue and Holmes Lane at Rilance Lane. The proposed development is expected to generate 26 net new AM peak hour trips, 31 net new PM peak hour trips, and 413 net new total daily trips. The capacity analysis showed that both study intersections operate at acceptable levels of service under existing conditions and that they continue to operate at those levels with the addition of background and site trips. No capacity issues were found and no mitigations are recommended.

A crash data analysis was conducted for the two study intersections. Ten crashes were reported at the intersection of Holmes Lane at Molalla Avenue and none were reported at the intersection of Holmes Lane at Rilance Lane. Crash patterns were analyzed and no mitigations are recommended.

A sight distance study was performed and it was found that a crest vertical curve limits sight distance from the proposed southern access to Holmes Lane to 425 feet to the east. This still meets all sight distance standards. No other sight distance issues were found and both site accesses are expected to meet all standards.

Traffic signal and turn lane warrants analyses were not conducted due to low volumes that did not meet the minimum threshold for analysis.

Site circulation and parking were examined. No circulation or parking issues are expected.

Intersection and site driveway queueing was analyzed. No queueing issues are expected.

Appendix

Appendix A: Traffic Count Data

Type of report: Tube Count - Volume Data

LOCATION: 459 Hilda St (btwn Gleason & cemetery)						QC JOB #: 14507851				
SPECIFIC LOCATION: 459 Hilda St (btwn Gleason & cemetery)						DIRECTION: EB				
CITY/STATE: Clackamas, OR						DATE: Sep 28 2017 - Sep 28 2017				
Start Time	Mon	Tue	Wed	Thu 28 Sep 17	Fri	Average Weekday 15-min Traffic	Sat	Sun	Average Week 15-min Traffic	Average Week Profile
12:00 AM				0		0			0	
12:15 AM				0		0			0	
12:30 AM										
12:45 AM				0		0			0	
01:00 AM				0		0			0	
01:15 AM				1		1			1	
01:30 AM				0		0			0	
01:45 AM										
02:00 AM				0		0			0	
02:15 AM				0		0			0	
02:30 AM				0		0			0	
02:45 AM										
03:00 AM										
03:15 AM										
03:30 AM				0		0			0	
03:45 AM										
04:00 AM										
04:15 AM				0		0			0	
04:30 AM				0		0			0	
04:45 AM				0		0			0	
05:00 AM										
05:15 AM				0		0			0	
05:30 AM				0		0			0	
05:45 AM										
Day Total										
% Weekday Average										
% Week Average										
AM Peak 15-min Vol										
PM Peak 15-min Vol										
Comments:										

Report generated on 9/1/2020 9:46 AM

SOURCE: Quality Counts, LLC (<http://www.qualitycounts.net>)

LOCATION: 459 Hilda St (btwn Gleason & cemetery)						QC JOB #: 14507851				
SPECIFIC LOCATION: 459 Hilda St (btwn Gleason & cemetery)						DIRECTION: EB				
CITY/STATE: Clackamas, OR						DATE: Sep 28 2017 - Sep 28 2017				
Start Time	Mon	Tue	Wed	Thu 28 Sep 17	Fri	Average Weekday 15-min Traffic	Sat	Sun	Average Week 15-min Traffic	Average Week Profile
06:00 AM										
06:15 AM				1		1			1	
06:30 AM				5		5			5	
06:45 AM				6		6			6	
07:00 AM				2		2			2	
07:15 AM				2		2			2	
07:30 AM				1		1			1	
07:45 AM				1		1			1	
08:00 AM				3		3			3	
08:15 AM				3		3			3	
08:30 AM				5		5			5	
08:45 AM				4		4			4	
09:00 AM				2		2			2	
09:15 AM										
09:30 AM				3		3			3	
09:45 AM				4		4			4	
10:00 AM				3		3			3	
10:15 AM				2		2			2	
10:30 AM				4		4			4	
10:45 AM				2		2			2	
11:00 AM										
11:15 AM										
11:30 AM										
11:45 AM										
Day Total										
% Weekday Average										
% Week Average										
AM Peak 15-min Vol										
PM Peak 15-min Vol										
Comments:										

LOCATION: 459 Hilda St (btwn Gleason & cemetery)						QC JOB #: 14507851				
SPECIFIC LOCATION: 459 Hilda St (btwn Gleason & cemetery)						DIRECTION: EB				
CITY/STATE: Clackamas, OR						DATE: Sep 28 2017 - Sep 28 2017				
Start Time	Mon	Tue	Wed	Thu 28 Sep 17	Fri	Average Weekday 15-min Traffic	Sat	Sun	Average Week 15-min Traffic	Average Week Profile
12:00 PM				2		2			2	
12:15 PM				5		5			5	
12:30 PM				8		8			8	
12:45 PM				6		6			6	
01:00 PM				3		3			3	
01:15 PM				3		3			3	
01:30 PM				2		2			2	
01:45 PM				4		4			4	
02:00 PM				1		1			1	
02:15 PM				4		4			4	
02:30 PM				5		5			5	
02:45 PM										
03:00 PM				16		16			16	
03:15 PM				6		6			6	
03:30 PM				6		6			6	
03:45 PM				6		6			6	
04:00 PM										
04:15 PM										
04:30 PM										
04:45 PM										
05:00 PM										
05:15 PM										
05:30 PM				6		6			6	
05:45 PM				4		4			4	
Day Total										
% Weekday Average										
% Week Average										
AM Peak 15-min Vol										
PM Peak 15-min Vol										
Comments:										

LOCATION: 459 Hilda St (btwn Gleason & cemetery)						QC JOB #: 14507851				
SPECIFIC LOCATION: 459 Hilda St (btwn Gleason & cemetery)						DIRECTION: EB				
CITY/STATE: Clackamas, OR						DATE: Sep 28 2017 - Sep 28 2017				
Start Time	Mon	Tue	Wed	Thu 28 Sep 17	Fri	Average Weekday 15-min Traffic	Sat	Sun	Average Week 15-min Traffic	Average Week Profile
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06:15 PM				6		6			6	
06:30 PM										
06:45 PM				4		4			4	
07:00 PM				3		3			3	
07:15 PM										
07:30 PM										
07:45 PM				2		2			2	
08:00 PM				2		2			2	
08:15 PM				4		4			4	
08:30 PM				5		5			5	
08:45 PM				4		4			4	
09:00 PM				1		1			1	
09:15 PM				2		2			2	
09:30 PM				0		0			0	
09:45 PM				1		1			1	
10:00 PM				1		1			1	
10:15 PM				1		1			1	
10:30 PM				0		0			0	
10:45 PM										
11:00 PM										
11:15 PM				2		2			2	
11:30 PM				0		0			0	
11:45 PM				0		0			0	
Day Total				183		183			183	
% Weekday Average				100%						
% Week Average				100%		100%				
AM Peak 15-min Vol				6:45 AM 6		6:45 AM 6			6:45 AM 6	
PM Peak 15-min Vol				3:00 PM 16		3:00 PM 16			3:00 PM 16	
Comments:										

Type of report: Tube Count - Volume Data

LOCATION: 459 Hilda St (btwn Gleason & cemetery)						QC JOB #: 14507851				
SPECIFIC LOCATION: 459 Hilda St (btwn Gleason & cemetery)						DIRECTION: WB				
CITY/STATE: Clackamas, OR						DATE: Sep 28 2017 - Sep 28 2017				
Start Time	Mon	Tue	Wed	Thu 28 Sep 17	Fri	Average Weekday 15-min Traffic	Sat	Sun	Average Week 15-min Traffic	Average Week Profile
12:00 AM				0		0			0	
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05:00 AM										
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05:30 AM				0		0			0	
05:45 AM										
Day Total										
% Weekday Average										
% Week Average										
AM Peak 15-min Vol										
PM Peak 15-min Vol										
Comments:										

Report generated on 9/1/2020 9:46 AM

SOURCE: Quality Counts, LLC (<http://www.qualitycounts.net>)

LOCATION: 459 Hilda St (btwn Gleason & cemetery)						QC JOB #: 14507851				
SPECIFIC LOCATION: 459 Hilda St (btwn Gleason & cemetery)						DIRECTION: WB				
CITY/STATE: Clackamas, OR						DATE: Sep 28 2017 - Sep 28 2017				
Start Time	Mon	Tue	Wed	Thu 28 Sep 17	Fri	Average Weekday 15-min Traffic	Sat	Sun	Average Week 15-min Traffic	Average Week Profile
06:00 AM										
06:15 AM				2		2			2	
06:30 AM				5		5			5	
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08:15 AM				15		15			15	
08:30 AM				13		13			13	
08:45 AM				11		11			11	
09:00 AM				7		7			7	
09:15 AM										
09:30 AM				9		9			9	
09:45 AM				4		4			4	
10:00 AM				7		7			7	
10:15 AM				7		7			7	
10:30 AM				8		8			8	
10:45 AM				6		6			6	
11:00 AM										
11:15 AM										
11:30 AM										
11:45 AM										
Day Total										
% Weekday Average										
% Week Average										
AM Peak 15-min Vol										
PM Peak 15-min Vol										
Comments:										

LOCATION: 459 Hilda St (btwn Gleason & cemetery)						QC JOB #: 14507851				
SPECIFIC LOCATION: 459 Hilda St (btwn Gleason & cemetery)						DIRECTION: WB				
CITY/STATE: Clackamas, OR						DATE: Sep 28 2017 - Sep 28 2017				
Start Time	Mon	Tue	Wed	Thu 28 Sep 17	Fri	Average Weekday 15-min Traffic	Sat	Sun	Average Week 15-min Traffic	Average Week Profile
12:00 PM				11		11			11	
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12:30 PM				14		14			14	
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02:00 PM				10		10			10	
02:15 PM				14		14			14	
02:30 PM				8		8			8	
02:45 PM										
03:00 PM				11		11			11	
03:15 PM				16		16			16	
03:30 PM				14		14			14	
03:45 PM				11		11			11	
04:00 PM										
04:15 PM										
04:30 PM										
04:45 PM										
05:00 PM										
05:15 PM										
05:30 PM				10		10			10	
05:45 PM				8		8			8	
Day Total										
% Weekday Average										
% Week Average										
AM Peak 15-min Vol										
PM Peak 15-min Vol										
Comments:										

LOCATION: 459 Hilda St (btwn Gleason & cemetery)						QC JOB #: 14507851				
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CITY/STATE: Clackamas, OR						DATE: Sep 28 2017 - Sep 28 2017				
Start Time	Mon	Tue	Wed	Thu 28 Sep 17	Fri	Average Weekday 15-min Traffic	Sat	Sun	Average Week 15-min Traffic	Average Week Profile
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07:15 PM										
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% Week Average				100%		100%				
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PM Peak 15-min Vol				3:15 PM 16		3:15 PM 16			3:15 PM 16	
Comments:										

Type of report: Tube Count - Volume Data

LOCATION: Holmes Ln west of Molalla						QC JOB #: 14507852				
SPECIFIC LOCATION: Holmes Ln west of Molalla						DIRECTION: EB				
CITY/STATE: Clackamas, OR						DATE: Nov 2 2017 - Nov 2 2017				
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12:30 AM				0		0			0	
12:45 AM				1		1			1	
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01:15 AM				0		0			0	
01:30 AM				0		0			0	
01:45 AM				2		2			2	
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04:00 AM				1		1			1	
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04:30 AM				6		6			6	
04:45 AM				8		8			8	
05:00 AM				3		3			3	
05:15 AM				7		7			7	
05:30 AM				7		7			7	
05:45 AM				8		8			8	
Day Total										
% Weekday Average										
% Week Average										
AM Peak 15-min Vol										
PM Peak 15-min Vol										
Comments:										

Report generated on 9/1/2020 9:46 AM

SOURCE: Quality Counts, LLC (<http://www.qualitycounts.net>)

LOCATION: Holmes Ln west of Molalla										QC JOB #: 14507852
SPECIFIC LOCATION: Holmes Ln west of Molalla										DIRECTION: EB
CITY/STATE: Clackamas, OR										DATE: Nov 2 2017 - Nov 2 2017
Start Time	Mon	Tue	Wed	Thu 2 Nov 17	Fri	Average Weekday 15-min Traffic	Sat	Sun	Average Week 15-min Traffic	Average Week Profile
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06:15 AM				19		19			19	
06:30 AM				22		22			22	
06:45 AM				28		28			28	
07:00 AM				24		24			24	
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07:45 AM				29		29			29	
08:00 AM				41		41			41	
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09:15 AM				31		31			31	
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10:15 AM				26		26			26	
10:30 AM				25		25			25	
10:45 AM				21		21			21	
11:00 AM				17		17			17	
11:15 AM				40		40			40	
11:30 AM				37		37			37	
11:45 AM				33		33			33	
Day Total										
% Weekday Average										
% Week Average										
AM Peak 15-min Vol										
PM Peak 15-min Vol										
Comments:										

LOCATION: Holmes Ln west of Molalla						QC JOB #: 14507852				
SPECIFIC LOCATION: Holmes Ln west of Molalla						DIRECTION: EB				
CITY/STATE: Clackamas, OR						DATE: Nov 2 2017 - Nov 2 2017				
Start Time	Mon	Tue	Wed	Thu 2 Nov 17	Fri	Average Weekday 15-min Traffic	Sat	Sun	Average Week 15-min Traffic	Average Week Profile
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01:30 PM				28		28			28	
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02:45 PM				48		48			48	
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04:15 PM				37		37			37	
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04:45 PM				36		36			36	
05:00 PM				43		43			43	
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05:30 PM				25		25			25	
05:45 PM				36		36			36	
Day Total										
% Weekday Average										
% Week Average										
AM Peak 15-min Vol										
PM Peak 15-min Vol										
Comments:										

LOCATION: Holmes Ln west of Molalla						QC JOB #: 14507852				
SPECIFIC LOCATION: Holmes Ln west of Molalla						DIRECTION: EB				
CITY/STATE: Clackamas, OR						DATE: Nov 2 2017 - Nov 2 2017				
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06:15 PM				35		35			35	
06:30 PM				25		25			25	
06:45 PM				25		25			25	
07:00 PM				23		23			23	
07:15 PM				25		25			25	
07:30 PM				10		10			10	
07:45 PM				10		10			10	
08:00 PM				6		6			6	
08:15 PM				17		17			17	
08:30 PM				17		17			17	
08:45 PM				9		9			9	
09:00 PM				10		10			10	
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09:30 PM				11		11			11	
09:45 PM				7		7			7	
10:00 PM				3		3			3	
10:15 PM				9		9			9	
10:30 PM				1		1			1	
10:45 PM				4		4			4	
11:00 PM				3		3			3	
11:15 PM				2		2			2	
11:30 PM				8		8			8	
11:45 PM				1		1			1	
Day Total				1914		1914			1914	
% Weekday Average				100%						
% Week Average				100%		100%				
AM Peak 15-min Vol				8:30 AM 52		8:30 AM 52			8:30 AM 52	
PM Peak 15-min Vol				3:30 PM 63		3:30 PM 63			3:30 PM 63	
Comments:										

Type of report: Tube Count - Volume Data

LOCATION: Holmes Ln west of Molalla						QC JOB #: 14507852				
SPECIFIC LOCATION: Holmes Ln west of Molalla						DIRECTION: WB				
CITY/STATE: Clackamas, OR						DATE: Nov 2 2017 - Nov 2 2017				
Start Time	Mon	Tue	Wed	Thu 2 Nov 17	Fri	Average Weekday 15-min Traffic	Sat	Sun	Average Week 15-min Traffic	Average Week Profile
12:00 AM				2		2			2	
12:15 AM				5		5			5	
12:30 AM				1		1			1	
12:45 AM				0		0			0	
01:00 AM				1		1			1	
01:15 AM				2		2			2	
01:30 AM				0		0			0	
01:45 AM				0		0			0	
02:00 AM				1		1			1	
02:15 AM				0		0			0	
02:30 AM				2		2			2	
02:45 AM				1		1			1	
03:00 AM				1		1			1	
03:15 AM				2		2			2	
03:30 AM				1		1			1	
03:45 AM				0		0			0	
04:00 AM				1		1			1	
04:15 AM				2		2			2	
04:30 AM				1		1			1	
04:45 AM				1		1			1	
05:00 AM				4		4			4	
05:15 AM				1		1			1	
05:30 AM				2		2			2	
05:45 AM				3		3			3	
Day Total										
% Weekday Average										
% Week Average										
AM Peak 15-min Vol										
PM Peak 15-min Vol										
Comments:										

Report generated on 9/1/2020 9:46 AM

SOURCE: Quality Counts, LLC (<http://www.qualitycounts.net>)

LOCATION: Holmes Ln west of Molalla						QC JOB #: 14507852				
SPECIFIC LOCATION: Holmes Ln west of Molalla						DIRECTION: WB				
CITY/STATE: Clackamas, OR						DATE: Nov 2 2017 - Nov 2 2017				
Start Time	Mon	Tue	Wed	Thu 2 Nov 17	Fri	Average Weekday 15-min Traffic	Sat	Sun	Average Week 15-min Traffic	Average Week Profile
06:00 AM				12		12			12	
06:15 AM				3		3			3	
06:30 AM				7		7			7	
06:45 AM				3		3			3	
07:00 AM				15		15			15	
07:15 AM				20		20			20	
07:30 AM				32		32			32	
07:45 AM				22		22			22	
08:00 AM				30		30			30	
08:15 AM				22		22			22	
08:30 AM				25		25			25	
08:45 AM				26		26			26	
09:00 AM				20		20			20	
09:15 AM				16		16			16	
09:30 AM				18		18			18	
09:45 AM				23		23			23	
10:00 AM				13		13			13	
10:15 AM				16		16			16	
10:30 AM				27		27			27	
10:45 AM				22		22			22	
11:00 AM				28		28			28	
11:15 AM				17		17			17	
11:30 AM				25		25			25	
11:45 AM				23		23			23	
Day Total										
% Weekday Average										
% Week Average										
AM Peak 15-min Vol										
PM Peak 15-min Vol										
Comments:										

LOCATION: Holmes Ln west of Molalla						QC JOB #: 14507852				
SPECIFIC LOCATION: Holmes Ln west of Molalla						DIRECTION: WB				
CITY/STATE: Clackamas, OR						DATE: Nov 2 2017 - Nov 2 2017				
Start Time	Mon	Tue	Wed	Thu 2 Nov 17	Fri	Average Weekday 15-min Traffic	Sat	Sun	Average Week 15-min Traffic	Average Week Profile
12:00 PM				31		31			31	
12:15 PM				34		34			34	
12:30 PM				31		31			31	
12:45 PM				33		33			33	
01:00 PM				26		26			26	
01:15 PM				34		34			34	
01:30 PM				24		24			24	
01:45 PM				31		31			31	
02:00 PM				24		24			24	
02:15 PM				26		26			26	
02:30 PM				30		30			30	
02:45 PM				35		35			35	
03:00 PM				48		48			48	
03:15 PM				41		41			41	
03:30 PM				40		40			40	
03:45 PM				34		34			34	
04:00 PM				40		40			40	
04:15 PM				49		49			49	
04:30 PM				50		50			50	
04:45 PM				40		40			40	
05:00 PM				40		40			40	
05:15 PM				55		55			55	
05:30 PM				46		46			46	
05:45 PM				53		53			53	
Day Total										
% Weekday Average										
% Week Average										
AM Peak 15-min Vol										
PM Peak 15-min Vol										
Comments:										

LOCATION: Holmes Ln west of Molalla						QC JOB #: 14507852				
SPECIFIC LOCATION: Holmes Ln west of Molalla						DIRECTION: WB				
CITY/STATE: Clackamas, OR						DATE: Nov 2 2017 - Nov 2 2017				
Start Time	Mon	Tue	Wed	Thu 2 Nov 17	Fri	Average Weekday 15-min Traffic	Sat	Sun	Average Week 15-min Traffic	Average Week Profile
06:00 PM				45		45			45	
06:15 PM				31		31			31	
06:30 PM				27		27			27	
06:45 PM				38		38			38	
07:00 PM				28		28			28	
07:15 PM				24		24			24	
07:30 PM				20		20			20	
07:45 PM				20		20			20	
08:00 PM				26		26			26	
08:15 PM				23		23			23	
08:30 PM				14		14			14	
08:45 PM				13		13			13	
09:00 PM				20		20			20	
09:15 PM				9		9			9	
09:30 PM				8		8			8	
09:45 PM				12		12			12	
10:00 PM				4		4			4	
10:15 PM				4		4			4	
10:30 PM				8		8			8	
10:45 PM				4		4			4	
11:00 PM				6		6			6	
11:15 PM				2		2			2	
11:30 PM				9		9			9	
11:45 PM				0		0			0	
Day Total				1789		1789			1789	
% Weekday Average				100%						
% Week Average				100%		100%				
AM Peak 15-min Vol				7:30 AM 32		7:30 AM 32			7:30 AM 32	
PM Peak 15-min Vol				5:15 PM 55		5:15 PM 55			5:15 PM 55	
Comments:										

LOCATION: Molalla Ave north of Holmes						QC JOB #: 14507870				
SPECIFIC LOCATION: Molalla Ave north of Holmes						DIRECTION: NB				
CITY/STATE: Clackamas, OR						DATE: Sep 28 2017 - Sep 28 2017				
Start Time	Mon	Tue	Wed	Thu 28 Sep 17	Fri	Average Weekday 15-min Traffic	Sat	Sun	Average Week 15-min Traffic	Average Week Profile
06:00 AM				79		79			79	
06:15 AM				119		119			119	
06:30 AM				117		117			117	
06:45 AM				140		140			140	
07:00 AM				159		159			159	
07:15 AM				213		213			213	
07:30 AM				208		208			208	
07:45 AM				171		171			171	
08:00 AM				168		168			168	
08:15 AM				155		155			155	
08:30 AM				155		155			155	
08:45 AM				138		138			138	
09:00 AM				164		164			164	
09:15 AM				152		152			152	
09:30 AM				144		144			144	
09:45 AM				146		146			146	
10:00 AM				158		158			158	
10:15 AM				145		145			145	
10:30 AM				143		143			143	
10:45 AM				131		131			131	
11:00 AM				143		143			143	
11:15 AM				157		157			157	
11:30 AM				160		160			160	
11:45 AM				171		171			171	
Day Total										
% Weekday Average										
% Week Average										
AM Peak 15-min Vol										
PM Peak 15-min Vol										
Comments:										

LOCATION: Molalla Ave north of Holmes							QC JOB #: 14507870			
SPECIFIC LOCATION: Molalla Ave north of Holmes							DIRECTION: NB			
CITY/STATE: Clackamas, OR							DATE: Sep 28 2017 - Sep 28 2017			
Start Time	Mon	Tue	Wed	Thu 28 Sep 17	Fri	Average Weekday 15-min Traffic	Sat	Sun	Average Week 15-min Traffic	Average Week Profile
12:00 PM				186		186			186	
12:15 PM				189		189			189	
12:30 PM				178		178			178	
12:45 PM				180		180			180	
01:00 PM				175		175			175	
01:15 PM				158		158			158	
01:30 PM				168		168			168	
01:45 PM				180		180			180	
02:00 PM				158		158			158	
02:15 PM				164		164			164	
02:30 PM				181		181			181	
02:45 PM				164		164			164	
03:00 PM				154		154			154	
03:15 PM				170		170			170	
03:30 PM				196		196			196	
03:45 PM				164		164			164	
04:00 PM				173		173			173	
04:15 PM				176		176			176	
04:30 PM				164		164			164	
04:45 PM				174		174			174	
05:00 PM				172		172			172	
05:15 PM				164		164			164	
05:30 PM				174		174			174	
05:45 PM				165		165			165	
Day Total										
% Weekday Average										
% Week Average										
AM Peak 15-min Vol										
PM Peak 15-min Vol										
Comments:										

LOCATION: Molalla Ave north of Holmes						QC JOB #: 14507870				
SPECIFIC LOCATION: Molalla Ave north of Holmes						DIRECTION: NB				
CITY/STATE: Clackamas, OR						DATE: Sep 28 2017 - Sep 28 2017				
Start Time	Mon	Tue	Wed	Thu 28 Sep 17	Fri	Average Weekday 15-min Traffic	Sat	Sun	Average Week 15-min Traffic	Average Week Profile
06:00 PM				178		178			178	
06:15 PM				154		154			154	
06:30 PM				127		127			127	
06:45 PM				170		170			170	
07:00 PM				140		140			140	
07:15 PM				112		112			112	
07:30 PM				129		129			129	
07:45 PM				120		120			120	
08:00 PM				103		103			103	
08:15 PM				96		96			96	
08:30 PM				94		94			94	
08:45 PM				86		86			86	
09:00 PM				69		69			69	
09:15 PM				75		75			75	
09:30 PM				63		63			63	
09:45 PM				49		49			49	
10:00 PM				29		29			29	
10:15 PM				30		30			30	
10:30 PM				36		36			36	
10:45 PM				25		25			25	
11:00 PM				21		21			21	
11:15 PM				20		20			20	
11:30 PM				19		19			19	
11:45 PM				17		17			17	
Day Total				10148		10148			10148	
% Weekday Average				100%						
% Week Average				100%		100%				
AM Peak 15-min Vol				7:15 AM 213		7:15 AM 213			7:15 AM 213	
PM Peak 15-min Vol				3:30 PM 196		3:30 PM 196			3:30 PM 196	
Comments:										

Type of report: Tube Count - Volume Data

LOCATION: Molalla Ave north of Holmes

SPECIFIC LOCATION: Molalla Ave north of Holmes

CITY/STATE: Clackamas, OR

QC JOB #: 14507870

DIRECTION: SB

DATE: Sep 28 2017 - Sep 28 2017

Start Time	Mon	Tue	Wed	Thu 28 Sep 17	Fri	Average Weekday 15-min Traffic	Sat	Sun	Average Week 15-min Traffic	Average Week Profile
12:00 AM				13		13			13	
12:15 AM				15		15			15	
12:30 AM				15		15			15	
12:45 AM				3		3			3	
01:00 AM				7		7			7	
01:15 AM				4		4			4	
01:30 AM				5		5			5	
01:45 AM				9		9			9	
02:00 AM				10		10			10	
02:15 AM				6		6			6	
02:30 AM				5		5			5	
02:45 AM				7		7			7	
03:00 AM				6		6			6	
03:15 AM				5		5			5	
03:30 AM				3		3			3	
03:45 AM				4		4			4	
04:00 AM				5		5			5	
04:15 AM				12		12			12	
04:30 AM				12		12			12	
04:45 AM				20		20			20	
05:00 AM				15		15			15	
05:15 AM				12		12			12	
05:30 AM				19		19			19	
05:45 AM				30		30			30	
Day Total										
% Weekday Average										
% Week Average										
AM Peak 15-min Vol										
PM Peak 15-min Vol										
Comments:										

Report generated on 9/1/2020 9:46 AM

SOURCE: Quality Counts, LLC (<http://www.qualitycounts.net>)

LOCATION: Molalla Ave north of Holmes						QC JOB #: 14507870				
SPECIFIC LOCATION: Molalla Ave north of Holmes						DIRECTION: SB				
CITY/STATE: Clackamas, OR						DATE: Sep 28 2017 - Sep 28 2017				
Start Time	Mon	Tue	Wed	Thu 28 Sep 17	Fri	Average Weekday 15-min Traffic	Sat	Sun	Average Week 15-min Traffic	Average Week Profile
06:00 AM				35		35			35	
06:15 AM				25		25			25	
06:30 AM				43		43			43	
06:45 AM				72		72			72	
07:00 AM				102		102			102	
07:15 AM				100		100			100	
07:30 AM				111		111			111	
07:45 AM				106		106			106	
08:00 AM				117		117			117	
08:15 AM				101		101			101	
08:30 AM				124		124			124	
08:45 AM				109		109			109	
09:00 AM				122		122			122	
09:15 AM				126		126			126	
09:30 AM				128		128			128	
09:45 AM				138		138			138	
10:00 AM				142		142			142	
10:15 AM				155		155			155	
10:30 AM				143		143			143	
10:45 AM				148		148			148	
11:00 AM				129		129			129	
11:15 AM				141		141			141	
11:30 AM				168		168			168	
11:45 AM				190		190			190	
Day Total										
% Weekday Average										
% Week Average										
AM Peak 15-min Vol										
PM Peak 15-min Vol										
Comments:										

LOCATION: Molalla Ave north of Holmes						QC JOB #: 14507870				
SPECIFIC LOCATION: Molalla Ave north of Holmes						DIRECTION: SB				
CITY/STATE: Clackamas, OR						DATE: Sep 28 2017 - Sep 28 2017				
Start Time	Mon	Tue	Wed	Thu 28 Sep 17	Fri	Average Weekday 15-min Traffic	Sat	Sun	Average Week 15-min Traffic	Average Week Profile
12:00 PM				187		187			187	
12:15 PM				168		168			168	
12:30 PM				174		174			174	
12:45 PM				182		182			182	
01:00 PM				153		153			153	
01:15 PM				183		183			183	
01:30 PM				165		165			165	
01:45 PM				183		183			183	
02:00 PM				149		149			149	
02:15 PM				153		153			153	
02:30 PM				184		184			184	
02:45 PM				200		200			200	
03:00 PM				178		178			178	
03:15 PM				173		173			173	
03:30 PM				205		205			205	
03:45 PM				195		195			195	
04:00 PM				189		189			189	
04:15 PM				203		203			203	
04:30 PM				211		211			211	
04:45 PM				193		193			193	
05:00 PM				211		211			211	
05:15 PM				201		201			201	
05:30 PM				175		175			175	
05:45 PM				197		197			197	
Day Total										
% Weekday Average										
% Week Average										
AM Peak 15-min Vol										
PM Peak 15-min Vol										
Comments:										

LOCATION: Molalla Ave north of Holmes						QC JOB #: 14507870				
SPECIFIC LOCATION: Molalla Ave north of Holmes						DIRECTION: SB				
CITY/STATE: Clackamas, OR						DATE: Sep 28 2017 - Sep 28 2017				
Start Time	Mon	Tue	Wed	Thu 28 Sep 17	Fri	Average Weekday 15-min Traffic	Sat	Sun	Average Week 15-min Traffic	Average Week Profile
06:00 PM				208		208			208	
06:15 PM				166		166			166	
06:30 PM				197		197			197	
06:45 PM				154		154			154	
07:00 PM				148		148			148	
07:15 PM				138		138			138	
07:30 PM				137		137			137	
07:45 PM				112		112			112	
08:00 PM				109		109			109	
08:15 PM				106		106			106	
08:30 PM				102		102			102	
08:45 PM				69		69			69	
09:00 PM				65		65			65	
09:15 PM				76		76			76	
09:30 PM				64		64			64	
09:45 PM				48		48			48	
10:00 PM				53		53			53	
10:15 PM				37		37			37	
10:30 PM				35		35			35	
10:45 PM				28		28			28	
11:00 PM				34		34			34	
11:15 PM				27		27			27	
11:30 PM				34		34			34	
11:45 PM				31		31			31	
Day Total				9607		9607			9607	
% Weekday Average				100%						
% Week Average				100%		100%				
AM Peak 15-min Vol				11:45 AM 190		11:45 AM 190			11:45 AM 190	
PM Peak 15-min Vol				4:30 PM 211		4:30 PM 211			4:30 PM 211	
Comments:										

LOCATION: Molalla Ave south of Holmes							QC JOB #: 14507871			
SPECIFIC LOCATION: Molalla Ave south of Holmes							DIRECTION: NB			
CITY/STATE: Clackamas, OR							DATE: Sep 28 2017 - Sep 28 2017			
Start Time	Mon	Tue	Wed	Thu 28 Sep 17	Fri	Average Weekday 15-min Traffic	Sat	Sun	Average Week 15-min Traffic	Average Week Profile
06:00 AM				35		35			35	
06:15 AM				82		82			82	
06:30 AM				76		76			76	
06:45 AM				105		105			105	
07:00 AM				103		103			103	
07:15 AM				128		128			128	
07:30 AM				153		153			153	
07:45 AM				129		129			129	
08:00 AM				124		124			124	
08:15 AM				131		131			131	
08:30 AM				119		119			119	
08:45 AM				116		116			116	
09:00 AM				128		128			128	
09:15 AM				129		129			129	
09:30 AM				131		131			131	
09:45 AM				128		128			128	
10:00 AM				135		135			135	
10:15 AM				133		133			133	
10:30 AM				135		135			135	
10:45 AM				134		134			134	
11:00 AM				134		134			134	
11:15 AM				139		139			139	
11:30 AM				149		149			149	
11:45 AM				167		167			167	
Day Total										
% Weekday Average										
% Week Average										
AM Peak 15-min Vol										
PM Peak 15-min Vol										
Comments:										

LOCATION: Molalla Ave south of Holmes										QC JOB #: 14507871
SPECIFIC LOCATION: Molalla Ave south of Holmes										DIRECTION: NB
CITY/STATE: Clackamas, OR										DATE: Sep 28 2017 - Sep 28 2017
Start Time	Mon	Tue	Wed	Thu 28 Sep 17	Fri	Average Weekday 15-min Traffic	Sat	Sun	Average Week 15-min Traffic	Average Week Profile
12:00 PM				169		169			169	
12:15 PM				162		162			162	
12:30 PM				157		157			157	
12:45 PM				183		183			183	
01:00 PM				153		153			153	
01:15 PM				160		160			160	
01:30 PM				137		137			137	
01:45 PM				167		167			167	
02:00 PM				149		149			149	
02:15 PM				156		156			156	
02:30 PM				169		169			169	
02:45 PM				152		152			152	
03:00 PM				163		163			163	
03:15 PM				165		165			165	
03:30 PM				164		164			164	
03:45 PM				145		145			145	
04:00 PM				163		163			163	
04:15 PM				172		172			172	
04:30 PM				172		172			172	
04:45 PM				154		154			154	
05:00 PM				171		171			171	
05:15 PM				169		169			169	
05:30 PM				158		158			158	
05:45 PM				174		174			174	
Day Total										
% Weekday Average										
% Week Average										
AM Peak 15-min Vol										
PM Peak 15-min Vol										
Comments:										

LOCATION: Molalla Ave south of Holmes						QC JOB #: 14507871				
SPECIFIC LOCATION: Molalla Ave south of Holmes						DIRECTION: NB				
CITY/STATE: Clackamas, OR						DATE: Sep 28 2017 - Sep 28 2017				
Start Time	Mon	Tue	Wed	Thu 28 Sep 17	Fri	Average Weekday 15-min Traffic	Sat	Sun	Average Week 15-min Traffic	Average Week Profile
06:00 PM				172		172			172	
06:15 PM				142		142			142	
06:30 PM				135		135			135	
06:45 PM				159		159			159	
07:00 PM				143		143			143	
07:15 PM				108		108			108	
07:30 PM				132		132			132	
07:45 PM				126		126			126	
08:00 PM				103		103			103	
08:15 PM				100		100			100	
08:30 PM				111		111			111	
08:45 PM				88		88			88	
09:00 PM				83		83			83	
09:15 PM				65		65			65	
09:30 PM				63		63			63	
09:45 PM				49		49			49	
10:00 PM				26		26			26	
10:15 PM				37		37			37	
10:30 PM				37		37			37	
10:45 PM				23		23			23	
11:00 PM				18		18			18	
11:15 PM				21		21			21	
11:30 PM				20		20			20	
11:45 PM				16		16			16	
Day Total				9101		9101			9101	
% Weekday Average				100%						
% Week Average				100%		100%				
AM Peak 15-min Vol				11:45 AM 167		11:45 AM 167			11:45 AM 167	
PM Peak 15-min Vol				12:45 PM 183		12:45 PM 183			12:45 PM 183	
Comments:										

Type of report: Tube Count - Volume Data

LOCATION: Molalla Ave south of Holmes

SPECIFIC LOCATION: Molalla Ave south of Holmes

CITY/STATE: Clackamas, OR

QC JOB #: 14507871

DIRECTION: SB

DATE: Sep 28 2017 - Sep 28 2017

Start Time	Mon	Tue	Wed	Thu 28 Sep 17	Fri	Average Weekday 15-min Traffic	Sat	Sun	Average Week 15-min Traffic	Average Week Profile
12:00 AM				14		14			14	
12:15 AM				7		7			7	
12:30 AM				13		13			13	
12:45 AM				5		5			5	
01:00 AM				6		6			6	
01:15 AM				4		4			4	
01:30 AM				4		4			4	
01:45 AM				7		7			7	
02:00 AM				6		6			6	
02:15 AM				7		7			7	
02:30 AM				6		6			6	
02:45 AM				7		7			7	
03:00 AM				5		5			5	
03:15 AM				7		7			7	
03:30 AM				4		4			4	
03:45 AM				4		4			4	
04:00 AM				3		3			3	
04:15 AM				10		10			10	
04:30 AM				9		9			9	
04:45 AM				23		23			23	
05:00 AM				12		12			12	
05:15 AM				13		13			13	
05:30 AM				22		22			22	
05:45 AM				26		26			26	
Day Total										
% Weekday Average										
% Week Average										
AM Peak 15-min Vol										
PM Peak 15-min Vol										
Comments:										

Report generated on 9/1/2020 9:46 AM

SOURCE: Quality Counts, LLC (<http://www.qualitycounts.net>)

LOCATION: Molalla Ave south of Holmes							QC JOB #: 14507871			
SPECIFIC LOCATION: Molalla Ave south of Holmes							DIRECTION: SB			
CITY/STATE: Clackamas, OR							DATE: Sep 28 2017 - Sep 28 2017			
Start Time	Mon	Tue	Wed	Thu 28 Sep 17	Fri	Average Weekday 15-min Traffic	Sat	Sun	Average Week 15-min Traffic	Average Week Profile
06:00 AM				36		36			36	
06:15 AM				29		29			29	
06:30 AM				52		52			52	
06:45 AM				77		77			77	
07:00 AM				95		95			95	
07:15 AM				99		99			99	
07:30 AM				113		113			113	
07:45 AM				123		123			123	
08:00 AM				104		104			104	
08:15 AM				106		106			106	
08:30 AM				114		114			114	
08:45 AM				113		113			113	
09:00 AM				123		123			123	
09:15 AM				115		115			115	
09:30 AM				114		114			114	
09:45 AM				131		131			131	
10:00 AM				122		122			122	
10:15 AM				146		146			146	
10:30 AM				166		166			166	
10:45 AM				115		115			115	
11:00 AM				129		129			129	
11:15 AM				147		147			147	
11:30 AM				140		140			140	
11:45 AM				149		149			149	
Day Total										
% Weekday Average										
% Week Average										
AM Peak 15-min Vol										
PM Peak 15-min Vol										
Comments:										

LOCATION: Molalla Ave south of Holmes						QC JOB #: 14507871				
SPECIFIC LOCATION: Molalla Ave south of Holmes						DIRECTION: SB				
CITY/STATE: Clackamas, OR						DATE: Sep 28 2017 - Sep 28 2017				
Start Time	Mon	Tue	Wed	Thu 28 Sep 17	Fri	Average Weekday 15-min Traffic	Sat	Sun	Average Week 15-min Traffic	Average Week Profile
12:00 PM				177		177			177	
12:15 PM				158		158			158	
12:30 PM				181		181			181	
12:45 PM				146		146			146	
01:00 PM				129		129			129	
01:15 PM				173		173			173	
01:30 PM				156		156			156	
01:45 PM				166		166			166	
02:00 PM				145		145			145	
02:15 PM				152		152			152	
02:30 PM				161		161			161	
02:45 PM				149		149			149	
03:00 PM				148		148			148	
03:15 PM				162		162			162	
03:30 PM				187		187			187	
03:45 PM				167		167			167	
04:00 PM				158		158			158	
04:15 PM				171		171			171	
04:30 PM				157		157			157	
04:45 PM				172		172			172	
05:00 PM				185		185			185	
05:15 PM				166		166			166	
05:30 PM				156		156			156	
05:45 PM				176		176			176	
Day Total										
% Weekday Average										
% Week Average										
AM Peak 15-min Vol										
PM Peak 15-min Vol										
Comments:										

LOCATION: Molalla Ave south of Holmes						QC JOB #: 14507871				
SPECIFIC LOCATION: Molalla Ave south of Holmes						DIRECTION: SB				
CITY/STATE: Clackamas, OR						DATE: Sep 28 2017 - Sep 28 2017				
Start Time	Mon	Tue	Wed	Thu 28 Sep 17	Fri	Average Weekday 15-min Traffic	Sat	Sun	Average Week 15-min Traffic	Average Week Profile
06:00 PM				180		180			180	
06:15 PM				153		153			153	
06:30 PM				174		174			174	
06:45 PM				150		150			150	
07:00 PM				127		127			127	
07:15 PM				132		132			132	
07:30 PM				132		132			132	
07:45 PM				108		108			108	
08:00 PM				95		95			95	
08:15 PM				91		91			91	
08:30 PM				82		82			82	
08:45 PM				64		64			64	
09:00 PM				68		68			68	
09:15 PM				61		61			61	
09:30 PM				60		60			60	
09:45 PM				40		40			40	
10:00 PM				41		41			41	
10:15 PM				33		33			33	
10:30 PM				31		31			31	
10:45 PM				25		25			25	
11:00 PM				31		31			31	
11:15 PM				27		27			27	
11:30 PM				27		27			27	
11:45 PM				21		21			21	
Day Total				8733		8733			8733	
% Weekday Average				100%						
% Week Average				100%		100%				
AM Peak 15-min Vol				10:30 AM 166		10:30 AM 166			10:30 AM 166	
PM Peak 15-min Vol				3:30 PM 187		3:30 PM 187			3:30 PM 187	
Comments:										

Appendix B: Crash Data

SER#	P	R	J	S	W	DATE	CLASS	CITY STREET	RD CHAR	INT-TYPE	INT-REL	OFFRD	WTHR	CRASH	SPCL USE	MOVE	A	S	PED	ERROR	ACT	EVENT	CAUSE		
INVEST	E	A	U	I	C	O DAY	DIST	FIRST STREET		(MEDIAN)		RNDBT	SURF	COLL	OWNER	FROM									
RD DPT	E	L	G	N	H	R TIME	FROM	SECOND STREET	DIRECT	LEGS	TRAF-														
UNLOC?	D	C	S	V	L	K LAT	LONG	LRS	LOCTN	(#LANES)	CONTL	DRVWY	LIGHT	SVRTY	V# TYPE	TO	P# TYPE	SVRTY	E	X	RES	LOC			
															02 NONE 0	STOP SW-NE									
															PRVTE		02 PSNG	INJC	16	M		000	011	00	
															PSNGR CAR							000	000	00	
04195	N	N	N			10/22/2014	16	HOLMES LN	INTER	CROSS	N	N	RAIN	S-1STOP	01 NONE 0	STRGHT							29		
NONE						WE	0	MOLALLA AVE	NW		TRF SIGNAL	N	WET	REAR	PRVTE	NW-SE						000	00		
N						1P			06	0		N	DAY	INJ	PSNGR CAR		01 DRVR	NONE	76	Unk	OR-Y	026	000	29	
N						45 20 33.89	-122 35														OR<25				
						43.2									02 NONE 0	STOP NW-SE									
															PRVTE		01 DRVR	INJC	36	M	OR-Y	000	011	00	
															PSNGR CAR						OR<25		000	000	00
02600	N	N	N			07/07/2014	16	HOLMES LN	INTER	CROSS	N	N	CLR	ANGL-OTH	01 NONE 0	STRGHT							04		
NO RPT						MO	0	MOLALLA AVE	CN		TRF SIGNAL	N	DRY	TURN	PRVTE	NW-SE						000	00		
N						2P			03	0		N	DAY	INJ	PSNGR CAR		01 DRVR	INJB	84	F	OR-Y	097	000	00	
N						45 20 33.89	-122 35														OR<25				
						43.2									02 NONE 0	TURN-L SW-NW									
															PRVTE		01 DRVR	INJC	75	F	OR-Y	097	000	00	
															PSNGR CAR						OR<25		000	000	00
04674	N	N	N			11/08/2015	16	HOLMES LN	INTER	CROSS	N	N	UNK	0-1 L-TURN	01 NONE 0	STRGHT							02		
NO RPT						SU	0	MOLALLA AVE	CN		TRF SIGNAL	N	UNK	TURN	PRVTE	NW-SE						000	00		
N						4P			01	0		N	DUSK	INJ	PSNGR CAR		01 DRVR	INJC	43	M	OTH-Y	000	000	00	
N						45 20 33.89	-122 35														N-RES				
						43.2									01 NONE 0	STRGHT NW-SE									
															PRVTE		02 PSNG	INJC	46	F		000	000	00	
															PSNGR CAR										
															02 NONE 0	TURN-L SE-SW									
															PRVTE		01 DRVR	NONE	28	F	OR-Y	028,004	000	00	
															PSNGR CAR						OR<25		000	002	
04675	N	N	N			11/07/2017	16	HOLMES LN	INTER	CROSS	N	N	CLD	0-1 L-TURN	01 NONE 0	STRGHT							02		
CITY						TU	0	MOLALLA AVE	CN		TRF SIGNAL	N	DRY	TURN	PRVTE	NW-SE						000	00		
N						1P			03	0		N	DAY	INJ	PSNGR CAR		01 DRVR	INJC	27	F	OR-Y	000	000	00	
N						45 20 33.89	-122 35														OR<25				
						43.2									02 NONE 0	TURN-L SE-SW									
															PRVTE		01 DRVR	NONE	53	F	OR-Y	004,028	000	00	
															PSNGR CAR						OR<25				

Appendix C: HCM Reports

HCM 6th TWSC

1: Rilance Lane & Holmes Lane

09/23/2020

Intersection						
Int Delay, s/veh	0.4					
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Vol, veh/h	157	2	1	108	5	6
Future Vol, veh/h	157	2	1	108	5	6
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	88	88	88	88	88	88
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	178	2	1	123	6	7
Major/Minor	Major1	Major2		Minor1		
Conflicting Flow All	0	0	180	0	304	179
Stage 1	-	-	-	-	179	-
Stage 2	-	-	-	-	125	-
Critical Hdwy	-	-	4.12	-	6.42	6.22
Critical Hdwy Stg 1	-	-	-	-	5.42	-
Critical Hdwy Stg 2	-	-	-	-	5.42	-
Follow-up Hdwy	-	-	2.218	-	3.518	3.318
Pot Cap-1 Maneuver	-	-	1396	-	688	864
Stage 1	-	-	-	-	852	-
Stage 2	-	-	-	-	901	-
Platoon blocked, %	-	-		-		
Mov Cap-1 Maneuver	-	-	1396	-	687	864
Mov Cap-2 Maneuver	-	-	-	-	687	-
Stage 1	-	-	-	-	852	-
Stage 2	-	-	-	-	900	-
Approach	EB	WB		NB		
HCM Control Delay, s	0	0.1		9.7		
HCM LOS	A					
Minor Lane/Major Mvmt	NBLn1	EBT	EBR	WBL	WBT	
Capacity (veh/h)	773	-	-	1396	-	
HCM Lane V/C Ratio	0.016	-	-	0.001	-	
HCM Control Delay (s)	9.7	-	-	7.6	0	
HCM Lane LOS	A	-	-	A	A	
HCM 95th %tile Q(veh)	0	-	-	0	-	

Timings

2: Molalla Avenue & Holmes Lane/Hilda Street

09/23/2020

										
Lane Group	EBL	EBT	EBR	WBL	WBT	NBL	NBT	SBL	SBT	SBR
Lane Configurations										
Traffic Volume (vph)	101	2	60	19	4	67	477	12	371	87
Future Volume (vph)	101	2	60	19	4	67	477	12	371	87
Turn Type	Perm	NA	Perm	Perm	NA	pm+pt	NA	pm+pt	NA	Perm
Protected Phases		4			8	5	2	1	6	
Permitted Phases	4		4	8		2		6		6
Detector Phase	4	4	4	8	8	5	2	1	6	6
Switch Phase										
Minimum Initial (s)	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0
Minimum Split (s)	22.5	22.5	22.5	22.5	22.5	9.5	22.5	9.5	22.5	22.5
Total Split (s)	22.5	22.5	22.5	22.5	22.5	9.6	28.0	9.5	27.9	27.9
Total Split (%)	37.5%	37.5%	37.5%	37.5%	37.5%	16.0%	46.7%	15.8%	46.5%	46.5%
Yellow Time (s)	3.5	3.5	3.5	3.5	3.5	3.5	3.5	3.5	3.5	3.5
All-Red Time (s)	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Lost Time (s)	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5
Lead/Lag						Lead	Lag	Lead	Lag	Lag
Lead-Lag Optimize?						Yes	Yes	Yes	Yes	Yes
Recall Mode	None	None	None	None	None	None	Min	None	Min	Min
Act Effect Green (s)	9.4	9.4	9.4	9.3	9.3	25.7	26.3	24.0	22.8	22.8
Actuated g/C Ratio	0.22	0.22	0.22	0.22	0.22	0.61	0.62	0.57	0.54	0.54
v/c Ratio	0.38	0.00	0.16	0.07	0.11	0.13	0.48	0.03	0.42	0.11
Control Delay	20.2	15.5	2.8	16.1	8.3	5.2	9.9	4.8	11.9	2.8
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	20.2	15.5	2.8	16.1	8.3	5.2	9.9	4.8	11.9	2.8
LOS	C	B	A	B	A	A	A	A	B	A
Approach Delay		13.8			11.0		9.3		10.0	
Approach LOS		B			B		A		B	

Intersection Summary

Cycle Length: 60

Actuated Cycle Length: 42.2

Natural Cycle: 60

Control Type: Actuated-Uncoordinated

Maximum v/c Ratio: 0.48

Intersection Signal Delay: 10.3

Intersection LOS: B

Intersection Capacity Utilization 53.8%

ICU Level of Service A

Analysis Period (min) 15

Splits and Phases: 2: Molalla Avenue & Holmes Lane/Hilda Street

 Ø1	 Ø2	 Ø4
9.5 s	28 s	22.5 s
 Ø5	 Ø6	 Ø8
9.6 s	27.9 s	22.5 s

HCM 6th Signalized Intersection Summary

2: Molalla Avenue & Holmes Lane/Hilda Street

09/23/2020

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (veh/h)	101	2	60	19	4	31	67	477	9	12	371	87
Future Volume (veh/h)	101	2	60	19	4	31	67	477	9	12	371	87
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	0.99		0.96	0.99		0.99	1.00		0.97	1.00		0.97
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Work Zone On Approach	No			No			No			No		
Adj Sat Flow, veh/h/ln	1870	1870	1870	1870	1870	1870	1870	1870	1870	1870	1870	1870
Adj Flow Rate, veh/h	115	2	68	22	5	35	76	542	10	14	422	99
Peak Hour Factor	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88
Percent Heavy Veh, %	2	2	2	2	2	2	2	2	2	2	2	2
Cap, veh/h	420	324	262	441	35	242	489	742	14	380	652	534
Arrive On Green	0.17	0.17	0.17	0.17	0.17	0.17	0.08	0.41	0.41	0.02	0.35	0.35
Sat Flow, veh/h	1350	1870	1514	1313	199	1396	1781	1829	34	1781	1870	1534
Grp Volume(v), veh/h	115	2	68	22	0	40	76	0	552	14	422	99
Grp Sat Flow(s),veh/h/ln	1350	1870	1514	1313	0	1595	1781	0	1863	1781	1870	1534
Q Serve(g_s), s	2.6	0.0	1.3	0.5	0.0	0.7	0.9	0.0	8.4	0.2	6.4	1.5
Cycle Q Clear(g_c), s	3.4	0.0	1.3	0.5	0.0	0.7	0.9	0.0	8.4	0.2	6.4	1.5
Prop In Lane	1.00		1.00	1.00		0.88	1.00		0.02	1.00		1.00
Lane Grp Cap(c), veh/h	420	324	262	441	0	276	489	0	756	380	652	534
V/C Ratio(X)	0.27	0.01	0.26	0.05	0.00	0.14	0.16	0.00	0.73	0.04	0.65	0.19
Avail Cap(c_a), veh/h	911	1004	813	919	0	856	625	0	1306	613	1306	1071
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	1.00	1.00	1.00	0.00	1.00	1.00	0.00	1.00	1.00	1.00	1.00
Uniform Delay (d), s/veh	13.2	11.5	12.0	11.7	0.0	11.8	6.5	0.0	8.4	7.4	9.2	7.6
Incr Delay (d2), s/veh	0.3	0.0	0.5	0.0	0.0	0.2	0.1	0.0	1.4	0.0	1.1	0.2
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	0.7	0.0	0.4	0.1	0.0	0.2	0.2	0.0	2.4	0.0	1.9	0.4
Unsig. Movement Delay, s/veh												
LnGrp Delay(d),s/veh	13.5	11.5	12.5	11.7	0.0	12.0	6.6	0.0	9.8	7.4	10.3	7.8
LnGrp LOS	B	B	B	B	A	B	A	A	A	A	B	A
Approach Vol, veh/h	185			62			628			535		
Approach Delay, s/veh	13.1			11.9			9.4			9.7		
Approach LOS	B			B			A			A		
Timer - Assigned Phs	1	2		4	5	6		8				
Phs Duration (G+Y+Rc), s	5.1	18.1		10.3	7.0	16.2		10.3				
Change Period (Y+Rc), s	4.5	4.5		4.5	4.5	4.5		4.5				
Max Green Setting (Gmax), s	5.0	23.5		18.0	5.1	23.4		18.0				
Max Q Clear Time (g_c+I1), s	2.2	10.4		5.4	2.9	8.4		2.7				
Green Ext Time (p_c), s	0.0	3.0		0.4	0.0	2.6		0.2				
Intersection Summary												
HCM 6th Ctrl Delay	10.1											
HCM 6th LOS	B											

HCM 6th TWSC

1: Rilance Lane & Holmes Lane

09/23/2020

Intersection						
Int Delay, s/veh	0.4					
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Vol, veh/h	152	4	8	192	5	2
Future Vol, veh/h	152	4	8	192	5	2
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	95	95	95	95	95	95
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	160	4	8	202	5	2
Major/Minor	Major1	Major2		Minor1		
Conflicting Flow All	0	0	164	0	380	162
Stage 1	-	-	-	-	162	-
Stage 2	-	-	-	-	218	-
Critical Hdwy	-	-	4.12	-	6.42	6.22
Critical Hdwy Stg 1	-	-	-	-	5.42	-
Critical Hdwy Stg 2	-	-	-	-	5.42	-
Follow-up Hdwy	-	-	2.218	-	3.518	3.318
Pot Cap-1 Maneuver	-	-	1414	-	622	883
Stage 1	-	-	-	-	867	-
Stage 2	-	-	-	-	818	-
Platoon blocked, %	-	-		-		
Mov Cap-1 Maneuver	-	-	1414	-	618	883
Mov Cap-2 Maneuver	-	-	-	-	618	-
Stage 1	-	-	-	-	867	-
Stage 2	-	-	-	-	813	-
Approach	EB	WB		NB		
HCM Control Delay, s	0	0.3		10.4		
HCM LOS	B					
Minor Lane/Major Mvmt	NBLn1	EBT	EBR	WBL	WBT	
Capacity (veh/h)	676	-	-	1414	-	
HCM Lane V/C Ratio	0.011	-	-	0.006	-	
HCM Control Delay (s)	10.4	-	-	7.6	0	
HCM Lane LOS	B	-	-	A	A	
HCM 95th %tile Q(veh)	0	-	-	0	-	

Timings

2: Molalla Avenue & Holmes Lane/Hilda Street

09/23/2020

										
Lane Group	EBL	EBT	EBR	WBL	WBT	NBL	NBT	SBL	SBT	SBR
Lane Configurations										
Traffic Volume (vph)	76	3	75	24	6	146	517	31	632	179
Future Volume (vph)	76	3	75	24	6	146	517	31	632	179
Turn Type	Perm	NA	Perm	Perm	NA	pm+pt	NA	pm+pt	NA	Perm
Protected Phases		4			8	5	2	1	6	
Permitted Phases	4		4	8		2		6		6
Detector Phase	4	4	4	8	8	5	2	1	6	6
Switch Phase										
Minimum Initial (s)	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0
Minimum Split (s)	22.5	22.5	22.5	22.5	22.5	9.5	22.5	9.5	22.5	22.5
Total Split (s)	22.5	22.5	22.5	22.5	22.5	9.5	28.0	9.5	28.0	28.0
Total Split (%)	37.5%	37.5%	37.5%	37.5%	37.5%	15.8%	46.7%	15.8%	46.7%	46.7%
Yellow Time (s)	3.5	3.5	3.5	3.5	3.5	3.5	3.5	3.5	3.5	3.5
All-Red Time (s)	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Lost Time (s)	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5
Lead/Lag						Lead	Lag	Lead	Lag	Lag
Lead-Lag Optimize?						Yes	Yes	Yes	Yes	Yes
Recall Mode	None	None	None	None	None	None	Min	None	Min	Min
Act Effect Green (s)	8.4	8.4	8.4	8.4	8.4	30.7	30.3	29.0	26.7	26.7
Actuated g/C Ratio	0.18	0.18	0.18	0.18	0.18	0.65	0.64	0.62	0.57	0.57
v/c Ratio	0.33	0.01	0.22	0.10	0.10	0.34	0.48	0.06	0.63	0.20
Control Delay	22.3	17.0	4.4	18.3	10.2	6.3	10.3	4.1	15.7	3.1
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	22.3	17.0	4.4	18.3	10.2	6.3	10.3	4.1	15.7	3.1
LOS	C	B	A	B	B	A	B	A	B	A
Approach Delay		13.5			13.8		9.4		12.6	
Approach LOS		B			B		A		B	

Intersection Summary

Cycle Length: 60

Actuated Cycle Length: 47

Natural Cycle: 60

Control Type: Actuated-Uncoordinated

Maximum v/c Ratio: 0.63

Intersection Signal Delay: 11.5

Intersection LOS: B

Intersection Capacity Utilization 64.1%

ICU Level of Service C

Analysis Period (min) 15

Splits and Phases: 2: Molalla Avenue & Holmes Lane/Hilda Street

		
Ø1	Ø2	Ø4
9.5 s	28 s	22.5 s
		
Ø5	Ø6	Ø8
9.5 s	28 s	22.5 s

HCM 6th Signalized Intersection Summary

2: Molalla Avenue & Holmes Lane/Hilda Street

09/23/2020

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (veh/h)	76	3	75	24	6	24	146	517	26	31	632	179
Future Volume (veh/h)	76	3	75	24	6	24	146	517	26	31	632	179
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	0.98		0.95	0.98		0.98	1.00		0.97	1.00		0.97
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Work Zone On Approach	No			No			No			No		
Adj Sat Flow, veh/h/ln	1870	1870	1870	1870	1870	1870	1870	1870	1870	1870	1870	1870
Adj Flow Rate, veh/h	80	3	79	25	6	25	154	544	27	33	665	188
Peak Hour Factor	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95
Percent Heavy Veh, %	2	2	2	2	2	2	2	2	2	2	2	2
Cap, veh/h	335	256	206	348	43	177	435	884	44	474	822	676
Arrive On Green	0.14	0.14	0.14	0.14	0.14	0.14	0.10	0.50	0.50	0.04	0.44	0.44
Sat Flow, veh/h	1356	1870	1504	1295	311	1297	1781	1764	88	1781	1870	1538
Grp Volume(v), veh/h	80	3	79	25	0	31	154	0	571	33	665	188
Grp Sat Flow(s),veh/h/ln	1356	1870	1504	1295	0	1608	1781	0	1852	1781	1870	1538
Q Serve(g_s), s	2.3	0.1	2.0	0.7	0.0	0.7	1.8	0.0	9.3	0.4	12.9	3.3
Cycle Q Clear(g_c), s	3.0	0.1	2.0	0.8	0.0	0.7	1.8	0.0	9.3	0.4	12.9	3.3
Prop In Lane	1.00		1.00	1.00		0.81	1.00		0.05	1.00		1.00
Lane Grp Cap(c), veh/h	335	256	206	348	0	220	435	0	928	474	822	676
V/C Ratio(X)	0.24	0.01	0.38	0.07	0.00	0.14	0.35	0.00	0.62	0.07	0.81	0.28
Avail Cap(c_a), veh/h	736	808	650	730	0	695	471	0	1044	620	1055	867
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	1.00	1.00	1.00	0.00	1.00	1.00	0.00	1.00	1.00	1.00	1.00
Uniform Delay (d), s/veh	17.1	15.5	16.4	15.9	0.0	15.8	7.5	0.0	7.5	6.4	10.2	7.5
Incr Delay (d2), s/veh	0.4	0.0	1.2	0.1	0.0	0.3	0.5	0.0	0.9	0.1	3.7	0.2
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	0.7	0.0	0.7	0.2	0.0	0.2	0.5	0.0	2.6	0.1	4.6	0.8
Unsig. Movement Delay, s/veh												
LnGrp Delay(d),s/veh	17.5	15.6	17.6	16.0	0.0	16.1	7.9	0.0	8.4	6.4	13.9	7.7
LnGrp LOS	B	B	B	B	A	B	A	A	A	A	B	A
Approach Vol, veh/h	162			56			725			886		
Approach Delay, s/veh	17.5			16.0			8.3			12.3		
Approach LOS	B			B			A			B		
Timer - Assigned Phs	1	2		4	5	6		8				
Phs Duration (G+Y+Rc), s	6.1	25.4		10.2	8.7	22.8		10.2				
Change Period (Y+Rc), s	4.5	4.5		4.5	4.5	4.5		4.5				
Max Green Setting (Gmax), s	5.0	23.5		18.0	5.0	23.5		18.0				
Max Q Clear Time (g_c+I1), s	2.4	11.3		5.0	3.8	14.9		2.8				
Green Ext Time (p_c), s	0.0	3.0		0.4	0.0	3.4		0.1				
Intersection Summary												
HCM 6th Ctrl Delay	11.3											
HCM 6th LOS	B											

HCM 6th TWSC

1: Rilance Lane & Holmes Lane

09/23/2020

Intersection						
Int Delay, s/veh	0.4					
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Vol, veh/h	161	2	1	111	5	6
Future Vol, veh/h	161	2	1	111	5	6
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	88	88	88	88	88	88
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	183	2	1	126	6	7
Major/Minor	Major1	Major2		Minor1		
Conflicting Flow All	0	0	185	0	312	184
Stage 1	-	-	-	-	184	-
Stage 2	-	-	-	-	128	-
Critical Hdwy	-	-	4.12	-	6.42	6.22
Critical Hdwy Stg 1	-	-	-	-	5.42	-
Critical Hdwy Stg 2	-	-	-	-	5.42	-
Follow-up Hdwy	-	-	2.218	-	3.518	3.318
Pot Cap-1 Maneuver	-	-	1390	-	681	858
Stage 1	-	-	-	-	848	-
Stage 2	-	-	-	-	898	-
Platoon blocked, %	-	-		-		
Mov Cap-1 Maneuver	-	-	1390	-	680	858
Mov Cap-2 Maneuver	-	-	-	-	680	-
Stage 1	-	-	-	-	848	-
Stage 2	-	-	-	-	897	-
Approach	EB	WB		NB		
HCM Control Delay, s	0	0.1		9.8		
HCM LOS	A					
Minor Lane/Major Mvmt	NBLn1	EBT	EBR	WBL	WBT	
Capacity (veh/h)	767	-	-	1390	-	
HCM Lane V/C Ratio	0.016	-	-	0.001	-	
HCM Control Delay (s)	9.8	-	-	7.6	0	
HCM Lane LOS	A	-	-	A	A	
HCM 95th %tile Q(veh)	0.1	-	-	0	-	

Timings

2: Molalla Avenue & Holmes Lane/Hilda Street

09/23/2020

										
Lane Group	EBL	EBT	EBR	WBL	WBT	NBL	NBT	SBL	SBT	SBR
Lane Configurations										
Traffic Volume (vph)	104	2	62	19	4	69	491	13	382	89
Future Volume (vph)	104	2	62	19	4	69	491	13	382	89
Turn Type	Perm	NA	Perm	Perm	NA	pm+pt	NA	pm+pt	NA	Perm
Protected Phases		4			8	5	2	1	6	
Permitted Phases	4		4	8		2		6		6
Detector Phase	4	4	4	8	8	5	2	1	6	6
Switch Phase										
Minimum Initial (s)	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0
Minimum Split (s)	22.5	22.5	22.5	22.5	22.5	9.5	22.5	9.5	22.5	22.5
Total Split (s)	22.5	22.5	22.5	22.5	22.5	9.6	28.0	9.5	27.9	27.9
Total Split (%)	37.5%	37.5%	37.5%	37.5%	37.5%	16.0%	46.7%	15.8%	46.5%	46.5%
Yellow Time (s)	3.5	3.5	3.5	3.5	3.5	3.5	3.5	3.5	3.5	3.5
All-Red Time (s)	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Lost Time (s)	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5
Lead/Lag						Lead	Lag	Lead	Lag	Lag
Lead-Lag Optimize?						Yes	Yes	Yes	Yes	Yes
Recall Mode	None	None	None	None	None	None	Min	None	Min	Min
Act Effect Green (s)	9.5	9.5	9.5	9.4	9.4	26.1	26.7	24.4	23.2	23.2
Actuated g/C Ratio	0.22	0.22	0.22	0.22	0.22	0.61	0.63	0.57	0.54	0.54
v/c Ratio	0.39	0.00	0.17	0.07	0.11	0.13	0.49	0.03	0.43	0.11
Control Delay	20.5	15.5	2.9	16.1	8.3	5.2	10.4	4.9	12.0	2.9
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	20.5	15.5	2.9	16.1	8.3	5.2	10.4	4.9	12.0	2.9
LOS	C	B	A	B	A	A	B	A	B	A
Approach Delay		14.0			11.0		9.7		10.2	
Approach LOS		B			B		A		B	

Intersection Summary

Cycle Length: 60

Actuated Cycle Length: 42.7

Natural Cycle: 60

Control Type: Actuated-Uncoordinated

Maximum v/c Ratio: 0.49

Intersection Signal Delay: 10.5

Intersection LOS: B

Intersection Capacity Utilization 54.7%

ICU Level of Service A

Analysis Period (min) 15

Splits and Phases: 2: Molalla Avenue & Holmes Lane/Hilda Street

		
Ø1	Ø2	Ø4
9.5 s	28 s	22.5 s
		
Ø5	Ø6	Ø8
9.6 s	27.9 s	22.5 s

HCM 6th Signalized Intersection Summary

2: Molalla Avenue & Holmes Lane/Hilda Street

Item 3a.

09/23/2020

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (veh/h)	104	2	62	19	4	32	69	491	10	13	382	89
Future Volume (veh/h)	104	2	62	19	4	32	69	491	10	13	382	89
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	0.99		0.96	0.99		0.99	1.00		0.97	1.00		0.97
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Work Zone On Approach	No			No			No			No		
Adj Sat Flow, veh/h/ln	1870	1870	1870	1870	1870	1870	1870	1870	1870	1870	1870	1870
Adj Flow Rate, veh/h	118	2	70	22	5	36	78	558	11	15	434	101
Peak Hour Factor	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88
Percent Heavy Veh, %	2	2	2	2	2	2	2	2	2	2	2	2
Cap, veh/h	417	329	266	439	34	246	484	752	15	373	663	544
Arrive On Green	0.18	0.18	0.18	0.18	0.18	0.18	0.08	0.41	0.41	0.02	0.35	0.35
Sat Flow, veh/h	1349	1870	1515	1311	194	1400	1781	1827	36	1781	1870	1534
Grp Volume(v), veh/h	118	2	70	22	0	41	78	0	569	15	434	101
Grp Sat Flow(s),veh/h/ln	1349	1870	1515	1311	0	1595	1781	0	1863	1781	1870	1534
Q Serve(g_s), s	2.8	0.0	1.4	0.5	0.0	0.7	0.9	0.0	8.9	0.2	6.7	1.6
Cycle Q Clear(g_c), s	3.5	0.0	1.4	0.5	0.0	0.7	0.9	0.0	8.9	0.2	6.7	1.6
Prop In Lane	1.00		1.00	1.00		0.88	1.00		0.02	1.00		1.00
Lane Grp Cap(c), veh/h	417	329	266	439	0	280	484	0	767	373	663	544
V/C Ratio(X)	0.28	0.01	0.26	0.05	0.00	0.15	0.16	0.00	0.74	0.04	0.65	0.19
Avail Cap(c_a), veh/h	887	980	794	896	0	836	613	0	1274	598	1274	1045
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	1.00	1.00	1.00	0.00	1.00	1.00	0.00	1.00	1.00	1.00	1.00
Uniform Delay (d), s/veh	13.5	11.7	12.2	11.9	0.0	12.0	6.5	0.0	8.6	7.5	9.3	7.7
Incr Delay (d2), s/veh	0.4	0.0	0.5	0.0	0.0	0.2	0.2	0.0	1.4	0.0	1.1	0.2
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	0.7	0.0	0.4	0.1	0.0	0.2	0.2	0.0	2.6	0.1	2.0	0.4
Unsig. Movement Delay, s/veh												
LnGrp Delay(d),s/veh	13.8	11.7	12.8	11.9	0.0	12.2	6.7	0.0	10.0	7.5	10.4	7.8
LnGrp LOS	B	B	B	B	A	B	A	A	A	A	B	A
Approach Vol, veh/h	190			63			647			550		
Approach Delay, s/veh	13.4			12.1			9.6			9.9		
Approach LOS	B			B			A			A		
Timer - Assigned Phs	1	2		4	5	6		8				
Phs Duration (G+Y+Rc), s	5.2	18.6		10.5	7.1	16.7		10.5				
Change Period (Y+Rc), s	4.5	4.5		4.5	4.5	4.5		4.5				
Max Green Setting (Gmax), s	5.0	23.5		18.0	5.1	23.4		18.0				
Max Q Clear Time (g_c+I1), s	2.2	10.9		5.5	2.9	8.7		2.7				
Green Ext Time (p_c), s	0.0	3.1		0.4	0.0	2.7		0.2				
Intersection Summary												
HCM 6th Ctrl Delay	10.3											
HCM 6th LOS	B											

HCM 6th TWSC

1: Rilance Lane & Holmes Lane

09/23/2020

Intersection						
Int Delay, s/veh	0.4					
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Vol, veh/h	157	4	8	197	5	2
Future Vol, veh/h	157	4	8	197	5	2
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	95	95	95	95	95	95
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	165	4	8	207	5	2
Major/Minor	Major1	Major2		Minor1		
Conflicting Flow All	0	0	169	0	390	167
Stage 1	-	-	-	-	167	-
Stage 2	-	-	-	-	223	-
Critical Hdwy	-	-	4.12	-	6.42	6.22
Critical Hdwy Stg 1	-	-	-	-	5.42	-
Critical Hdwy Stg 2	-	-	-	-	5.42	-
Follow-up Hdwy	-	-	2.218	-	3.518	3.318
Pot Cap-1 Maneuver	-	-	1409	-	614	877
Stage 1	-	-	-	-	863	-
Stage 2	-	-	-	-	814	-
Platoon blocked, %	-	-		-		
Mov Cap-1 Maneuver	-	-	1409	-	610	877
Mov Cap-2 Maneuver	-	-	-	-	610	-
Stage 1	-	-	-	-	863	-
Stage 2	-	-	-	-	809	-
Approach	EB	WB		NB		
HCM Control Delay, s	0	0.3		10.4		
HCM LOS	B					
Minor Lane/Major Mvmt	NBLn1	EBT	EBR	WBL	WBT	
Capacity (veh/h)	668	-	-	1409	-	
HCM Lane V/C Ratio	0.011	-	-	0.006	-	
HCM Control Delay (s)	10.4	-	-	7.6	0	
HCM Lane LOS	B	-	-	A	A	
HCM 95th %tile Q(veh)	0	-	-	0	-	

Timings

2: Molalla Avenue & Holmes Lane/Hilda Street

09/23/2020

										
Lane Group	EBL	EBT	EBR	WBL	WBT	NBL	NBT	SBL	SBT	SBR
Lane Configurations										
Traffic Volume (vph)	79	3	77	24	6	151	533	32	651	185
Future Volume (vph)	79	3	77	24	6	151	533	32	651	185
Turn Type	Perm	NA	Perm	Perm	NA	pm+pt	NA	pm+pt	NA	Perm
Protected Phases		4			8	5	2	1	6	
Permitted Phases	4		4	8		2		6		6
Detector Phase	4	4	4	8	8	5	2	1	6	6
Switch Phase										
Minimum Initial (s)	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0
Minimum Split (s)	22.5	22.5	22.5	22.5	22.5	9.5	22.5	9.5	22.5	22.5
Total Split (s)	22.5	22.5	22.5	22.5	22.5	9.5	33.0	9.5	33.0	33.0
Total Split (%)	34.6%	34.6%	34.6%	34.6%	34.6%	14.6%	50.8%	14.6%	50.8%	50.8%
Yellow Time (s)	3.5	3.5	3.5	3.5	3.5	3.5	3.5	3.5	3.5	3.5
All-Red Time (s)	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Lost Time (s)	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5
Lead/Lag						Lead	Lag	Lead	Lag	Lag
Lead-Lag Optimize?						Yes	Yes	Yes	Yes	Yes
Recall Mode	None	None	None	None	None	None	Min	None	Min	Min
Act Effect Green (s)	8.7	8.7	8.7	8.7	8.7	33.6	33.3	31.8	29.5	29.5
Actuated g/C Ratio	0.17	0.17	0.17	0.17	0.17	0.67	0.66	0.63	0.59	0.59
v/c Ratio	0.35	0.01	0.23	0.10	0.10	0.36	0.48	0.06	0.63	0.20
Control Delay	24.8	19.0	5.7	20.5	11.3	6.3	9.7	4.0	14.6	3.0
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	24.8	19.0	5.7	20.5	11.3	6.3	9.7	4.0	14.6	3.0
LOS	C	B	A	C	B	A	A	A	B	A
Approach Delay		15.4			15.4		9.0		11.7	
Approach LOS		B			B		A		B	

Intersection Summary

Cycle Length: 65

Actuated Cycle Length: 50.2

Natural Cycle: 65

Control Type: Actuated-Uncoordinated

Maximum v/c Ratio: 0.63

Intersection Signal Delay: 11.1

Intersection LOS: B

Intersection Capacity Utilization 65.5%

ICU Level of Service C

Analysis Period (min) 15

Splits and Phases: 2: Molalla Avenue & Holmes Lane/Hilda Street

		
Ø1	Ø2	Ø4
9.5 s	33 s	22.5 s
		
Ø5	Ø6	Ø8
9.5 s	33 s	22.5 s

HCM 6th Signalized Intersection Summary

2: Molalla Avenue & Holmes Lane/Hilda Street

09/23/2020

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (veh/h)	79	3	77	24	6	24	151	533	27	32	651	185
Future Volume (veh/h)	79	3	77	24	6	24	151	533	27	32	651	185
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	0.98		0.95	0.98		0.98	1.00		0.97	1.00		0.97
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Work Zone On Approach	No			No			No			No		
Adj Sat Flow, veh/h/ln	1870	1870	1870	1870	1870	1870	1870	1870	1870	1870	1870	1870
Adj Flow Rate, veh/h	83	3	81	25	6	25	159	561	28	34	685	195
Peak Hour Factor	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95
Percent Heavy Veh, %	2	2	2	2	2	2	2	2	2	2	2	2
Cap, veh/h	327	257	207	339	43	178	429	913	46	474	859	707
Arrive On Green	0.14	0.14	0.14	0.14	0.14	0.14	0.10	0.52	0.52	0.04	0.46	0.46
Sat Flow, veh/h	1356	1870	1504	1293	311	1297	1781	1763	88	1781	1870	1539
Grp Volume(v), veh/h	83	3	81	25	0	31	159	0	589	34	685	195
Grp Sat Flow(s),veh/h/ln	1356	1870	1504	1293	0	1609	1781	0	1851	1781	1870	1539
Q Serve(g_s), s	2.5	0.1	2.2	0.8	0.0	0.7	1.9	0.0	9.9	0.4	13.8	3.5
Cycle Q Clear(g_c), s	3.3	0.1	2.2	0.8	0.0	0.7	1.9	0.0	9.9	0.4	13.8	3.5
Prop In Lane	1.00		1.00	1.00		0.81	1.00		0.05	1.00		1.00
Lane Grp Cap(c), veh/h	327	257	207	339	0	221	429	0	959	474	859	707
V/C Ratio(X)	0.25	0.01	0.39	0.07	0.00	0.14	0.37	0.00	0.61	0.07	0.80	0.28
Avail Cap(c_a), veh/h	693	763	613	689	0	656	458	0	1196	607	1208	994
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	1.00	1.00	1.00	0.00	1.00	1.00	0.00	1.00	1.00	1.00	1.00
Uniform Delay (d), s/veh	18.2	16.4	17.3	16.8	0.0	16.7	7.6	0.0	7.5	6.3	10.2	7.4
Incr Delay (d2), s/veh	0.4	0.0	1.2	0.1	0.0	0.3	0.5	0.0	0.6	0.1	2.6	0.2
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	0.8	0.0	0.7	0.2	0.0	0.3	0.5	0.0	2.8	0.1	4.7	0.9
Unsig. Movement Delay, s/veh												
LnGrp Delay(d),s/veh	18.6	16.5	18.6	16.9	0.0	17.0	8.2	0.0	8.2	6.4	12.7	7.6
LnGrp LOS	B	B	B	B	A	B	A	A	A	A	B	A
Approach Vol, veh/h	167			56			748			914		
Approach Delay, s/veh	18.5			17.0			8.2			11.4		
Approach LOS	B			B			A			B		
Timer - Assigned Phs	1	2	4		5	6	8					
Phs Duration (G+Y+Rc), s	6.2	27.4	10.6		8.8	24.8	10.6					
Change Period (Y+Rc), s	4.5	4.5	4.5		4.5	4.5	4.5					
Max Green Setting (Gmax), s	5.0	28.5	18.0		5.0	28.5	18.0					
Max Q Clear Time (g_c+I1), s	2.4	11.9	5.3		3.9	15.8	2.8					
Green Ext Time (p_c), s	0.0	3.7	0.4		0.0	4.5	0.1					
Intersection Summary												
HCM 6th Ctrl Delay	10.9											
HCM 6th LOS	B											

HCM 6th TWSC

1: Rilance Lane/Site Access & Holmes Lane

12/15/2020

Intersection												
Int Delay, s/veh	1.1											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Traffic Vol, veh/h	3	161	2	1	111	3	5	0	6	12	0	9
Future Vol, veh/h	3	161	2	1	111	3	5	0	6	12	0	9
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	88	88	88	88	88	88	88	88	88	88	88	88
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2
Mvmt Flow	3	183	2	1	126	3	6	0	7	14	0	10
Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	129	0	0	185	0	0	325	321	184	324	321	128
Stage 1	-	-	-	-	-	-	190	190	-	130	130	-
Stage 2	-	-	-	-	-	-	135	131	-	194	191	-
Critical Hdwy	4.12	-	-	4.12	-	-	7.12	6.52	6.22	7.12	6.52	6.22
Critical Hdwy Stg 1	-	-	-	-	-	-	6.12	5.52	-	6.12	5.52	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.12	5.52	-	6.12	5.52	-
Follow-up Hdwy	2.218	-	-	2.218	-	-	3.518	4.018	3.318	3.518	4.018	3.318
Pot Cap-1 Maneuver	1457	-	-	1390	-	-	628	596	858	629	596	922
Stage 1	-	-	-	-	-	-	812	743	-	874	789	-
Stage 2	-	-	-	-	-	-	868	788	-	808	742	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	1457	-	-	1390	-	-	620	594	858	623	594	922
Mov Cap-2 Maneuver	-	-	-	-	-	-	620	594	-	623	594	-
Stage 1	-	-	-	-	-	-	810	742	-	872	788	-
Stage 2	-	-	-	-	-	-	858	787	-	800	741	-
Approach	EB			WB			NB			SB		
HCM Control Delay, s	0.1			0.1			10			10.1		
HCM LOS							B			B		
Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1				
Capacity (veh/h)	731	1457	-	-	1390	-	-	724				
HCM Lane V/C Ratio	0.017	0.002	-	-	0.001	-	-	0.033				
HCM Control Delay (s)	10	7.5	0	-	7.6	0	-	10.1				
HCM Lane LOS	B	A	A	-	A	A	-	B				
HCM 95th %tile Q(veh)	0.1	0	-	-	0	-	-	0.1				

Timings

2: Molalla Avenue & Holmes Lane/Hilda Street

12/15/2020

										
Lane Group	EBL	EBT	EBR	WBL	WBT	NBL	NBT	SBL	SBT	SBR
Lane Configurations										
Traffic Volume (vph)	112	2	66	19	4	70	491	13	382	91
Future Volume (vph)	112	2	66	19	4	70	491	13	382	91
Turn Type	Perm	NA	Perm	Perm	NA	pm+pt	NA	pm+pt	NA	Perm
Protected Phases		4			8	5	2	1	6	
Permitted Phases	4		4	8		2		6		6
Detector Phase	4	4	4	8	8	5	2	1	6	6
Switch Phase										
Minimum Initial (s)	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0
Minimum Split (s)	22.5	22.5	22.5	22.5	22.5	9.5	22.5	9.5	22.5	22.5
Total Split (s)	22.5	22.5	22.5	22.5	22.5	9.8	28.0	9.5	27.7	27.7
Total Split (%)	37.5%	37.5%	37.5%	37.5%	37.5%	16.3%	46.7%	15.8%	46.2%	46.2%
Yellow Time (s)	3.5	3.5	3.5	3.5	3.5	3.5	3.5	3.5	3.5	3.5
All-Red Time (s)	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Lost Time (s)	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5
Lead/Lag						Lead	Lag	Lead	Lag	Lag
Lead-Lag Optimize?						Yes	Yes	Yes	Yes	Yes
Recall Mode	None	None	None	None	None	None	Min	None	Min	Min
Act Effect Green (s)	9.8	9.8	9.8	9.8	9.8	26.1	26.7	24.3	23.1	23.1
Actuated g/C Ratio	0.23	0.23	0.23	0.23	0.23	0.61	0.62	0.57	0.54	0.54
v/c Ratio	0.41	0.00	0.17	0.07	0.11	0.13	0.49	0.03	0.43	0.12
Control Delay	20.8	15.5	3.3	16.1	8.1	5.4	10.7	5.1	12.4	3.0
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	20.8	15.5	3.3	16.1	8.1	5.4	10.7	5.1	12.4	3.0
LOS	C	B	A	B	A	A	B	A	B	A
Approach Delay		14.3			10.9		10.0		10.5	
Approach LOS		B			B		B		B	

Intersection Summary

Cycle Length: 60

Actuated Cycle Length: 43

Natural Cycle: 60

Control Type: Actuated-Uncoordinated

Maximum v/c Ratio: 0.49

Intersection Signal Delay: 10.8

Intersection LOS: B

Intersection Capacity Utilization 55.1%

ICU Level of Service B

Analysis Period (min) 15

Splits and Phases: 2: Molalla Avenue & Holmes Lane/Hilda Street

 Ø1	 Ø2	 Ø4
9.5 s	28 s	22.5 s
 Ø5	 Ø6	 Ø8
9.8 s	27.7 s	22.5 s

HCM 6th Signalized Intersection Summary

2: Molalla Avenue & Holmes Lane/Hilda Street

12/15/2020

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (veh/h)	112	2	66	19	4	32	70	491	10	13	382	91
Future Volume (veh/h)	112	2	66	19	4	32	70	491	10	13	382	91
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	0.99		0.96	0.99		0.99	1.00		0.97	1.00		0.97
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Work Zone On Approach	No			No			No			No		
Adj Sat Flow, veh/h/ln	1870	1870	1870	1870	1870	1870	1870	1870	1870	1870	1870	1870
Adj Flow Rate, veh/h	127	2	75	22	5	36	80	558	11	15	434	103
Peak Hour Factor	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88
Percent Heavy Veh, %	2	2	2	2	2	2	2	2	2	2	2	2
Cap, veh/h	425	343	278	445	36	257	480	748	15	368	658	540
Arrive On Green	0.18	0.18	0.18	0.18	0.18	0.18	0.08	0.41	0.41	0.02	0.35	0.35
Sat Flow, veh/h	1349	1870	1516	1306	195	1401	1781	1827	36	1781	1870	1534
Grp Volume(v), veh/h	127	2	75	22	0	41	80	0	569	15	434	103
Grp Sat Flow(s),veh/h/ln	1349	1870	1516	1306	0	1595	1781	0	1863	1781	1870	1534
Q Serve(g_s), s	3.0	0.0	1.5	0.5	0.0	0.8	0.9	0.0	9.0	0.2	6.8	1.6
Cycle Q Clear(g_c), s	3.8	0.0	1.5	0.5	0.0	0.8	0.9	0.0	9.0	0.2	6.8	1.6
Prop In Lane	1.00		1.00	1.00		0.88	1.00		0.02	1.00		1.00
Lane Grp Cap(c), veh/h	425	343	278	445	0	292	480	0	763	368	658	540
V/C Ratio(X)	0.30	0.01	0.27	0.05	0.00	0.14	0.17	0.00	0.75	0.04	0.66	0.19
Avail Cap(c_a), veh/h	875	967	784	881	0	825	613	0	1257	589	1246	1022
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	1.00	1.00	1.00	0.00	1.00	1.00	0.00	1.00	1.00	1.00	1.00
Uniform Delay (d), s/veh	13.5	11.6	12.2	11.8	0.0	11.9	6.7	0.0	8.7	7.7	9.5	7.8
Incr Delay (d2), s/veh	0.4	0.0	0.5	0.0	0.0	0.2	0.2	0.0	1.5	0.0	1.1	0.2
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	0.8	0.0	0.5	0.1	0.0	0.2	0.2	0.0	2.6	0.1	2.1	0.4
Unsig. Movement Delay, s/veh												
LnGrp Delay(d),s/veh	13.9	11.6	12.7	11.9	0.0	12.1	6.8	0.0	10.2	7.7	10.7	8.0
LnGrp LOS	B	B	B	B	A	B	A	A	B	A	B	A
Approach Vol, veh/h	204			63			649			552		
Approach Delay, s/veh	13.5			12.1			9.8			10.1		
Approach LOS	B			B			A			B		
Timer - Assigned Phs	1	2		4	5	6		8				
Phs Duration (G+Y+Rc), s	5.2	18.8		10.9	7.2	16.8		10.9				
Change Period (Y+Rc), s	4.5	4.5		4.5	4.5	4.5		4.5				
Max Green Setting (Gmax), s	5.0	23.5		18.0	5.3	23.2		18.0				
Max Q Clear Time (g_c+I1), s	2.2	11.0		5.8	2.9	8.8		2.8				
Green Ext Time (p_c), s	0.0	3.0		0.5	0.0	2.7		0.2				
Intersection Summary												
HCM 6th Ctrl Delay	10.5											
HCM 6th LOS	B											

HCM 6th TWSC

1: Rilance Lane/Site Access & Holmes Lane

12/15/2020

Intersection												
Int Delay, s/veh	0.8											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Traffic Vol, veh/h	9	157	4	8	197	11	5	0	2	6	0	6
Future Vol, veh/h	9	157	4	8	197	11	5	0	2	6	0	6
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	95	95	95	95	95	95	95	95	95	95	95	95
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2
Mvmt Flow	9	165	4	8	207	12	5	0	2	6	0	6
Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	219	0	0	169	0	0	417	420	167	415	416	213
Stage 1	-	-	-	-	-	-	185	185	-	229	229	-
Stage 2	-	-	-	-	-	-	232	235	-	186	187	-
Critical Hdwy	4.12	-	-	4.12	-	-	7.12	6.52	6.22	7.12	6.52	6.22
Critical Hdwy Stg 1	-	-	-	-	-	-	6.12	5.52	-	6.12	5.52	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.12	5.52	-	6.12	5.52	-
Follow-up Hdwy	2.218	-	-	2.218	-	-	3.518	4.018	3.318	3.518	4.018	3.318
Pot Cap-1 Maneuver	1350	-	-	1409	-	-	546	525	877	548	527	827
Stage 1	-	-	-	-	-	-	817	747	-	774	715	-
Stage 2	-	-	-	-	-	-	771	710	-	816	745	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	1350	-	-	1409	-	-	537	518	877	541	520	827
Mov Cap-2 Maneuver	-	-	-	-	-	-	537	518	-	541	520	-
Stage 1	-	-	-	-	-	-	811	742	-	769	711	-
Stage 2	-	-	-	-	-	-	761	706	-	808	740	-
Approach	EB			WB			NB			SB		
HCM Control Delay, s	0.4			0.3			11			10.6		
HCM LOS							B			B		
Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1				
Capacity (veh/h)	604	1350	-	-	1409	-	-	654				
HCM Lane V/C Ratio	0.012	0.007	-	-	0.006	-	-	0.019				
HCM Control Delay (s)	11	7.7	0	-	7.6	0	-	10.6				
HCM Lane LOS	B	A	A	-	A	A	-	B				
HCM 95th %tile Q(veh)	0	0	-	-	0	-	-	0.1				

Timings

2: Molalla Avenue & Holmes Lane/Hilda Street

12/15/2020

										
Lane Group	EBL	EBT	EBR	WBL	WBT	NBL	NBT	SBL	SBT	SBR
Lane Configurations										
Traffic Volume (vph)	82	3	80	24	6	156	533	32	651	191
Future Volume (vph)	82	3	80	24	6	156	533	32	651	191
Turn Type	Perm	NA	Perm	Perm	NA	pm+pt	NA	pm+pt	NA	Perm
Protected Phases		4			8	5	2	1	6	
Permitted Phases	4		4	8		2		6		6
Detector Phase	4	4	4	8	8	5	2	1	6	6
Switch Phase										
Minimum Initial (s)	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0
Minimum Split (s)	22.5	22.5	22.5	22.5	22.5	9.5	22.5	9.5	22.5	22.5
Total Split (s)	22.5	22.5	22.5	22.5	22.5	9.5	33.0	9.5	33.0	33.0
Total Split (%)	34.6%	34.6%	34.6%	34.6%	34.6%	14.6%	50.8%	14.6%	50.8%	50.8%
Yellow Time (s)	3.5	3.5	3.5	3.5	3.5	3.5	3.5	3.5	3.5	3.5
All-Red Time (s)	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Lost Time (s)	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5
Lead/Lag						Lead	Lag	Lead	Lag	Lag
Lead-Lag Optimize?						Yes	Yes	Yes	Yes	Yes
Recall Mode	None	None	None	None	None	None	Min	None	Min	Min
Act Effect Green (s)	8.8	8.8	8.8	8.8	8.8	33.6	33.3	31.8	29.5	29.5
Actuated g/C Ratio	0.17	0.17	0.17	0.17	0.17	0.67	0.66	0.63	0.59	0.59
v/c Ratio	0.36	0.01	0.24	0.10	0.10	0.37	0.48	0.06	0.63	0.21
Control Delay	24.9	19.0	6.0	20.5	11.2	6.5	9.8	4.1	14.7	3.0
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	24.9	19.0	6.0	20.5	11.2	6.5	9.8	4.1	14.7	3.0
LOS	C	B	A	C	B	A	A	A	B	A
Approach Delay		15.6			15.3		9.1		11.8	
Approach LOS		B			B		A		B	

Intersection Summary

Cycle Length: 65

Actuated Cycle Length: 50.3

Natural Cycle: 65

Control Type: Actuated-Uncoordinated

Maximum v/c Ratio: 0.63

Intersection Signal Delay: 11.2

Intersection LOS: B

Intersection Capacity Utilization 65.9%

ICU Level of Service C

Analysis Period (min) 15

Splits and Phases: 2: Molalla Avenue & Holmes Lane/Hilda Street

		
Ø1	Ø2	Ø4
9.5 s	33 s	22.5 s
		
Ø5	Ø6	Ø8
9.5 s	33 s	22.5 s

HCM 6th Signalized Intersection Summary

2: Molalla Avenue & Holmes Lane/Hilda Street

12/15/2020

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (veh/h)	82	3	80	24	6	24	156	533	27	32	651	191
Future Volume (veh/h)	82	3	80	24	6	24	156	533	27	32	651	191
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	0.98		0.95	0.98		0.98	1.00		0.97	1.00		0.97
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Work Zone On Approach	No			No			No			No		
Adj Sat Flow, veh/h/ln	1870	1870	1870	1870	1870	1870	1870	1870	1870	1870	1870	1870
Adj Flow Rate, veh/h	86	3	84	25	6	25	164	561	28	34	685	201
Peak Hour Factor	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95
Percent Heavy Veh, %	2	2	2	2	2	2	2	2	2	2	2	2
Cap, veh/h	329	262	211	341	44	182	427	913	46	472	858	706
Arrive On Green	0.14	0.14	0.14	0.14	0.14	0.14	0.10	0.52	0.52	0.04	0.46	0.46
Sat Flow, veh/h	1356	1870	1505	1290	311	1298	1781	1763	88	1781	1870	1539
Grp Volume(v), veh/h	86	3	84	25	0	31	164	0	589	34	685	201
Grp Sat Flow(s),veh/h/ln	1356	1870	1505	1290	0	1609	1781	0	1851	1781	1870	1539
Q Serve(g_s), s	2.6	0.1	2.3	0.8	0.0	0.8	2.0	0.0	10.0	0.4	13.9	3.6
Cycle Q Clear(g_c), s	3.4	0.1	2.3	0.8	0.0	0.8	2.0	0.0	10.0	0.4	13.9	3.6
Prop In Lane	1.00		1.00	1.00		0.81	1.00		0.05	1.00		1.00
Lane Grp Cap(c), veh/h	329	262	211	341	0	225	427	0	959	472	858	706
V/C Ratio(X)	0.26	0.01	0.40	0.07	0.00	0.14	0.38	0.00	0.61	0.07	0.80	0.28
Avail Cap(c_a), veh/h	688	757	609	682	0	652	454	0	1187	604	1199	987
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	1.00	1.00	1.00	0.00	1.00	1.00	0.00	1.00	1.00	1.00	1.00
Uniform Delay (d), s/veh	18.3	16.5	17.4	16.8	0.0	16.8	7.8	0.0	7.6	6.4	10.3	7.5
Incr Delay (d2), s/veh	0.4	0.0	1.2	0.1	0.0	0.3	0.6	0.0	0.6	0.1	2.6	0.2
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	0.8	0.0	0.8	0.2	0.0	0.3	0.5	0.0	2.8	0.1	4.7	0.9
Unsig. Movement Delay, s/veh												
LnGrp Delay(d),s/veh	18.7	16.5	18.6	16.9	0.0	17.0	8.3	0.0	8.2	6.4	12.9	7.7
LnGrp LOS	B	B	B	B	A	B	A	A	A	A	B	A
Approach Vol, veh/h	173			56			753			920		
Approach Delay, s/veh	18.6			17.0			8.2			11.5		
Approach LOS	B			B			A			B		
Timer - Assigned Phs	1	2		4	5	6		8				
Phs Duration (G+Y+Rc), s	6.2	27.5		10.7	8.8	24.9		10.7				
Change Period (Y+Rc), s	4.5	4.5		4.5	4.5	4.5		4.5				
Max Green Setting (Gmax), s	5.0	28.5		18.0	5.0	28.5		18.0				
Max Q Clear Time (g_c+I1), s	2.4	12.0		5.4	4.0	15.9		2.8				
Green Ext Time (p_c), s	0.0	3.7		0.4	0.0	4.5		0.1				
Intersection Summary												
HCM 6th Ctrl Delay	11.0											
HCM 6th LOS	B											

NE 1/4 NE 1/4 SEC. 6 T.3S.R.2E. W.M.
CLACKAMAS COUNTY

D.L.C. 3 2E 6AA
WILLIAM HOLMES NO.38 & 46 OREGON CITY

This map was prepared for
assessment purpose only.

1"=100'

CANCELLED
1013
1201
1301
100
1001
1101
1900
2000
2100
2200
2501
3600



3 2E 6AA
OREGON CITY



Customer Service
 Phone: 503.219.1000
 Email: Ticor.Resource@TicorTitle.com
 Clackamas (OR)

OWNERSHIP INFORMATION

Owner(s) : Herndon Orvetta M
 CoOwner(s) :
 Site Address : 535 Holmes Ln Oregon City 97045
 Mail Address : 11919 S Carus Rd Oregon City Or 97045

Parcel Number : 01868562
 Ref Parcel # : 32E06AA05001
 T: 03S R: 02E S: 06 Q: NE QQ: NE
 Telephone :

PROPERTY DESCRIPTION

Map Page Grid :
 Census Tract : 225.00 Block: 2
 Neighborhood : Oregon City Newer
 Subdivision/Plat :
 Improvement : 131 R1-3 Res 1 Story
 Land Use : 101 Res, Residential Land, Improved
 Legal : 1999-36 PARTITION PLAT PARCEL 2
 :
 :

ASSESSMENT AND TAX INFORMATION

Mkt Land : \$352,900
 Mkt Structure : \$152,750
 Mkt Total : \$505,650
 %Improved : 30
 Assessed Total : \$262,573
 Mill Rate : 17.8341
 Levy Code : 062002
 18-19 Taxes : \$4,682.75

PROPERTY CHARACTERISTICS

Bedrooms : 2	BldgLivingSqFt : 1,114	BldgSqFt :
Bathrooms : 2.00	1st Floor SqFt :	Lot Acres : 1.83
Full Baths : 2	UpperFinSqFt :	Lot SqFt : 79,715
Half Baths :	Finished SqFt :	Year Built : 1930
Fireplace :	AbvGrdSqFt : 1,114	Foundation : Concrete
Heat Type : Stove	UpperTotSqFt :	Roof Type : Composition
Floor : Carpet	UnFinUpStySqFt :	Roof Shape : Gable
Stories : 1	Bsmt Fin SqFt :	Exterior Fin : Shake
Garage SF :	Bsmt Unfin SqFt :	
	Bsmt Total SqFt :	

TRANSFER HISTORY

Owner(s)	Date	Doc #	Price	Deed	Loan	Type
:Herndon Orvetta M	:	519-362	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:

This title information has been furnished, without charge, in conformance with the guidelines approved by the State of Oregon Insurance Commissioner. The Insurance Division cautions intermediaries that this service is designed to benefit the ultimate insureds. Indiscriminate use only benefiting intermediaries will not be permitted. Said services may be discontinued. No liability is assumed for any errors in this report. Information is deemed reliable but not guaranteed.



150 Beaver Creek Rd
Oregon City, OR 97045
503-655-8671

Property Account Summary

3/8/2019

Account Number	01868562	Property Address	535 HOLMES LN , OREGON CITY, OR 97045
----------------	----------	------------------	---------------------------------------

General Information

Alternate Property #	32E06AA05001
Property Description	1999-36 PARTITION PLAT PARCEL 2
Property Category	Land &/or Buildings
Status	Active, Locally Assessed
Tax Code Area	062-002
Remarks	

Property Characteristics

Neighborhood	13061: Oregon City newer 100, 101
Land Class Category	101: Residential land improved
Building Class Category	13: Single family res, class 3
Year Built	1930
Acreage	1.83
Change property ratio	1XX

Property Details

Living Area Sq Ft	Manf Struct Size	Year Built	Improvement Grade	Stories	Bedrooms	Full Baths	Half Baths
1114	0 X 0	1930	35	1.0	2	2	0

Property Values

Value Type	Tax Year 2018	Tax Year 2017	Tax Year 2016	Tax Year 2015	Tax Year 2014
AVR Total	\$262,573	\$254,925	\$247,500	\$240,291	\$233,292
Exempt					
TVR Total	\$262,573	\$254,925	\$247,500	\$240,291	\$233,292

Real Mkt Land	\$352,900	\$324,246	\$285,034	\$223,202	\$199,072
Real Mkt Bldg	\$152,750	\$149,180	\$131,350	\$120,580	\$109,830
Real Mkt Total	\$505,650	\$473,426	\$416,384	\$343,782	\$308,902
M5 Mkt Land	\$352,900	\$324,246	\$285,034	\$223,202	\$199,072
M5 Mkt Bldg	\$152,750	\$149,180	\$131,350	\$120,580	\$109,830
M5 SAV					
SAVL (MAV Use Portion)					
MAV (Market Portion)	\$262,573	\$254,925	\$247,500	\$240,291	\$233,292
Mkt Exception					
AV Exception					

Tax Rate

Description	Rate
Total Rate	17.8341

Tax Balance

Related Properties

No Related Properties Found

Active Exemptions

No Exemptions Found

Events

Effective Date	Entry Date-Time	Type	Remarks
07/28/2010	08/02/2010 08:35:00	Recording Processed	Property Transfer Filing No.: 205823, Letter, Recording No.: 01868562-07-28-2010 07/28/2010 by CINDYSIM
07/28/2010	08/02/2010 08:35:00	Taxpayer Changed	Property Transfer Filing No.: 205823 07/28/2010 by CINDYSIM
04/03/2008	04/03/2008 16:26:00	Annexation Completed For Property	Annex to Clackamas Fire 1, Ord 2008-36 pt 1-annexed by 062-002 for 2008-Revise TCA Membership by JENMAYO
07/01/1999	07/01/1999 12:00:00	Ownership at Conversion	Conversion deed: 519-362 , , \$ 0

Receipts

Date	Receipt No.	Amount Applied	Amount Due	Tendered	Change
10/22/2018 12:13:00	4437289	\$4,682.75	\$4,682.75	\$4,542.27	\$0.00
11/06/2017 12:25:00	4266312	\$4,561.60	\$4,561.60	\$4,424.75	\$0.00
11/01/2016 11:57:00	4065251	\$4,478.74	\$4,478.74	\$4,344.38	\$0.00
11/09/2015 15:02:00	3908252	\$4,365.44	\$4,365.44	\$4,234.48	\$0.00
11/10/2014 12:52:00	3721739	\$4,241.25	\$4,241.25	\$4,114.01	\$0.00

Sales History

Sale Date	Entry Date	Recording Date	Recording Number	Sale Amount	Excise Number	Deed Type	Grantee (Buyer)	Other Parcels
07/28/2010	08/02/2010	07/28/2010	01868562-07-28-	\$0.00	205823		HERNDON ORVETTA M	No

BOOK 519 PAGE 362
Ph 73WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That PERCY O'DONNELL and CATHERINE O'DONNELL, husband and wife, grantors, in consideration of Ten and No/100 (\$10.00) Dollars, to them paid by DONALD R. HERNDON and ORVETTA M. HERNDON, husband and wife, do hereby grant, bargain, sell and convey unto the said grantees, their heirs and assigns, all the following real property, with the tenements, hereditaments and appurtenances, situated in the County of Clackamas and State of Oregon, bounded and described as follows, to-wit:

Part of the William Holmes and wife Donation Land Claim #46 in Section 6, Township 3 South, Range 2 East of the Willamette Meridian, described as follows: Beginning North 89 degrees 43' West 340.77' from a point in the East line of said Section 6 that is South 0 degrees 23' West 787.65' from the Northeast corner of said Section 6; thence South 0 degrees 10' West 482.08' to the Northerly line of Holmes Lane; thence South 86 degrees 20' West along said Northerly road line 243.65 feet; thence North 3 degrees 40' West 500.25 feet; thence South 89 degrees 43' East 276.50 feet to the point of beginning.

To Have and to Hold the above described and granted premises unto the said grantees, their heirs and assigns forever.

And the grantors do covenant that they are lawfully seized in fee simple of the above granted premises free from all encumbrances, EXCEPT 1956-57 taxes unpaid and an easement granted to Board of Water Commissioners of Clackamas County by an instrument, including the terms and provisions thereof, dated June 1, 1906 and recorded June 20, 1906 in Deed Book 96 at page 71 and by Deed dated March 10, 1916 and recorded May 11, 1916 in Deed Book 142 at page 575, for the installation and maintenance of water main, and that they will and their heirs, executors and administrators, shall warrant and forever defend the above granted premises, and every part and parcel thereof, against the lawful claims and demands of all persons whomsoever.

Witness our hands and seals this 26 day of November, 1956.

Percy O'Donnell (SEAL)
Catherine O'Donnell (SEAL)

PAGE 1- Warranty Deed

519 11-22-59

STATE OF OREGON

County of Clatsop

On this 26 day of September, 1959, before me, the undersigned,
a Notary Public in and for the State of Oregon, personally appeared
the within named FRANK O'DONNELL and CATHERINE O'DONNELL, husband and
wife, who are known to me as the individual individuals described
in and who executed the within instrument, and acknowledged to me that
they executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed
my official seal the day and year last above written.



James W. Brown
Notary Public for Oregon
My Commission Expires Sept. 10, 1960

19653 44

7/5 P.R.S.

SEAL DOCUMENT 11-23 1959 424 P. W. GUY H. PAGE COUNTY CLERK

FORM No. 633—WARRANTY DEED (Individual or Corporate) **Recorded By** **344-69097 R 300**
14-74 **344-69097 R** **9092** **Pioneer National**
1126 **Insurance Company** **WARRANTY DEED** **STEVEN H. HESS LAW PUBLISHING CO., PORTLAND, OR, 97208**

KNOW ALL MEN BY THESE PRESENTS, That PHILIP C. WATSON and
LORRAINE M. WATSON, husband and wife,
 hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by
STANLEY H. WEBER and SHIRLEY J. WEBER, husband and wife, hereinafter called
 the grantee, does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and
 assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or ap-
 pertaining, situated in the County of Washington and State of Oregon, described as follows, to-wit:

Lot 6, Block 6, HYLAND HILLS PLAT NO. 3, Washington County, Oregon.

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.

And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that
 grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances, Subject to
 the Statutory powers of the Unified Sewerage Ag. of Washington County;
 Utility easement as shown Plat; Conditions and restriction in Declaration
 all of record;

grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims
 and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 33,500.00

~~However, the actual consideration consists of or includes other property or value given or promised which is~~
 the whole consideration (indicate which) ~~or~~ ~~The sentence between the brackets, if not applicable, should be deleted. See ORS 83.030.~~

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 grantor has executed this instrument this 5th day of April, 1974
 if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by
 order of its board of directors.

(If executed by a corporation,
 affix corporate seal)

Philip C. Watson
Lorraine M. Watson
 Philip C. Watson
 Lorraine M. Watson

STATE OF OREGON,
 County Washington } ss.

STATE OF OREGON, County of _____) ss.
 _____, 19____

April 5, 1974

Personally appeared the above named Philip C. Watson and Lorraine M. Watson, et al
 and acknowledged the foregoing instru-
 ment to be their voluntary act and deed.

Personally appeared _____ and
 _____, who, being duly sworn,
 each for himself and not one for the other, did say that the former is the
 _____ president and that the latter is the
 _____ secretary of _____

_____ a corporation,
 and that the seal affixed to the foregoing instrument is the corporate seal
 of said corporation and that said instrument was signed and sealed in ho-
 half of said corporation by authority of its board of directors; and each of
 them acknowledged said instrument to be its voluntary act and deed.
 Before me:

Before me:
 (SEAL) John D. Hander
 Notary Public for Oregon
 My commission expires: 4/2/78

Before me:
 (SEAL)
 Notary Public for Oregon
 My commission expires:
 BOOK 977 PAGE 536

9092

FORM NO. 23 — ACKNOWLEDGMENT
STEVEN NICHOLS LAW PUB. CO., PORTLAND, ORE.

STATE OF OREGON,

County of WASHINGTON } ss.

BE IT REMEMBERED, That on this 8th day of April, 1974,
before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within
named Lorraine M. Watson

known to me to be the identical individual described in and who executed the within instrument and
acknowledged to me that she executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed
my official seal the day and year last above written.

Catherine E. Ehry
CATHERINE E. EHRY
Notary Public for Oregon.
My Commission expires 3-14-78

300
PHILIP C. WATSON and
LORRAINE M. WATSON

GRANTOR'S NAME AND ADDRESS

STANLEY H. WEBER and
SHIRLEY J. WEBER

GRANTEE'S NAME AND ADDRESS

After recording return to:

Pioneer National Title Insurance Co.
4450 S.W. Lombard
Beaverton, Oregon 97005 *Ehry*

Until a change is requested all tax statements shall be sent to the following address.

Mr. & Mrs. Stanley H. Weber
13895 SW HARGIS RD.
BEAVERTON, OR 97005

NAME, ADDRESS, ZIP

BOOK 977 PAGE 537

STATE OF OREGON

County of Washington } ss *deek*

I, Roger Thomassen, Director of Records
and Elections and Ex-Officio Recorder of Con-
veyances for said county, do hereby certify
that the within instrument of writing was
received and recorded in book of records

No.
of said County

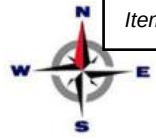
Witness my hand and seal affixed.
ROGER THOMASSEN, Director of
Records & Elections

EXED
MAY 31 1 53 PM '74
ncop



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The RIGHT choice...*your choice!*

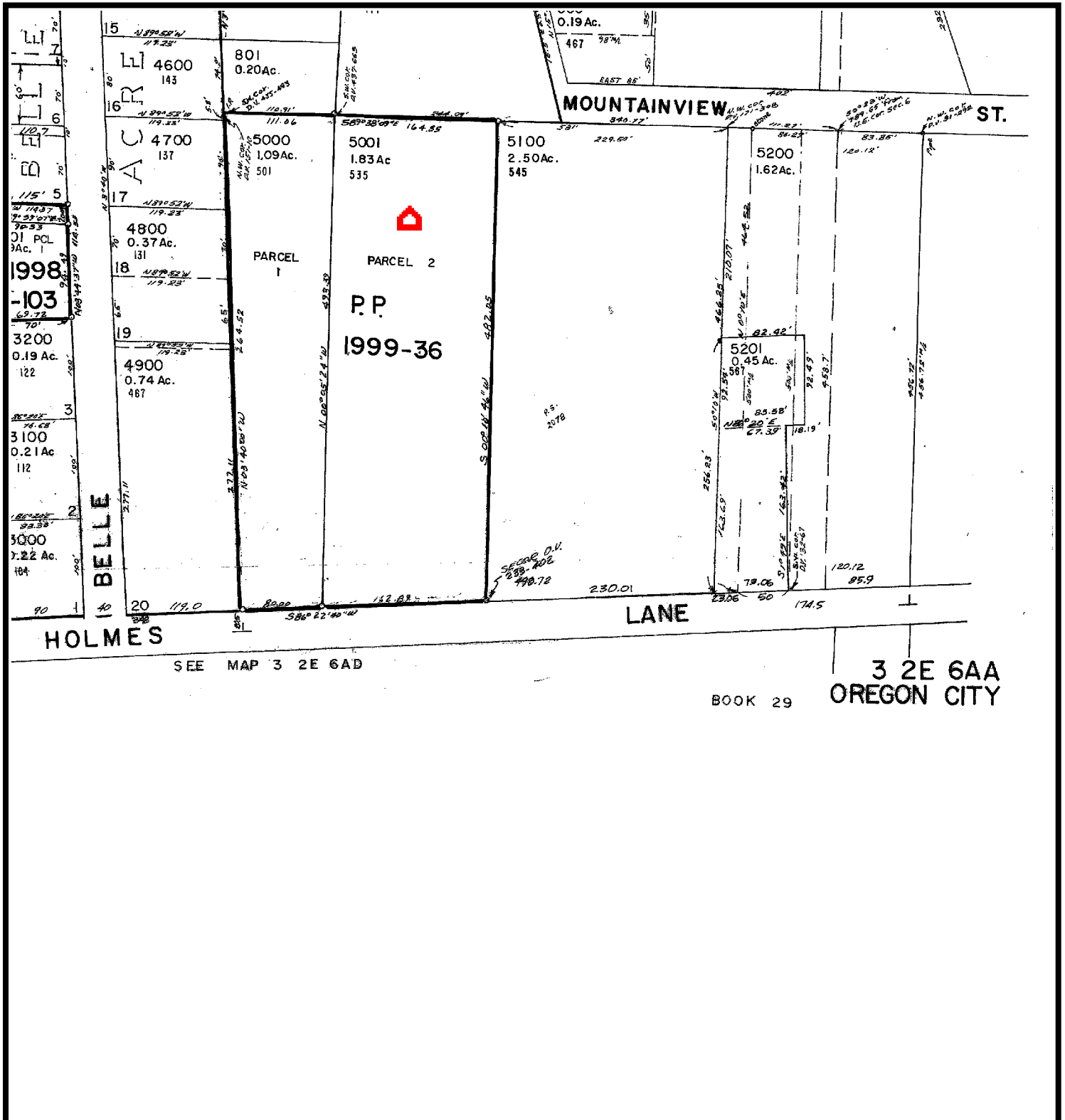
Customer Service
Phone: 503.219.1000
Email: Ticor.Resource@TicorTitle.com



Item 3a.

Parcel # : 01868562

Ref Parcel Number : 32E06AA05001



This map is made solely for assisting in locating said premises. The company assumes no liability for variations, if any, in dimensions and location ascertained by an actual survey.



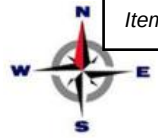
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Phone: 503.219.1000

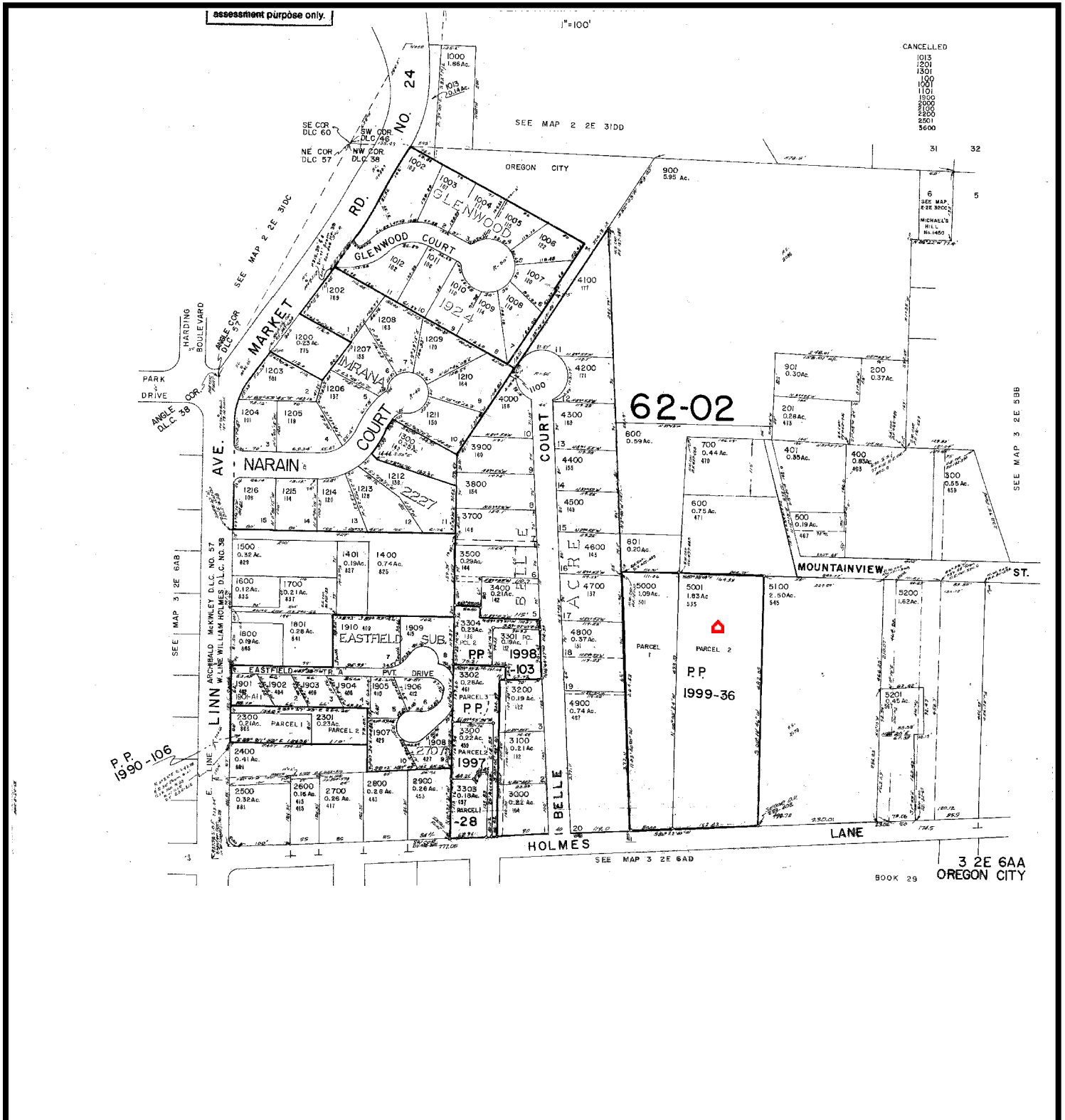
Email: Ticor.Resource@TicorTitle.com



Item 3a.

Parcel # : 01868562

Ref Parcel Number : 32E06AA05001



This map is made solely for assisting in locating said premises. The company assumes no liability for variations, if any, in dimensions and location ascertained by an actual survey.



Customer Service
 Phone: 503.219.1000
 Email: Ticor.Resource@TicorTitle.com
 Clackamas (OR)

OWNERSHIP INFORMATION

Owner(s) : Streeter Christopher W & Barbara L
 CoOwner(s) :
 Site Address : 545 Holmes Ln Oregon City 97045
 Mail Address : 545 Holmes Ln Oregon City Or 97045

Parcel Number : 00849372
 Ref Parcel # : 32E06AA05100
 T: 03S R: 02E S: 06 Q: NE QQ: NE
 Telephone :

PROPERTY DESCRIPTION

Map Page Grid :
 Census Tract : 225.00 Block: 2
 Neighborhood : Oregon City Newer
 Subdivision/Plat :
 Improvement : 141 R1-4 Res 1 Story
 Land Use : 101 Res, Residential Land, Improved
 Legal : SECTION 06 TOWNSHIP 3S RANGE 2E
 : QUARTER AA TAX LOT 05100
 :

ASSESSMENT AND TAX INFORMATION

Mkt Land : \$398,076
 Mkt Structure : \$416,100
 Mkt Total : \$814,176
 %Improved : 51
 Assessed Total : \$370,811
 Mill Rate : 17.8341
 Levy Code : 062002
 18-19 Taxes : \$6,613.08

PROPERTY CHARACTERISTICS

Bedrooms : 4	BldgLivingSqFt : 3,402	BldgSqFt :
Bathrooms : 2.50	1st Floor SqFt :	Lot Acres : 2.50
Full Baths : 2	UpperFinSqFt :	Lot SqFt : 108,900
Half Baths : 1	Finished SqFt :	Year Built : 1930
Fireplace : Single Fireplce	AbvGrdSqFt : 3,402	Foundation : Concrete
Heat Type : Hot Water	UpperTotSqFt :	Roof Type : Wood Shake Med
Floor : Carpet	UnFinUpStySqFt :	Roof Shape : Gable\hip
Stories : 1	Bsmt Fin SqFt :	Exterior Fin : Shake
Garage SF :	Bsmt Unfin SqFt :	
	Bsmt Total SqFt :	

TRANSFER HISTORY

Owner(s)	Date	Doc #	Price	Deed	Loan	Type
:Streeter Christopher W;Barbara L	:04/08/2009	009-023506	:\$310,000	:Special War	:\$226,000	:Convent
:Streeter Christopher W/Barbara L	:12/03/1996	0096-88886	:\$310,000	:Agreement	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:

This title information has been furnished, without charge, in conformance with the guidelines approved by the State of Oregon Insurance Commissioner. The Insurance Division cautions intermediaries that this service is designed to benefit the ultimate insureds. Indiscriminate use only benefiting intermediaries will not be permitted. Said services may be discontinued. No liability is assumed for any errors in this report. Information is deemed reliable but not guaranteed.



150 Beavercreek Rd
Oregon City, OR 97045
503-655-8671

Property Account Summary

3/8/2019

Account Number	00849372	Property Address	545 HOLMES LN , OREGON CITY, OR 97045
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General Information

Alternate Property #	32E06AA05100
Property Description	Section 06 Township 3S Range 2E Quarter AA TAX LOT 05100
Property Category	Land &/or Buildings
Status	Active, Locally Assessed
Tax Code Area	062-002
Remarks	

Property Characteristics

Neighborhood	13061: Oregon City newer 100, 101
Land Class Category	101: Residential land improved
Building Class Category	14: Single family res, class 4
Year Built	1930
Acreage	2.5
Change property ratio	1XX

Property Details

Living Area Sq Ft	Manf Struct Size	Year Built	Improvement Grade	Stories	Bedrooms	Full Baths	Half Baths
3402	0 X 0	1930	48	1.0	4	2	1

Property Values

Value Type	Tax Year 2018	Tax Year 2017	Tax Year 2016	Tax Year 2015	Tax Year 2014
AVR Total	\$370,811	\$360,011	\$349,525	\$339,345	\$329,461
Exempt					
TVR Total	\$370,811	\$360,011	\$349,525	\$339,345	\$329,461

Real Mkt Land	\$398,076	\$365,754	\$321,523	\$251,775	\$224,556
Real Mkt Bldg	\$416,100	\$366,310	\$326,450	\$305,760	\$277,880
Real Mkt Total	\$814,176	\$732,064	\$647,973	\$557,535	\$502,436
M5 Mkt Land	\$398,076	\$365,754	\$321,523	\$251,775	\$224,556
M5 Mkt Bldg	\$416,100	\$366,310	\$326,450	\$305,760	\$277,880
M5 SAV					
SAVL (MAV Use Portion)					
MAV (Market Portion)	\$370,811	\$360,011	\$349,525	\$339,345	\$329,461
Mkt Exception					
AV Exception					

Tax Rate

Description	Rate
Total Rate	17.8341

Tax Balance**Related Properties**

No Related Properties Found

Active Exemptions

No Exemptions Found

Events

Effective Date	Entry Date-Time	Type	Remarks
04/08/2009	04/21/2009 14:29:00	Recording Processed	Property Transfer Filing No.: 188194, Paid Up Contract, Recording No.: 2009-023506 04/08/2009 by LAURIEB
04/03/2008	04/03/2008 16:25:00	Annexation Completed For Property	Annex to Clackamas Fire 1, Ord 2008-36 pt 1-annexed by 062-002 for 2008-Revise TCA Membership by JENMAYO
07/01/1999	07/01/1999 12:00:00	Ownership at Conversion	Contract: 96-88886, 12/1/96, \$ 310000

Receipts

Date	Receipt No.	Amount Applied	Amount Due	Tendered	Change
11/16/2018 11:44:00	4563049	\$6,613.08	\$7,339.74	\$7,119.55	\$0.00
11/13/2017 00:00:00	4299250	\$6,442.00	\$6,442.00	\$6,248.74	\$0.00
11/21/2016 10:11:00	4198497	\$6,324.97	\$7,013.46	\$6,803.05	\$0.00
10/29/2015 12:58:00	3868736	\$6,164.98	\$6,835.88	\$6,630.80	\$0.00
11/19/2014 00:00:00	3809143	\$5,989.60	\$5,989.60	\$5,809.91	\$0.00

Sales History

Sale Date									
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	Entry Date	Recording Date	Recording Number	Sale Amount	Excise Number	Deed Type	Grantee (Buyer)	Other Parcels
04/07/2009	04/21/2009	04/08/2009	2009- 023506	\$310,000.00	188194		STREETER CHRISTOPHER W & BARBARA L	No



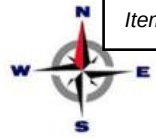
TICOR TITLE™

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Phone: 503.219.1000

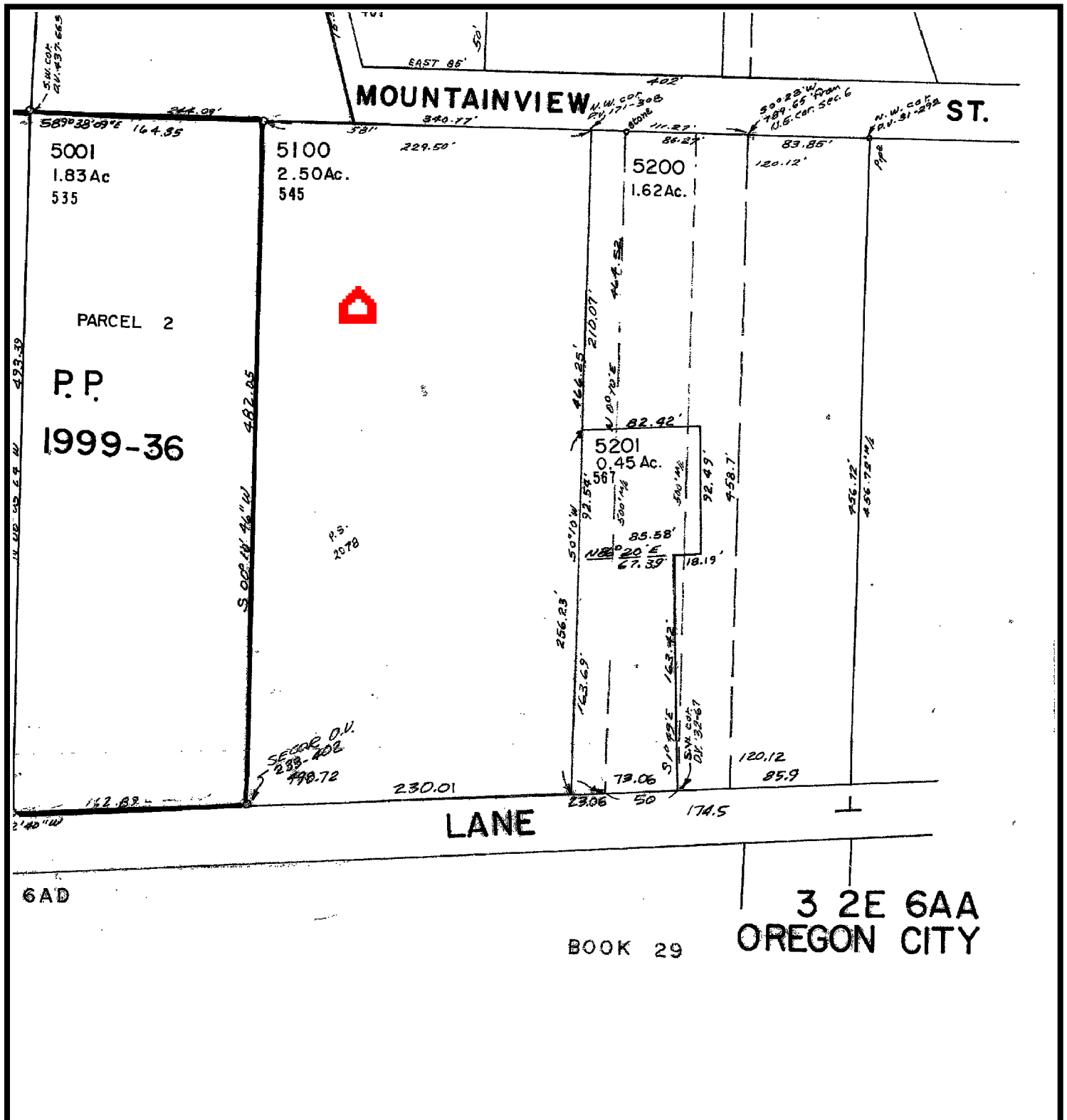
Email: Ticor.Resource@TicorTitle.com



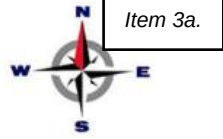
Item 3a.

Parcel #: 00849372

Ref Parcel Number: 32E06AA05100

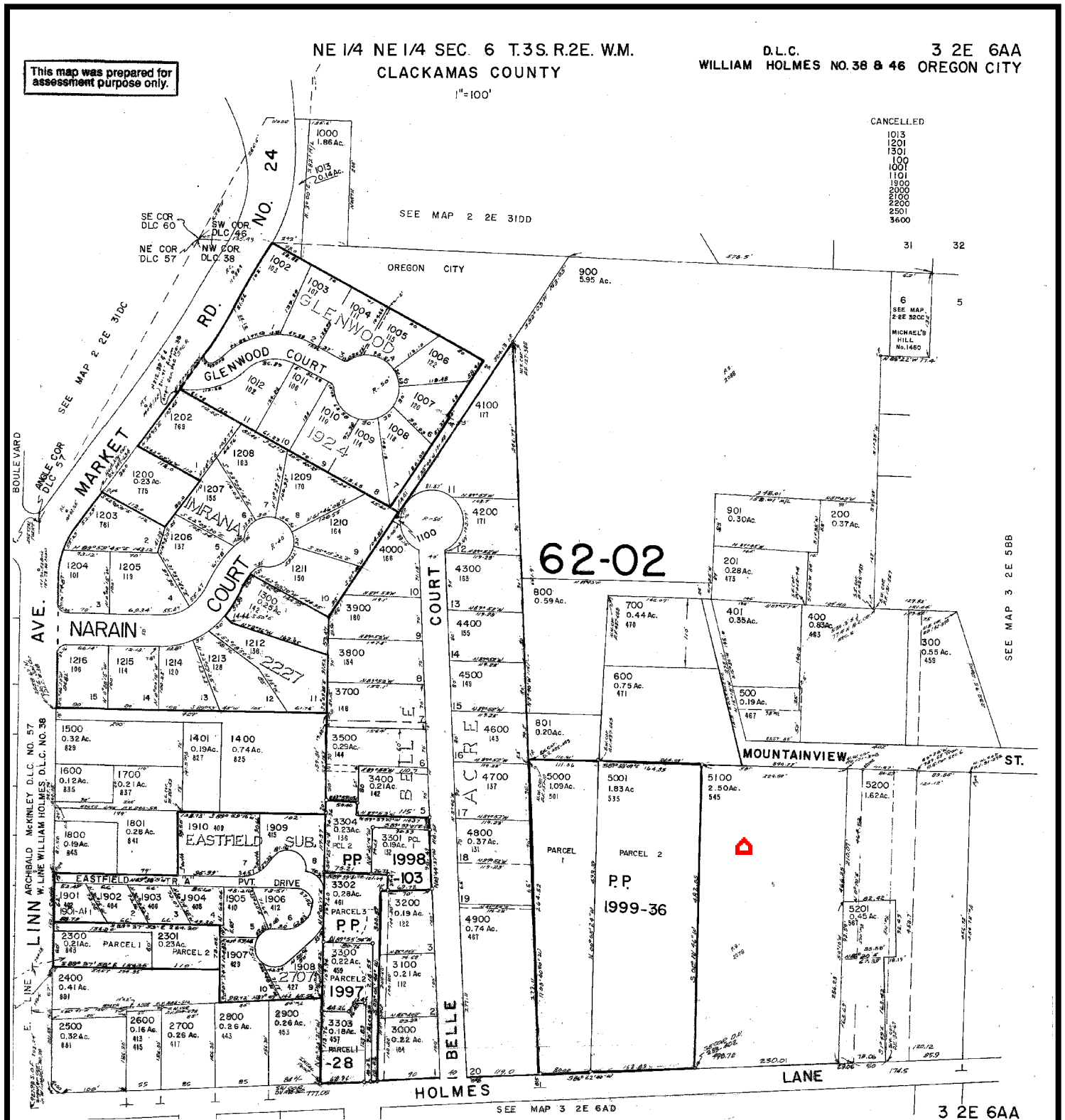


This map is made solely for assisting in locating said premises. The company assumes no liability for variations, if any, in dimensions and location ascertained by an actual survey.



Parcel # : 00849372

Ref Parcel Number : 32E06AA05100



This map is made solely for assisting in locating said premises. The company assumes no liability for variations, if any, in dimensions and location ascertained by an actual survey.

AFTER RECORDING RETURN TO:
Christopher W. Streeter and Barbara L.
Streeter

545 Holmes Lane.
Oregon City, OR 97045

Until a change is requested all tax statements shall be
sent to the following address:
same as above

Escrow No.: 45-464977-SD
Order No.: 464977

Clackamas County Official Records		2009-023506
Sherry Hall, County Clerk		
		\$36.00
01296515200900235060020028		
04/08/2009 11:06:55 AM		
D-D	Cnt=1	Stn=6 KARLYNWUN
\$10.00	\$10.00	\$16.00

SPECIAL WARRANTY DEED – STATUTORY FORM
(INDIVIDUAL or CORPORATION)

Frank M. Bennett and Helen E. Bennett, Co-Trustees of the Helen E. Bennett Trust U/T/A dated November 14, 1991

Grantor, conveys and specially warrants to a married person

Christopher W. Streeter and Barbara L. Streeter

a married person
Grantee, the following real property free of encumbrances created or suffered by the grantor except as specifically set forth herein:

SEE LEGAL DESCRIPTION ATTACHED HERETO

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. 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.

ENCUMBRANCES:

The true consideration for this conveyance is \$310,000.00, in fulfillment of that certain Real Estate Contract between the parties, of which a Memorandum of Real Estate Agreement was recorded in the county records December 3, 1996, as Recording No. 96-088886.

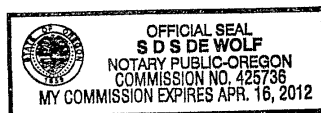
Dated April 7, 2009; if a corporate grantor, it has caused its name to be signed by order of its board of directors.


Frank M. Bennett, Co-Trustee of the Helen E. Bennett Trust
U/T/A dated November 14, 1991


Helen E. Bennett, Co-Trustee of the Helen E. Bennett Trust
U/T/A dated November 14, 1991

STATE OF OREGON
County of Clackamas

This instrument was acknowledged before me on April 7, 2009, by Frank M. Bennett and Helen R. Bennett, Co-Trustees of the Helen E. Bennett Trust U/T/A dated November 14, 1991.




Notary Public for OREGON
My Commission Expires: 04-16-2012

(SEAL)

LEGAL DESCRIPTION

Part of the William Holmes and wife Donation Land Claim in Section 6, Township 3 South, Range 2 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows:

Beginning at an iron pipe North $89^{\circ}43'$ West 111.27 feet, more or less, from a point on the line between Sections 5 and 6, Township 3 South, Range 2 East of the Willamette Meridian which is South $0^{\circ}23'$ West 787.65 feet from a basalt stone at the Northeast corner of Section 6, Township 3 South, Range 2 East of the Willamette Meridian and which beginning point is the Northwest corner of a tract of land conveyed to W.B. Stafford, by deed recorded July 28, 1923 in Book 171, Page 308, Clackamas County Deed Records; thence South $0^{\circ}10'$ West along the West line of said Stafford line 466.25 feet to an iron pipe in the Northerly side line of Holmes Lane; thence South $86^{\circ}20'$ West along the North line of said Lane 230.01 feet to the Southeast corner of a tract of land conveyed to C.F. Eckert and Anna Eckert, his wife, by Deed recorded August 31, 1936 in Book 233 of Deeds Page 402, Clackamas County Deed Records; thence North $0^{\circ}10'$ East along the East line of said Eckert land 482.08 feet to a point in the North line of land formerly owned by W.M. Ladd; thence South $89^{\circ}43'$ East 229.50 feet to the place of beginning, being the same property described in Book 186, page 177 and Book 189, Page 58, Clackamas County Deed Records.

2



Customer Service
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 Clackamas (OR)

OWNERSHIP INFORMATION

Owner(s) : **Sera Robert P**
 CoOwner(s) : **Watrous Tamara L**
 Site Address : **471 Mountainview St Oregon City 97045**
 Mail Address : **471 Mountainview St Oregon City Or 97045**

Parcel Number : **00848569**
 Ref Parcel # : **32E06AA00600**
 T: 03S R: 02E S: 06 Q: NE QQ: NE
 Telephone :

PROPERTY DESCRIPTION

Map Page Grid :
 Census Tract : 225.00 Block: 2
 Neighborhood : Oregon City Newer
 Subdivision/Plat :
 Improvement : 121 R1-2 Res 1 Story
 Land Use : 101 Res, Residential Land, Improved
 Legal : SECTION 06 TOWNSHIP 3S RANGE 2E
 : QUARTER AA TAX LOT 00600
 :

ASSESSMENT AND TAX INFORMATION

Mkt Land : \$214,145
 Mkt Structure : \$96,820
 Mkt Total : **\$310,965**
 %Improved : 31
 Assessed Total : **\$158,288**
 Mill Rate : 17.8341
 Levy Code : 062002
 18-19 Taxes : \$2,822.92

PROPERTY CHARACTERISTICS

Bedrooms : 4	BldgLivingSqFt : 1,723	BldgSqFt :
Bathrooms : 2.00	1st Floor SqFt :	Lot Acres : .75
Full Baths : 2	UpperFinSqFt :	Lot SqFt : 32,670
Half Baths :	Finished SqFt :	Year Built : 1935
Fireplace :	AbvGrdSqFt : 1,723	Foundation : Concrete
Heat Type : Lowcost Furn	UpperTotSqFt :	Roof Type : Roll
Floor : Carpet	UnFinUpStySqFt :	Roof Shape : Shed
Stories : 1	Bsmt Fin SqFt :	Exterior Fin : Board\batten
Garage SF :	Bsmt Unfin SqFt :	
	Bsmt Total SqFt :	

TRANSFER HISTORY

Owner(s)	Date	Doc #	Price	Deed	Loan	Type
:Sera Robert P	:12/29/2017	017-087412	:\$200,000	:Warranty	:\$228,937	:Fha
:Kehoe Brian S/Wanda M	:08/06/2002	002-072582	:\$80,000	:Warranty	:	:
:Lloyd Carolyn M;+	:09/17/2001	001-075546	:	:Warranty	:	:
:Fillpot Evelyn M;Lloyd Carolyn M;	:10/23/1995	0095-65359	:	:Warranty	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:

This title information has been furnished, without charge, in conformance with the guidelines approved by the State of Oregon Insurance Commissioner. The Insurance Division cautions intermediaries that this service is designed to benefit the ultimate insureds. Indiscriminate use only benefiting intermediaries will not be permitted. Said services may be discontinued. No liability is assumed for any errors in this report. Information is deemed reliable but not guaranteed.



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 Clackamas (OR)

OWNERSHIP INFORMATION

Owner(s) : City of Oregon City
 CoOwner(s) :
 Site Address : 501 Holmes Ln Oregon City 97045
 Mail Address : PO Box 3040 Oregon City Or 97045

Parcel Number : 00849363
 Ref Parcel # : 32E06AA05000
 T: 03S R: 02E S: 06 Q: NE QQ: NE
 Telephone :

PROPERTY DESCRIPTION

Map Page Grid :
 Census Tract : 225.00 Block: 2
 Neighborhood : Oregon City Newer
 Subdivision/Plat :
 Improvement :
 Land Use : 100 Vacant, Residential Land
 Legal : 1999-36 PARTITION PLAT PARCEL 1
 :
 :

ASSESSMENT AND TAX INFORMATION

Mkt Land : \$232,795
 Mkt Structure :
 Mkt Total : **\$232,795**
 %Improved :
 Assessed Total : **\$151,782**
 Mill Rate : 17.8341
 Levy Code : 062002
 18-19 Taxes :

PROPERTY CHARACTERISTICS

Bedrooms :	BldgLivingSqFt :	BldgSqFt :
Bathrooms :	1st Floor SqFt :	Lot Acres : 1.09
Full Baths :	UpperFinSqFt :	Lot SqFt : 47,480
Half Baths :	Finished SqFt :	Year Built :
Fireplace :	AbvGrdSqFt :	Foundation :
Heat Type :	UpperTotSqFt :	Roof Type :
Floor :	UnFinUpStySqFt :	Roof Shape :
Stories :	Bsmt Fin SqFt :	Exterior Fin :
Garage SF :	Bsmt Unfin SqFt :	
	Bsmt Total SqFt :	

TRANSFER HISTORY

Owner(s)	Date	Doc #	Price	Deed	Loan	Type
:City of Oregon City	:03/10/2009	009-015099	:\$49,759	:Warranty	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:

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Customer Service
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 Clackamas (OR)

OWNERSHIP INFORMATION

Owner(s) : Streeter Christopher W & Barbara L
 CoOwner(s) :
 Site Address : 545 Holmes Ln Oregon City 97045
 Mail Address : 545 Holmes Ln Oregon City Or 97045

Parcel Number : 00849372
 Ref Parcel # : 32E06AA05100
 T: 03S R: 02E S: 06 Q: NE QQ: NE
 Telephone :

PROPERTY DESCRIPTION

Map Page Grid :
 Census Tract : 225.00 Block: 2
 Neighborhood : Oregon City Newer
 Subdivision/Plat :
 Improvement : 141 R1-4 Res 1 Story
 Land Use : 101 Res, Residential Land, Improved
 Legal : SECTION 06 TOWNSHIP 3S RANGE 2E
 : QUARTER AA TAX LOT 05100
 :

ASSESSMENT AND TAX INFORMATION

Mkt Land : \$398,076
 Mkt Structure : \$416,100
 Mkt Total : **\$814,176**
 %Improved : 51
 Assessed Total : **\$370,811**
 Mill Rate : 17.8341
 Levy Code : 062002
 18-19 Taxes : \$6,613.08

PROPERTY CHARACTERISTICS

Bedrooms : 4	BldgLivingSqFt : 3,402	BldgSqFt :
Bathrooms : 2.50	1st Floor SqFt :	Lot Acres : 2.50
Full Baths : 2	UpperFinSqFt :	Lot SqFt : 108,900
Half Baths : 1	Finished SqFt :	Year Built : 1930
Fireplace : Single Fireplce	AbvGrdSqFt : 3,402	Foundation : Concrete
Heat Type : Hot Water	UpperTotSqFt :	Roof Type : Wood Shake Med
Floor : Carpet	UnFinUpStySqFt :	Roof Shape : Gable\hip
Stories : 1	Bsmt Fin SqFt :	Exterior Fin : Shake
Garage SF :	Bsmt Unfin SqFt :	
	Bsmt Total SqFt :	

TRANSFER HISTORY

Owner(s)	Date	Doc #	Price	Deed	Loan	Type
:Streeter Christopher W;Barbara L	:04/08/2009	009-023506	:\$310,000	:Special War	:\$226,000	:Convent
:Streeter Christopher W/Barbara L	:12/03/1996	0096-88886	:\$310,000	:Agreement	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:

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 Clackamas (OR)

OWNERSHIP INFORMATION

Owner(s) : City of Oregon City
 CoOwner(s) :
 Site Address : *no Site Address*
 Mail Address : PO Box 3040 Oregon City Or 97045

Parcel Number : 00849381
 Ref Parcel # : 32E06AA05200
 T: 03S R: 02E S: 06 Q: NE QQ: NE
 Telephone :

PROPERTY DESCRIPTION

Map Page Grid :
 Census Tract : 225.00 Block: 2
 Neighborhood : Oregon City Newer
 Subdivision/Plat :
 Improvement : 300 Outbuilding
 Land Use : 101 Res, Residential Land, Improved
 Legal : SECTION 06 TOWNSHIP 3S RANGE 2E
 : QUARTER AA TAX LOT 05200 STAFFORD
 : PARK

ASSESSMENT AND TAX INFORMATION

Mkt Land : \$308,857
 Mkt Structure : \$2,150
 Mkt Total : **\$311,007**
 %Improved : 1
 Assessed Total : **\$202,777**
 Mill Rate : 17.8341
 Levy Code : 062002
 18-19 Taxes :

PROPERTY CHARACTERISTICS

Bedrooms :	BldgLivingSqFt :	BldgSqFt :
Bathrooms :	1st Floor SqFt :	Lot Acres : 1.62
Full Baths :	UpperFinSqFt :	Lot SqFt : 70,567
Half Baths :	Finished SqFt :	Year Built :
Fireplace :	AbvGrdSqFt :	Foundation :
Heat Type :	UpperTotSqFt :	Roof Type :
Floor :	UnFinUpStySqFt :	Roof Shape :
Stories :	Bsmt Fin SqFt :	Exterior Fin :
Garage SF :	Bsmt Unfin SqFt :	
	Bsmt Total SqFt :	

TRANSFER HISTORY

Owner(s)	Date	Doc #	Price	Deed	Loan	Type
:City of Oregon City	:	78-00827	:	:	:	:
:	:		:	:	:	:
:	:		:	:	:	:
:	:		:	:	:	:
:	:		:	:	:	:
:	:		:	:	:	:

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Customer Service
 Phone: 503.219.1000
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 Clackamas (OR)

OWNERSHIP INFORMATION

Owner(s) : **Donnelly James J**
 CoOwner(s) :
 Site Address : **567 Holmes Ln Oregon City 97045**
 Mail Address : 567 Holmes Ln Oregon City Or 97045

Parcel Number : **00849390**
 Ref Parcel # : **32E06AA05201**
 T: 03S R: 02E S: 06 Q: NE QQ: NE
 Telephone :

PROPERTY DESCRIPTION

Map Page Grid :
 Census Tract : 225.00 Block: 2
 Neighborhood : Oregon City Newer
 Subdivision/Plat : Ainsworth Estates 01
 Improvement : 141 R1-4 Res 1 Story
 Land Use : 101 Res, Residential Land, Improved
 Legal : SECTION 06 TOWNSHIP 3S RANGE 2E
 : QUARTER AA TAX LOT 05201
 :

ASSESSMENT AND TAX INFORMATION

Mkt Land : \$162,515
 Mkt Structure : \$234,200
 Mkt Total : **\$396,715**
 %Improved : 59
 Assessed Total : **\$192,281**
 Mill Rate : 17.8341
 Levy Code : 062002
 18-19 Taxes : \$3,429.16

PROPERTY CHARACTERISTICS

Bedrooms : 3	BldgLivingSqFt : 1,558	BldgSqFt :
Bathrooms : 1.00	1st Floor SqFt :	Lot Acres : .45
Full Baths : 1	UpperFinSqFt :	Lot SqFt : 19,602
Half Baths :	Finished SqFt :	Year Built : 1909
Fireplace : Single Fireplce	AbvGrdSqFt : 1,558	Foundation : Brick
Heat Type : Forced Air-Oil	UpperTotSqFt :	Roof Type : Composition
Floor : Fir	UnFinUpStySqFt :	Roof Shape : Gable\hip
Stories : 1	Bsmt Fin SqFt :	Exterior Fin : Rustic
Garage SF :	Bsmt Unfin SqFt :	
	Bsmt Total SqFt :	

TRANSFER HISTORY

Owner(s)	Date	Doc #	Price	Deed	Loan	Type
:Donnelly James J	:01/12/1994	0094-03446	:\$120,000	:Warranty	:\$90,000	:Convent
:Shorey Norman G & Ingrid	:03/01/1990	0090-09749	:\$78,500	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:

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 Clackamas (OR)

OWNERSHIP INFORMATION

Owner(s) : City of Oregon City
 CoOwner(s) :
 Site Address : *no Site Address*
 Mail Address : PO Box 3040 Oregon City Or 97045

Parcel Number : 01551234
 Ref Parcel # : 32E06AA00801
 T: 03S R: 02E S: 06 Q: NE QQ: NE
 Telephone :

PROPERTY DESCRIPTION

Map Page Grid :
 Census Tract : 227.08 Block: 1
 Neighborhood : Oregon City Newer
 Subdivision/Plat :
 Improvement :
 Land Use : 100 Vacant, Residential Land
 Legal : SECTION 06 TOWNSHIP 3S RANGE 2E
 : QUARTER AA TAX LOT 00801
 :

ASSESSMENT AND TAX INFORMATION

Mkt Land : \$94,040
 Mkt Structure :
 Mkt Total : \$94,040
 %Improved :
 Assessed Total : \$61,314
 Mill Rate : 17.8341
 Levy Code : 062002
 18-19 Taxes :

PROPERTY CHARACTERISTICS

Bedrooms :	BldgLivingSqFt :	BldgSqFt :
Bathrooms :	1st Floor SqFt :	Lot Acres : .20
Full Baths :	UpperFinSqFt :	Lot SqFt : 8,712
Half Baths :	Finished SqFt :	Year Built :
Fireplace :	AbvGrdSqFt :	Foundation :
Heat Type :	UpperTotSqFt :	Roof Type :
Floor :	UnFinUpStySqFt :	Roof Shape :
Stories :	Bsmt Fin SqFt :	Exterior Fin :
Garage SF :	Bsmt Unfin SqFt :	
	Bsmt Total SqFt :	

TRANSFER HISTORY

Owner(s)	Date	Doc #	Price	Deed	Loan	Type
:City of Oregon City	:01/01/1993	93-01860	:\$23,000	:Warranty	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:

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 Email: Ticor.Resource@TicorTitle.com
 Clackamas (OR)

OWNERSHIP INFORMATION

Owner(s) : Herndon Orvetta M
 CoOwner(s) :
 Site Address : 535 Holmes Ln Oregon City 97045
 Mail Address : 11919 S Carus Rd Oregon City Or 97045

Parcel Number : 01868562
 Ref Parcel # : 32E06AA05001
 T: 03S R: 02E S: 06 Q: NE QQ: NE
 Telephone :

PROPERTY DESCRIPTION

Map Page Grid :
 Census Tract : 225.00 Block: 2
 Neighborhood : Oregon City Newer
 Subdivision/Plat :
 Improvement : 131 R1-3 Res 1 Story
 Land Use : 101 Res, Residential Land, Improved
 Legal : 1999-36 PARTITION PLAT PARCEL 2
 :
 :

ASSESSMENT AND TAX INFORMATION

Mkt Land : \$352,900
 Mkt Structure : \$152,750
 Mkt Total : **\$505,650**
 %Improved : 30
 Assessed Total : **\$262,573**
 Mill Rate : 17.8341
 Levy Code : 062002
 18-19 Taxes : \$4,682.75

PROPERTY CHARACTERISTICS

Bedrooms : 2	BldgLivingSqFt : 1,114	BldgSqFt :
Bathrooms : 2.00	1st Floor SqFt :	Lot Acres : 1.83
Full Baths : 2	UpperFinSqFt :	Lot SqFt : 79,715
Half Baths :	Finished SqFt :	Year Built : 1930
Fireplace :	AbvGrdSqFt : 1,114	Foundation : Concrete
Heat Type : Stove	UpperTotSqFt :	Roof Type : Composition
Floor : Carpet	UnFinUpStySqFt :	Roof Shape : Gable
Stories : 1	Bsmt Fin SqFt :	Exterior Fin : Shake
Garage SF :	Bsmt Unfin SqFt :	
	Bsmt Total SqFt :	

TRANSFER HISTORY

Owner(s)	Date	Doc #	Price	Deed	Loan	Type
:Herndon Orvetta M	:	519-362	:	:	:	:
:	:		:	:	:	:
:	:		:	:	:	:
:	:		:	:	:	:
:	:		:	:	:	:
:	:		:	:	:	:

This title information has been furnished, without charge, in conformance with the guidelines approved by the State of Oregon Insurance Commissioner. The Insurance Division cautions intermediaries that this service is designed to benefit the ultimate insureds. Indiscriminate use only benefiting intermediaries will not be permitted. Said services may be discontinued. No liability is assumed for any errors in this report. Information is deemed reliable but not guaranteed.

File No.: 17-114517

Clackamas County Official Records
Sherry Hall, County Clerk**2017-087412**

12/29/2017 12:51:00 PM

D-D Cnt=1 Stn=53 CINDY
\$15.00 \$16.00 \$10.00 \$22.00

\$63.00

Grantor
Brian S. Kehoe and Wanda M. Kehoe
Grantee
Robert P. Sera and Tamara L. Watrous
After recording return to
Robert P. Sera and Tamara L. Watrous 471 Mountainview Street Oregon City OR 97045
Until requested, all tax statements shall be sent to
Robert P. Sera and Tamara L. Watrous 471 Mountainview Street Oregon City OR 97045
Tax Acct No(s): 00848569

Reserved for Recorder's Use

STATUTORY WARRANTY DEED

Brian S. Kehoe and Wanda M. Kehoe, as tenants by the entirety, Grantor(s)
convey and warrant to

Robert P. Sera, a single man, and Tamara L. Watrous, a single woman,
Grantee(s), the real property described in the attached Exhibit A, free of encumbrances EXCEPT
covenants, conditions, restrictions, easements, and encumbrances of record as of the date hereof.

The true consideration for this conveyance is **\$200,000.00**. (Here comply with requirements of ORS
93.030)

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.

WFG Title 17-114517 SS

Executed this 27 day of December, 2017



Brian S. Kehoe

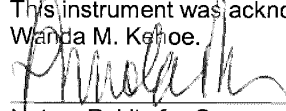


Wanda M. Kehoe

STATE OF OREGON

COUNTY OF Clackamas

This instrument was acknowledged before me this 27 day of December, 2017 by Brian S. Kehoe and Wanda M. Kehoe.



Notary Public for Oregon

My Commission Expires: 9/27/21

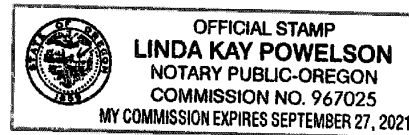


EXHIBIT "A"
LEGAL DESCRIPTION

Part of the William Holmes and wife Donation Land Claim in Section 6, Township 3 South, Range 2 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows:

Beginning at a stone set at the Northeast corner of Section 6, Township 3 South, Range 2 East of the Willamette Meridian; running thence North 88° 40' West tracing the North boundary of Section 6 of said Township and Range 578.5 feet to a stake driven on the SE Boundary of that certain tract of land conveyed to George H. Cooke by Deed recorded in Book 123 page 161 Records of Clackamas County, Oregon; thence South 32° West tracing the Southeast boundary of said tract 163.05 feet to an iron pipe driven at the most Northerly corner of that certain tract of land conveyed to M.F. Failing by Deed recorded in Book 127 page 385 Deed Records aforesaid; thence South 3° 40' East tracing the East boundary of said tract, 661.9 feet to a stake at the Northwest corner of that certain tract of land conveyed to Willamette Meridian. M. Ladd by Deed recorded in Book 151 page 10, Deed Records aforesaid; thence South 89° 43' East 110.91 feet to the true point of beginning; thence continuing South 89° 43' East 244.09 feet along the North boundary of said Ladd tract to a post thence North 15° 15' West tracing the West boundary of that certain tract of land conveyed to Frank Albright by Deed recorded in Book 141 page 612 records aforesaid, and Southerly projection thereof, 278.10 feet to an iron pipe driven at the Northwest corner thereof; thence North 89° 43' West 166.09 feet; thence Southerly to the true point of beginning,

EXCEPT a strip of land 15.5 feet in width along the Easterly side of these perimeter in the in the County of Clackamas and State of Oregon.

TOGETHER WITH an easement for road purposes across said excepted 15.5 foot strip.

ALSO EXCEPTING THEREFROM the Northerly 110 feet, described in Deed to Byron J. Zirkle, et ux, as Fee 95-023125.

38
After recording return to:

City of Oregon City
P.O. Box 3040
320 Warner Milne Rd.
Oregon City, Oregon 97045
Attn: Lorelei McCaffrey

Return Tax Statement's to:

Same as Above

TAX MAP : 3-2E-06AA

TAX LOT : 5000

Clackamas County Official Records
Sherry Hall, County Clerk

2009-015099



\$41.00

01287416200900150990030030

03/10/2009 08:10:20 AM

D-D Cnt=1 Str=2 JANISKEL

\$15.00 \$10.00 \$16.00

STATUTORY WARRANTY DEED

Donald R. Herndon and Orvetta M. Herndon, husband and wife, grantor, convey and warrant to City of Oregon City, an Oregon municipality, grantee, the real property located in City of Oregon City, Clackamas County, Oregon and described on the attached Exhibit "A", free from encumbrances excepting only those of record on the date hereof.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS.30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352.

The true consideration for this conveyance is Forty-nine Thousand Seven Hundred Fifty-nine and 98/100 dollars (\$49,759.98).

Dated: 03-09-2009

Donald R. Herndon

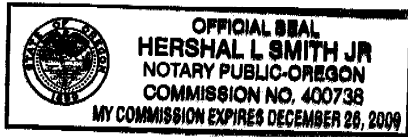
Donald R. Herndon

Orvetta M. Herndon

Orvetta M. Herndon

STATE OF Oregon)
) ss.
County of Clackamas)

This instrument was acknowledged before me on HERSHAL L SMITH JR, 2009 by Donald R. Herndon and Orvetta M. Herndon.



Hershale L. Smith Jr.
Notary Public for Oregon
My commission expires:

Exhibit A

Part of the William Holmes and wife, D.L.C. No. 46, in Section 6, Township 3, Range 2 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows:

Beginning North $89^{\circ} 43'$ West 340.77 feet from a point in the east line of said Section 6, that is South $0^{\circ} 23'$ West 898.56 feet from the northeast corner of said Section 6 to the true point of beginning: thence $0^{\circ} 06' 42''$ East, a distance of 493.56 feet to the northerly line of Holmes Lane; thence South $86^{\circ} 20' 00''$ West, a distance of 80 feet; thence North $03^{\circ} 40' 00''$ West, a distance of 500.25 feet; thence South $89^{\circ} 43' 00''$ East, a distance of 110.91 feet to the true point of beginning. The area being described as 1.08979 acres or 47390.36 square feet of land more or less.

(3)

AFTER RECORDING RETURN TO:
Christopher W. Streeter and Barbara L.
Streeter

545 Holmes Lane.
Oregon City, OR 97045

Until a change is requested all tax statements shall be
sent to the following address:
same as above

Escrow No.: 45-464977-SD
Order No.: 464977

Clackamas County Official Records		2009-023506
Sherry Hall, County Clerk		
		\$36.00
01296515200900235060020028		
04/08/2009 11:06:55 AM		
D-D	Cnt=1	Stn=6 KARLYNWUN
\$10.00	\$10.00	\$16.00

SPECIAL WARRANTY DEED – STATUTORY FORM
(INDIVIDUAL or CORPORATION)

Frank M. Bennett and Helen E. Bennett, Co-Trustees of the Helen E. Bennett Trust U/T/A dated November 14, 1991

Grantor, conveys and specially warrants to a married person

Christopher W. Streeter and Barbara L. Streeter

a married person
Grantee, the following real property free of encumbrances created or suffered by the grantor except as specifically set forth herein:

SEE LEGAL DESCRIPTION ATTACHED HERETO

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. 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.

ENCUMBRANCES:

The true consideration for this conveyance is \$310,000.00, in fulfillment of that certain Real Estate Contract between the parties, of which a Memorandum of Real Estate Agreement was recorded in the county records December 3, 1996, as Recording No. 96-088886.

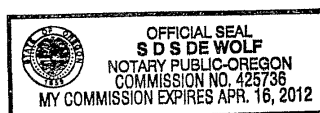
Dated April 7, 2009; if a corporate grantor, it has caused its name to be signed by order of its board of directors.


Frank M. Bennett, Co-Trustee of the Helen E. Bennett Trust
U/T/A dated November 14, 1991


Helen E. Bennett, Co-Trustee of the Helen E. Bennett Trust
U/T/A dated November 14, 1991

STATE OF OREGON
County of Clackamas

This instrument was acknowledged before me on April 7, 2009, by Frank M. Bennett and Helen R. Bennett, Co-Trustees of the Helen E. Bennett Trust U/T/A dated November 14, 1991.




Notary Public for OREGON
My Commission Expires: 04-16-2012

(SEAL)

LEGAL DESCRIPTION

Part of the William Holmes and wife Donation Land Claim in Section 6, Township 3 South, Range 2 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows:

Beginning at an iron pipe North 89° 43' West 111.27 feet, more or less, from a point on the line between Sections 5 and 6, Township 3 South, Range 2 East of the Willamette Meridian which is South 0° 23' West 787.65 feet from a basalt stone at the Northeast corner of Section 6, Township 3 South, Range 2 East of the Willamette Meridian and which beginning point is the Northwest corner of a tract of land conveyed to W.B. Stafford, by deed recorded July 28, 1923 in Book 171, Page 308, Clackamas County Deed Records; thence South 0° 10' West along the West line of said Stafford line 466.25 feet to an iron pipe in the Northerly side line of Holmes Lane; thence South 86° 20' West along the North line of said Lane 230.01 feet to the Southeast corner of a tract of land conveyed to C.F. Eckert and Anna Eckert, his wife, by Deed recorded August 31, 1936 in Book 233 of Deeds Page 402, Clackamas County Deed Records; thence North 0° 10' East along the East line of said Eckert land 482.08 feet to a point in the North line of land formerly owned by W.M. Ladd; thence South 89° 43' East 229.50 feet to the place of beginning, being the same property described in Book 186, page 177 and Book 189, Page 58, Clackamas County Deed Records.

2

14490

BARGAIN AND SALE DEED

KNOW ALL MEN BY THESE PRESENTS, that UNITED STATES NATIONAL BANK OF OREGON, a National Banking Association, as Trustee for JAMES R. STAFFORD, deceased, hereinafter called Grantor, does hereby grant, bargain, sell and convey unto the CITY OF OREGON CITY, OREGON, Grantee, its successors and assigns, an undivided 25.835 per cent of the following described real property with the tenements, hereditaments and appurtenances situated in the County of Clackamas, State of Oregon, bounded and described as follows, to wit:

A part of the Willam. Holmes D.L.C. No. 38, T. 3 S., R. 2 E., W.M., described as follows, to wit:

Beginning at the northwest corner of a tract of land sold to Wm. Woods as described in Book 31 of Deeds, page 292, Records of Clackamas County, Oregon, said point being twelve chains South and one and twenty-one hundredths (1.21) chains East of the Northwest corner of Section 5, Township 3 South of Range 2 East of the Willamette Meridian in the Donation Land Claim of Wm. Holmes; running thence South on the West line of said Woods tract 6.92 chains to the Southwest corner of said Woods tract on lane leading from Elyville to Apperson Road, thence along the line of said lane South 86° West 1.82 chains, thence North 7.05 chains, thence East 1.82 chains to the place of beginning.

ALSO that certain tract situate in the above described D.L.C. described as follows, to wit:

Beginning at the Southwest corner of a tract of land heretofore conveyed to Josephine G. Stafford by deed recorded on page 132 of Book 67 of Records of Deeds of Clackamas County, Oregon; running thence Westerly along the Northerly line of the lane leading from Elyville to the Apperson Road 50 feet; thence Northerly and parallel with the Westerly line of the said Stafford tract 500 feet more or less to a point where said line would intersect the Northerly line of the said Stafford tract if said Northerly line was extended; thence Easterly 50 feet, more or less to the Northwest corner of said Stafford tract; thence Southerly along the Westerly line of the said Stafford tract 500 feet more or less to the place of beginning.

ALSO that certain tract situate in the above described D.L.C. described as follows, to wit:

The twenty-five (25) foot strip along the westerly side of Josephine G. Stafford tract, being a part of the Donation Land Claim of Wm. Holmes and wife in Township 3 South, Range 2 East of the W. M., in Clackamas County, Oregon, bounded and described as follows, to wit: Beginning at a basalt stone marked + on top and set at the northwest corner of that certain tract of land conveyed to Josephine G. Stafford by deed recorded in Book 73 at page 28, Records of Deeds of Clackamas County, which point is North 89° 43' West 86.27 ft. distant from a point on the line between Sections 6 and 5 that is South 0° 23' West 787.65 ft. distant from the northeast corner of Section 6, Township 3

78 827

Bargain and Sale Deed
Page 2

South, Range 2 East of the W. M., running thence South 0° 10' West tracing the West boundary of the Josephine G. Stafford tract 464.52 feet to a stone set at the Southwest corner of said tract; thence South 86° 20' West 25.06 feet to a pipe; thence North 0° 10' East 466.25 feet to a pipe; thence South 89° 43' East 25 feet to the place of beginning, containing 0.267 acres, more or less.

THE ACTUAL CONSIDERATION FOR THIS TRANSFER IS NIL.

TO HAVE AND TO HOLD the above described and granted premises,
unto said Grantee, its successors and assigns forever.

WITNESS the hand and seal this 5th day of December, 1977.

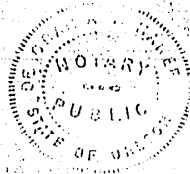
UNITED STATES NATIONAL BANK OF OREGON,
a National Banking Association, as
Trustee for JAMES R. STAFFORD.

By [Signature]
Trust Real Estate Officer

STATE OF OREGON)
) ss.
County of Multnomah)

On this 5th day of DECEMBER, 1977, personally appeared
M. S. Holland, to me personally known, who, being duly sworn, did say
that he is a Trust Real Estate Officer of United States National Bank of
Oregon, the within named corporation, and that the seal affixed to said
instrument is the corporate seal of said corporation, and that said
instrument was signed and sealed in behalf of said corporation by
authority of its Board of Directors, and he acknowledged said instrument
to be the free act and deed of said corporation.

Before me:



[Signature: Deborah V. Hanes]
Notary Public for Oregon

My commission expires: 2-16-81

STATE OF OREGON
County of Clatsop

I, George D. Poppert, County Clerk, Ex-Officio
Recorder of Conveyances and Ex-Officio Clerk
of the Circuit Court of Clatsop County, do hereby certify that
the within instrument of writing was received for
and recorded in the records of said county at

78 JAN 9 P2:15



Witness me
[Signature: George D. Poppert]
GEORGE D. POPPERT
County Clerk
Recording Certificate
CD-14 78 827

Recorded by TICOR TITLE

TICOR TITLE INSURANCE

615681

STATUTORY WARRANTY DEED

NORMAN G. SHOREY AND INGRID L. SHOREY, HUSBAND AND WIFE

Grantor,

conveys and warrants to

JAMES J. DONNELLY AND CHERI D. DONNELLY, HUSBAND AND WIFE

 Grantee, the following described real property free of encumbrances except as specifically set forth herein situated in
 Clackamas County, Oregon, to wit:

CLACKAMAS

SEE ATTACHED FOR LEGAL DESCRIPTION MADE A PART HEREOF

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, ZONING, AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930. The said property is free from encumbrances except COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, SET BACK LINES, POWERS OF SPECIAL DISTRICTS, AND EASEMENTS OF RECORD, IF ANY.

The true consideration for this conveyance is \$120,000.00

(Here comply with the requirements of ORS 92.030)

Dated this 11th day of January

19 94


 NORMAN G. SHOREY
(Signature)

 INGRID L. SHOREY
(Signature)

State of Oregon, County of Multnomah

State of Oregon, County of

 The foregoing instrument was acknowledged before me this
 11th day of January, 1994 by
 Ingrid L. Shorey

 The foregoing instrument was acknowledged before me this
 day of 19 by

President and

Secretary of

a

corporation.

on behalf of the corporation.

(Signature)
 Notary Public for Oregon
 My commission expires:

 Notary Public for Oregon
 My commission expires:

WARRANTY DEED

NORMAN G. SHOREY INGRID L. SHOREY
GRANTOR
GRANTEE
JAMES J. DONNELLY CHERI D. DONNELLY

 Until a change is requested, all tax statements shall be
 sent to the following address:

JAMES J. DONNELLY

567 HOLMES LANE

OREGON CITY, OREGON 97045

Title No.

615681PC

615681DG

After recording return to:

JAMES J. DONNELLY

567 HOLMES LANE

OREGON CITY, OREGON 97045

This Space Reserved for Recorder's Use

FORM No. 120—ACKNOWLEDGMENT BY ATTORNEY-IN-FACT.

STATE OF OREGON,

ss.

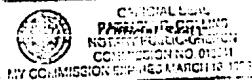
County of Clackamas

 On this the 11th day of January, 19 94 personally appeared
 Ingrid L. Shorey

 who, being duly sworn (or affirmed), did say that he is the attorney in fact for
 Norman G. Shorey

and that he executed the foregoing instrument by authority of and in behalf of said principal; and he acknowledged said instrument to be the act and deed of said principal.

Before me:


(Signature)
 Notary Public

 (Title of Office)
 94 03446

 **TICOR TITLE INSURANCE**

C615681

LEGAL DESCRIPTION

A tract of land situated in the N.E. one-quarter of Section 6, Township 3 South, Range 2, Willamette Meridian, also in the William Holmes Donation Land Claim No. 38, City of Oregon City, Clackamas County, Oregon, being more particularly described as follows:

Beginning at the Southwest corner of that tract of land conveyed by deed to Norman G. Shorey and Ingrid L. Shorey recorded March 5, 1990 in Fee number 90-09749, Clackamas County Deed Records, said point being South 86 degrees 18' 13" West, 109.35 feet (South 86 degrees 20' West, 109.76 feet per said Fee number 90-09749) from the intersection of the East line of said Section 6 and the North right-of-way line of Holmes Lane; thence, along the West line of said Shorey tract and also along the West line of that tract of land conveyed by deed to the City of Oregon City recorded January 9, 1978 in Fee number 78-827, Clackamas County Deed Records, North 0 degrees 07' 39" East, 256.23 feet; thence, parallel with the North right-of-way line of Holmes Lane, North 86 degrees 18' 13" East, 82.42 feet; thence parallel with the East line of said Shorey tract, South 1 degree 49' 26" East, 92.49 feet; thence, on the Easterly extension of the North line of said Shorey tract, South 86 degrees 18' 13" West, 18.19 feet to the Northeast corner of said Shorey tract; thence, along the East line of said Shorey tract, South 01 degrees 49' 26" East, 163.32 feet to a point on the North right-of-way line of Holmes Lane; thence, along said North right-of-way line, South 86 degrees 18' 13" West, 72.96 feet to the point of beginning. -----

STATE OF OREGON }
County of Clackamas } ss
I, John Kauffman, County Clerk, for the County of Clackamas, do hereby certify that the instrument or instruments hereinafter described have been received for recording in the records of said County at

94 JAN 12 PM 3:20



Witness my hand and seal this 12th day of January, 1994.
John Kauffman
JOHN KAUFFMAN
County Clerk

Recording Certificate
Clerk (new 8-91)
94 03446

2

- 4 -

Ticor Title Insurance Company

After recording return and
mail tax statements to:

City Recorder
City of Oregon City
320 Warner Milne Road
Oregon City, OR 97045

STATUTORY WARRANTY DEED

Ronald J. Parham and Ba T. Parham, Grantors, convey and warrant to the City of Oregon City, a Municipal Corporation, Grantee, the following described real property free of liens and encumbrances except as specifically set forth herein, situated in Clackamas County, Oregon, to-wit:

See Exhibit "A" attached to and by reference made a part of this warranty deed.

Reserving, however, unto the Grantor, its successors and assigns, the following: NONE

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

The said property is free from liens and encumbrances except Conditions, Restrictions, Restrictive Covenants and Easements of Record, if any.

The true consideration for this conveyance is TWENTY THREE THOUSAND AND NO/100 DOLLARS (\$23,000) (As specified per the requirements of ORS 93.030.)

Dated this 8th day of January 1992, 1993

by Ronald J. Parham
Ronald J. Parham

by Ba T. Parham
Ba T. Parham

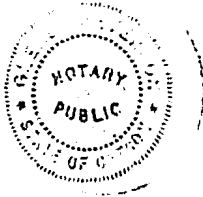
State Of Oregon)
) ss.
County of Clackamas)

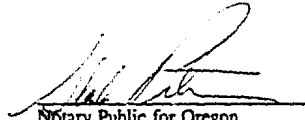
WARRANTY DEED / Parham.1 - Page 1

93 01860

On this 8th day of January, 1993, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Ronald H. Parham and Ba T. Parham who are known to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same freely and voluntarily for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above written.




Notary Public for Oregon
My commission Expires 6/18/93

Order No. 718040

EXHIBIT "A"

Part of the William Holmes and wife Donation Land Claim in Section 6, Township 3 South, Range 2 East of the Willamette Meridian, in the City of Oregon City, County of Clackamas and State of Oregon, described as follows:

Beginning at a basalt stone set at the Northeast corner of Section 6, Township 3 South, Range 2 East of the Willamette Meridian; running thence North $88^{\circ}40'$ West tracing the North boundary of Section 6 of said Township and Range 578.5 feet to a stake driven in the Southeast boundary of that certain tract of land conveyed to Geo. R. Cooke, by deed recorded in Book 123, page 161, Deed Records; thence South $32^{\circ}03'$ West tracing the Southeast boundary of said tract 163.05 feet to an iron pipe driven at the most Northerly corner of that certain tract of land conveyed to M.F. Failing by deed recorded in Book 127, page 385, Deed Records aforesaid; thence South $3^{\circ}40'$ East tracing the East boundary of said tract, 661.9 feet to the Southwest corner of that tract of land conveyed to Frederick H. Foote and Kaydthe M. Foote, husband and wife by deed recorded September 1, 1950 in Book 435, page 493, Deed Records, which point is also the Northwest corner of that certain tract of land conveyed to Wm. M. Ladd by deed recorded in Book 151, page 10, Deed Records; thence South $89^{\circ}43'$ East 110.01 feet to the Southwest corner of that tract of land conveyed to Frank J. Filpot and Evelyn M. Filpot, husband and wife, by deed recorded October 26, 1950 in Book 437, page 663, said point being the true point of beginning; thence North $89^{\circ}43'$ West 110.91 feet to the Southwest corner of said Parham tract; thence North along the West line of said Parham tract to the Southeast corner of Lot 15, ~~FEEL~~ ACRES; thence South $89^{\circ}52'$ East along the Easterly extension of the South line of said Lot 15 to a point on the East line of said Parham tract; thence South along the East line off said Parham tract to the true point of beginning.

TOGETHER WITH a 10 foot easement for access, the East line being described as follows:

Beginning at the Northeast corner of the above described tract; thence North along the East line of said Parham tract to a point that is 10 feet North of the Southwest corner of that tract conveyed to Brad Zirkle by deed recorded December 23, 1974 as Recorder's Fee No. 74 35424, said point being the terminus of said easement.

3



ASSUMES NO LIABILITY FOR ANY VARIATIONS AS MAY BE DETERMINED BY ACTUAL SURVEY

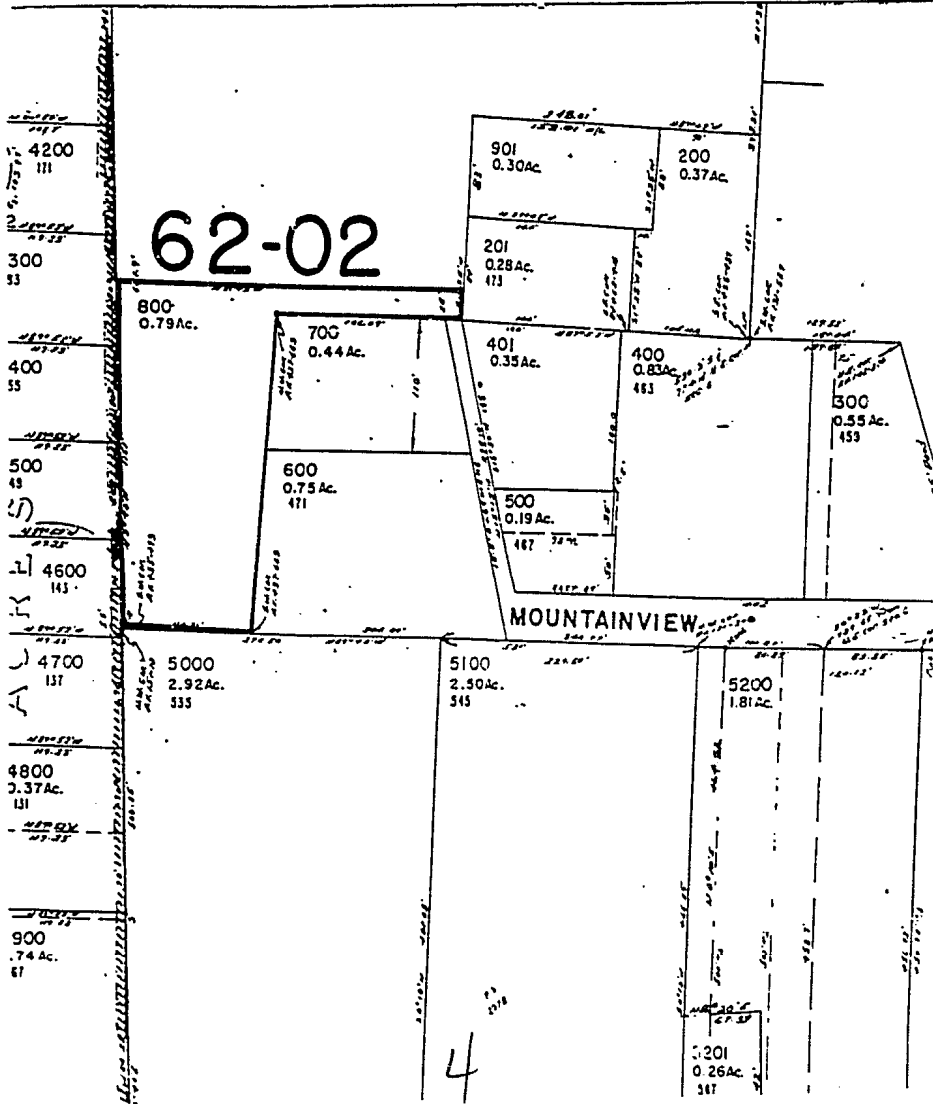
First American Title Insurance Company of Oregon

AN ASSURED BUSINESS NAME OF TITLE INSURANCE COMPANY OF OREGON
1700 SW FOURTH AVE. PORTLAND OR 97201-5512
(503) 232-3651



3S 2E 06AA

WM HOLMES ADD.





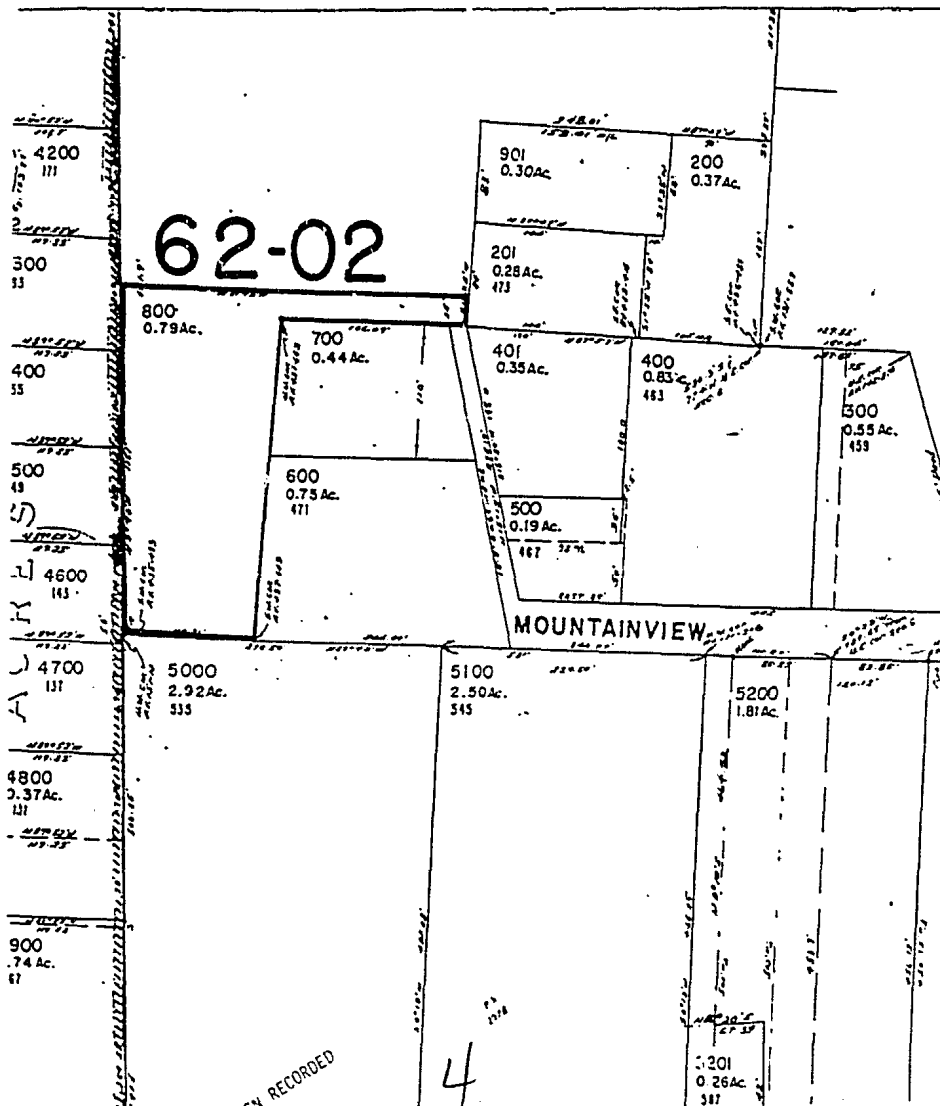
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3S 2E 06AA

WM HOLMES ADD.



ILLEGIBLE WHEN RECORDED

5

STATE OF OREGON }
County of Clatsop } ss
I, John Kaufman, County Clerk, for the County of
Clatsop, do hereby certify that the instrument of
writing was received for recording in the records of
said County at

1933 JAN 11 PM 3:17



Witness my hand and seal this
John Kaufman
John Kaufman
County Clerk
Recording Certificate
CCP-Hz (Rev. 5-91)

93 01860

BOOK 519 PAGE 362
Ph 73WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That PERCY O'DONNELL and CATHERINE O'DONNELL, husband and wife, grantors, in consideration of Ten and No/100 (\$10.00) Dollars, to them paid by DONALD R. HERNDON and ORVETTA M. HERNDON, husband and wife, do hereby grant, bargain, sell and convey unto the said grantees, their heirs and assigns, all the following real property, with the tenements, hereditaments and appurtenances, situated in the County of Clackamas and State of Oregon, bounded and described as follows, to-wit:

Part of the William Holmes and wife Donation Land Claim #46 in Section 6, Township 3 South, Range 2 East of the Willamette Meridian, described as follows: Beginning North 89 degrees 43' West 340.77' from a point in the East line of said Section 6 that is South 0 degrees 23' West 787.65' from the Northeast corner of said Section 6; thence South 0 degrees 10' West 482.08' to the Northerly line of Holmes Lane; thence South 86 degrees 20' West along said Northerly road line 243.65 feet; thence North 3 degrees 40' West 500.25 feet; thence South 89 degrees 43' East 276.50 feet to the point of beginning.

To Have and to Hold the above described and granted premises unto the said grantees, their heirs and assigns forever.

And the grantors do covenant that they are lawfully seized in fee simple of the above granted premises free from all encumbrances, EXCEPT 1956-57 taxes unpaid and an easement granted to Board of Water Commissioners of Clackamas County by an instrument, including the terms and provisions thereof, dated June 1, 1906 and recorded June 20, 1906 in Deed Book 96 at page 71 and by Deed dated March 10, 1916 and recorded May 11, 1916 in Deed Book 142 at page 575, for the installation and maintenance of water main, and that they will and their heirs, executors and administrators, shall warrant and forever defend the above granted premises, and every part and parcel thereof, against the lawful claims and demands of all persons whomsoever.

Witness our hands and seals this 26 day of November, 1956.

Percy O'Donnell (SEAL)
Catherine O'Donnell (SEAL)

PAGE 1- Warranty Deed

519 11-22-59

1 STATE OF OREGON
 2 County of Clatsop
 3 On this 26 day of September, 1959, before me, the undersigned,
 4 a Notary Public in and for the State of Oregon, personally appeared
 5 the within named FRANK O'DONNELL and CATHERINE O'DONNELL, husband and
 6 wife, who are known to me as the individual individuals described
 7 in and who executed the within instrument, and acknowledged to me that
 8 they executed the same freely and voluntarily.



9 IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed
 10 my official seal the day and year last above written.

James W. Brown
 Notary Public for Oregon
 My Commission Expires Sept. 10, 1960

19653 44

7/5 P.R.S.

SEAL DOCUMENT 11-23 1959 424P W. GUY H. PAGE COUNTY CLERK

Project Description: Holmes Ln. 60 Unit Residential
Condominium project

Section I - Construction Costs

Design Work	\$ 180,000
Site Prep	\$ 1,290,000
Consultants	\$ 35,000
Excavation	\$ 206,500
Utilities	\$ 118,000
Foundation	\$ 944,000
Framing material/wall construction	\$ 1,758,000
Interior finish (walls, doors, floor finish, cabinetry, light fixtures, etc.)	\$ 2,302,000
Supplemental information (fire suppression, hvac, electrical, plumbing, etc.)	\$ 1,670,000
Roofing	\$ 118,000
Landscaping	\$ 59,000
Paving	\$ 59,000
Sign	\$ 9,000
Trash Enclosures	\$ 0
Other	\$
Total Section I	\$ 7,080,000

Section II - Permits

Building	\$ 153,400
Electrical	\$ 31,000
Plumbing	\$ 47,200
Mechanical	\$ 28,000
Land Use	\$ 306,800
Total Section II	\$ 566,400

Section III - Total

Section I Total	\$ 7,080,000
Section II Total	\$ 566,400
Total Section III	\$ 7,646,400

Office Use Only -

Building Official Verification: _____

City of Oregon City | PO Box 3040 | 221 Molalla Avenue, Suite 200 | Oregon City, OR 97045

Ph (503) 722-3789 www.orcity.org

@ 0.003 = 22939
+ 12989

\$ 35,928

To Oregon City Planning Division
in regards to 535, 545 Development Holmes Lane
Attention: Pete Walter

From: James Donnelly
567 Holmes Lane
Oregon City, OR 97045
503-309-0759
jamesdonn@comcast.net

FAIT
JUN 04 2021
BY: 11:59 pm
JC

Item #1 Traffic Impact Study

The report is full of mistakes and is inaccurate. Wrong speed limits for Holmes Lane, and Molalla Ave. Mountain View Street is not two lanes.

The addition of the proposed new street connecting Holmes lane with Mountain View St. is unsafe and a danger to residents living on those streets. Page 8 refers to Holmes lane again being a 35 MPH street. It is not.

The findings of the report are from 2018, not 2020. Page 11 Peak hour rate only includes 28 Cars in the am, and 34 Cars in the PM. This number is half of the total units = 60, and does not include other traffic.

12.04.195
Sight Obstructions

The view from proposed road, and Holmes Lane is at a low point, difficult to see cars coming from the East on Holmes lane. Cars are not visible until they are at the West end of Stafford Park. Cars constantly speed on Holmes lane. I spoke with an officer parked at the New China Restaurant he was giving speeding tickets. He said cars driving down Holmes lane go as fast as 60 MPH.

* I request a Speed Monitor device on Holmes Lane to get a realistic idea of actual speed.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)
Municipal Code

Item 3a.

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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

*12.04.195 - Traffic sight obstructions.

All streets shall comply with the traffic sight obstructions in OCMC 10.32.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

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 chapter, 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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

Chapter 12.08 - PUBLIC AND STREET TREES^[2]

Footnotes:

--- (2) ---

To Sum up. The Traffic impact study is based on the wrong speed limits, old data, an extremely low amount of traffic, and no knowledge of the high number of cars speeding on Holmes Lane.

* This Traffic Impact Study should be thrown out.

Item #2 Trees. Speaking with Pete Walter he said all trees to be removed will have an X on them. No where on the drawings does it show any trees to be removed with an X. Picture is Stafford Park, taken from Mountain View



Please note the row of Trees on the Property
Line of Northeast Corner of proposed development
and North West Corner of Stafford Park.
no mention of these trees on drawing.

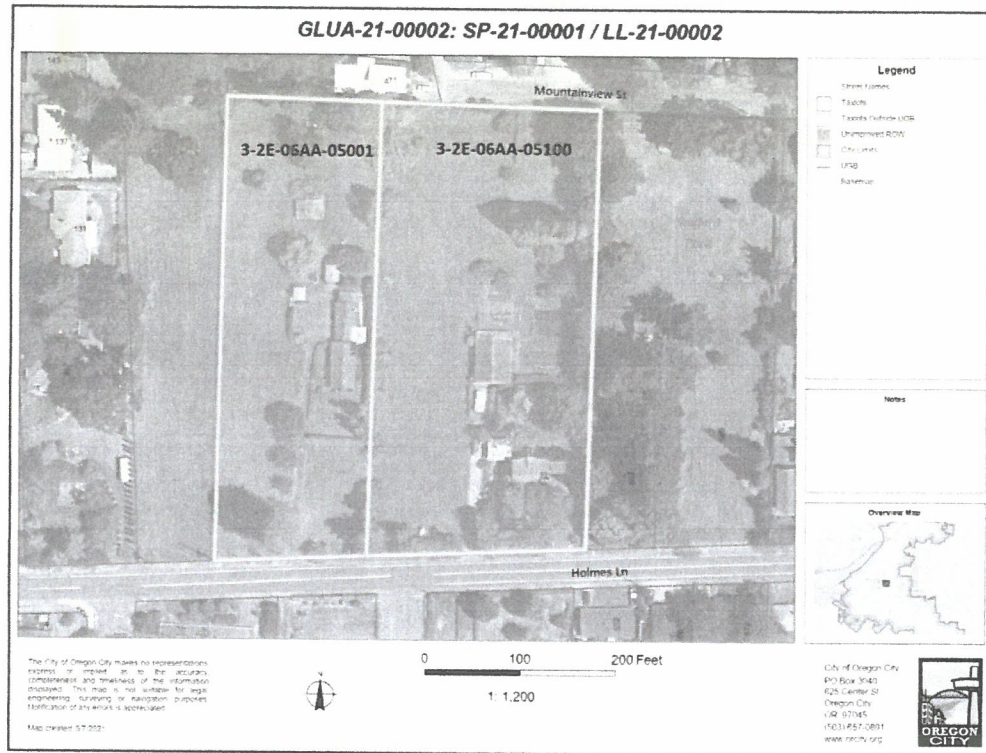
Picture taken from Mountain View St Looking South.
This is Northeast side of proposed development.
You can very clearly see the Mature Trees

* Why are these trees being removed? 12.08.010 Purpose

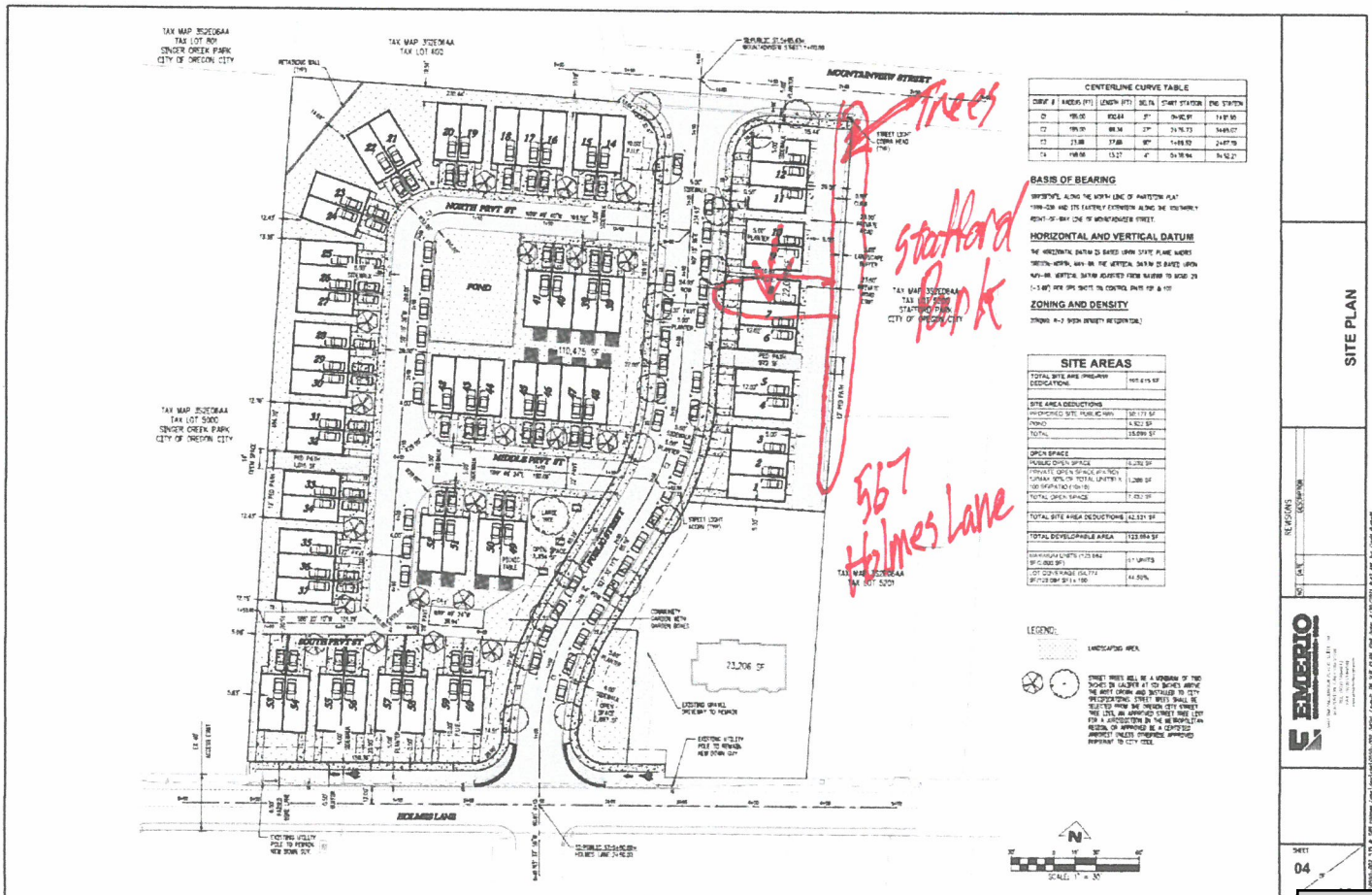


Please see notes on Next Two Pages

Vicinity Map



Site Plan



Municipal Code

Editor's note— Ord. No. 18-1009, § 1(Exh. A), adopted July 3, 2019, amended Chapter 12.08 in its entirety to read as herein set out. Former Chapter 12.08, §§ 12.08.010—12.08.050, pertained to similar subject matter, and derived from Ord. No. 08-1014, adopted July 1, 2009.

Item 3a.

12.08.010 - Purpose.

The purpose of this chapter is to:

- A. Develop tree-lined streets to protect the living quality and beautify the city;
- ~~B.~~ Establish physical separation between pedestrians and vehicular traffic;
- ~~C.~~ Create opportunities for solar shading;
- ~~D.~~ Improve air and water quality; and
- ~~E.~~ Increase the community tree canopy and resource.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

12.08.015 - Street tree selection, planting and maintenance requirements.

All development shall provide street trees adjacent to all street frontages. Species and locations of trees shall be selected based upon vision clearance requirements, but shall in all cases be selected from the Oregon City Street Tree List, an approved street tree list for a jurisdiction in the Metropolitan region, or be approved by a certified arborist unless otherwise approved pursuant to this section. If a setback sidewalk has already been constructed or the public works department determines that the forthcoming street design shall include a setback sidewalk, then all street trees shall be installed with a planting strip or within tree wells. If existing street design includes a curb-tight sidewalk, then all street trees shall be placed according to OCMC 12.08.035.C.

- A. One street tree shall be planted for every thirty-five feet of property frontage. The tree spacing shall be evenly distributed throughout the total development frontage to meet the clearance distances required in subsection B below. The community development director may approve an alternative street tree plan, or accept fee-in-lieu of planting pursuant to OCMC 12.08.035, if site or other constraints prevent meeting the required total number of tree plantings.
- B. The following clearance distances shall be maintained when planting trees:
 - 1. Fifteen feet from streetlights;
 - 2. Five feet from fire hydrants;
 - 3. Twenty feet from intersections;
 - 4. Five feet from all public utilities (i.e. sewer, storm and water lines, utility meters, etc.).
- C. All street trees planted in conjunction with development shall be a minimum of two inches in caliper at six inches above the root crown and installed to city specifications. Larger

Item #3 Multi-Family residential development abuts a parcel zoned R-6 there shall be a Landscaped yard of ten Feet on the side abutting the adjacent zone in order to provide a buffer area.

See Next Page

Picture taken from R-6 Property, pointing at R-2 development Property Line



Municipal Code	Standard	R-2	☰	Q	⋮
	Multi-family	75 feet			
	Minimum front yard setback	5 feet, except			
		0 feet — Porch			
	Maximum front yard setback	20 feet			
	Minimum interior side yard setback				
	All, except	5 feet ¹			
	Single-family attached	0 feet (attached)/5 feet (side)			
	Minimum corner side yard setback	5 feet			
	Minimum rear yard setback	10 feet ¹ , except			
		5 feet — Porch			
	Garage setbacks	20 feet from ROW, except			
		5 feet from alley			
	Minimum required landscaping (including landscaping within a parking lot)	15%			

Notes:

1. If a multi-family residential development abuts a parcel zoned R-10, R-8, R-6, there shall be a landscaped yard of ten feet on the side abutting the adjacent zone in order to provide a buffer area.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

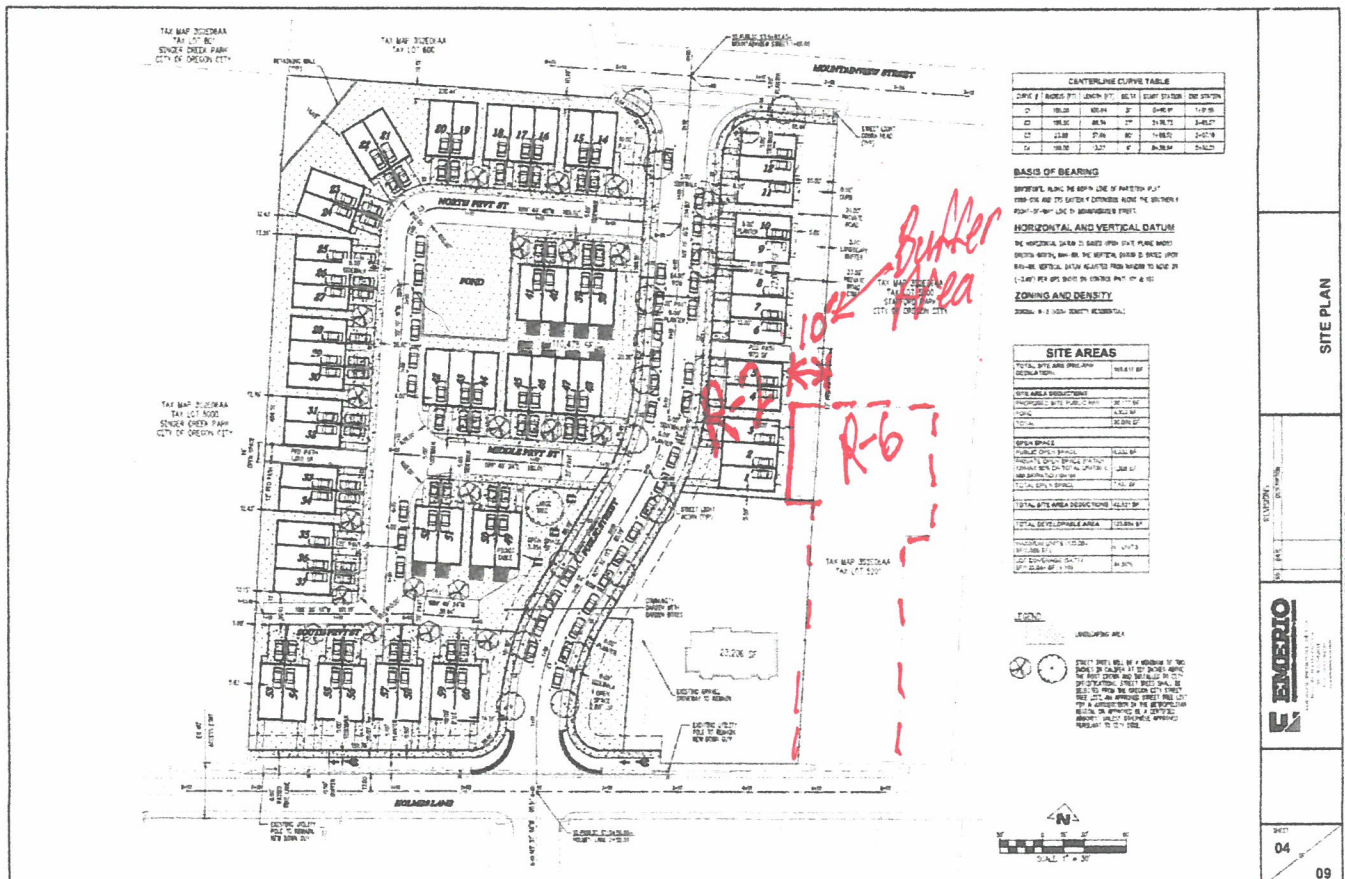
17.12.045 - Exceptions to setbacks.

- A. Projections from Buildings. Ordinary building projections such as cornices, eaves, overhangs, canopies, sunshades, gutters, chimneys, flues, sills or similar architectural features may

Vicinity Map



Site Plan



Picture shows 3 Feet from Surveyors Bench
Mark between Fence post and Metal Fence Post.
Developers Drawing Shows a 10' Buffer at
this point. Clearly not a 10' Buffer



Item #4 Parking. There will not be enough parking for the number of residents living in the new 60 unit project. No parking allowed in the Five Lanes. No Resident Parking in Stafford Park. No Parking on Holmes Lane. No Parking on Mountain View Street.

Drawing Shows Cars Parked on Both Sides of new road through project. Two cars can not pass on new road with both sides full of parked cars. Overflow Parking will be on Rialto St., Haley Ct., Belle Ct. This will cause parking problems for current Residents.

See next Page

Item #5 Singer Creek and Water Collection Pond.

Will water from the new pond drain into Singer Creek? Is it Street run off? Street run off contains oil and chemicals from cars, and pesticides, herbicides, from new homes.

Will there be mosquito prevention with large new pond?

Construction that close to Singer Creek will inevitable contaminate the creek with Mud.

See Next Page

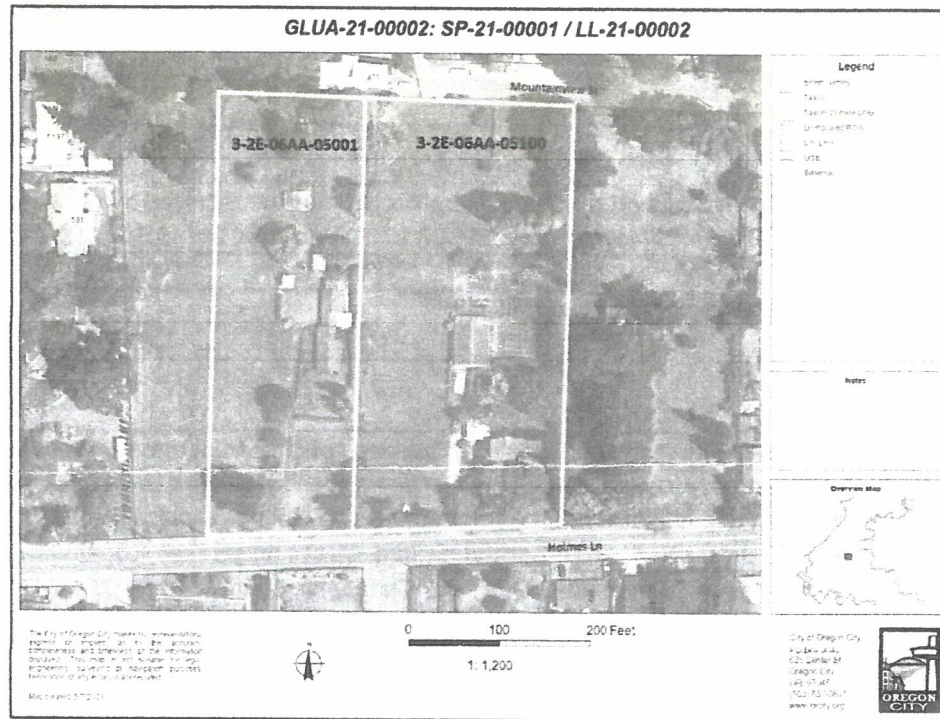
Item #6 Distance from Property deemed Historic by the City of Oregon City. This development is across the street from The Rose Farm Museum. The Rose Farm Museum is the original Capital of the Oregon Territory. On the Corner of Alliance and Holmes Lane is another Historic Property.

Next to the Development is the Historic Stafford Barn and W.B. Stafford House. Also the Historic Stafford Park. This development would have a negative effect on The History of Oregon City.

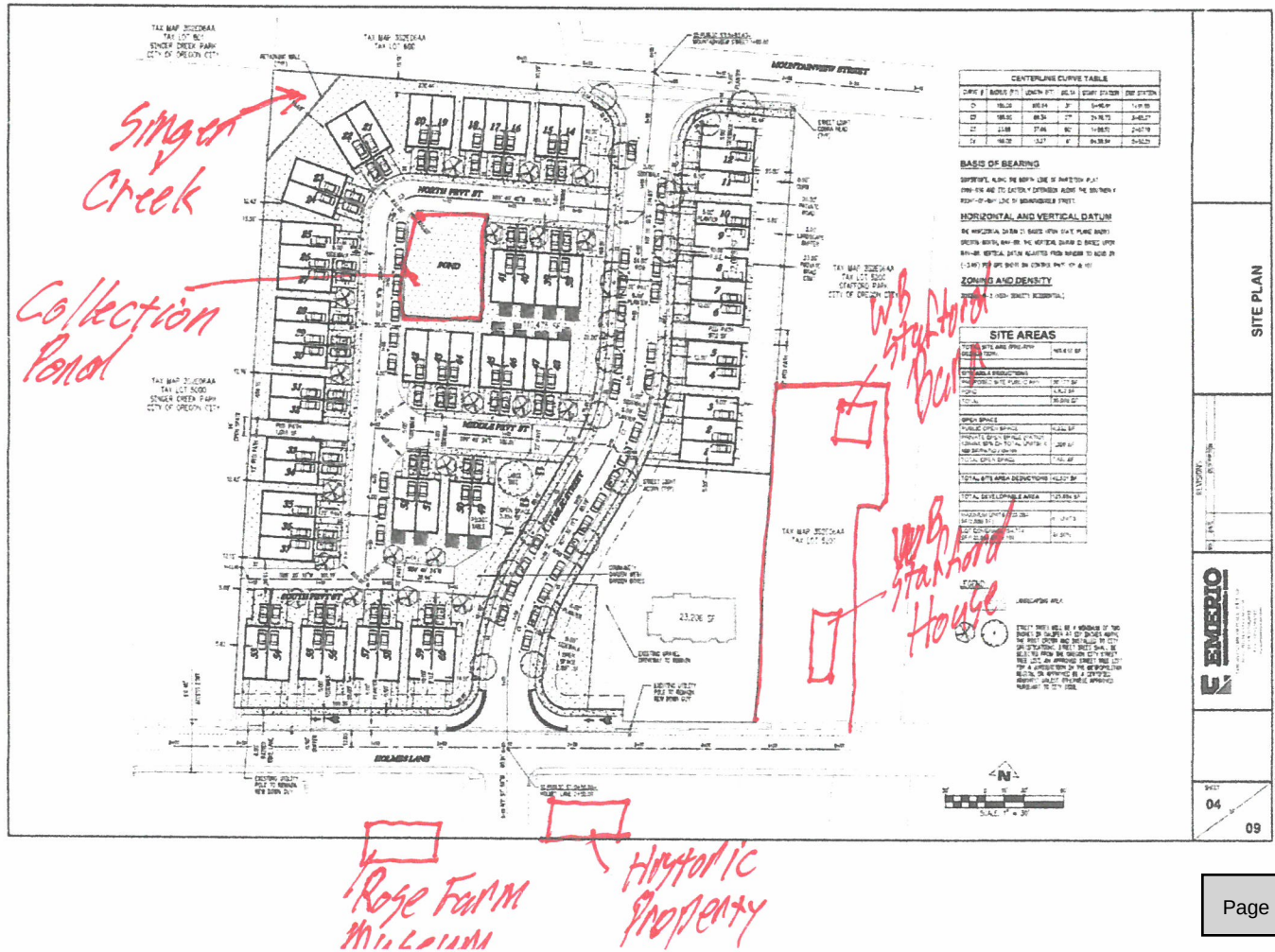
* 535, and 545 should be rezoned as it was prior to 2004.

See Next Page

Vicinity Map



Site Plan



If you put the 60 unit condominiums
up you will have a lot of problems
like more wrecks, and cars killed
more speeding, using drugs, a lot
of needles, they will use the park
for a bathroom, will not be
quit more cars on ~~the~~ Mountain View
and Holmes Ln. more shootings
and cans, trash, Bottles everywhere

Gene Sliotmans
GUA-21-00002 SP-2100001/LL-21-00002

581 Holmes Ln
Apt ~~27~~ 31

Timothy Keene
450 Mountain View St
Oregon City, OR 97045
Ph: 503-314-6357

File Numbers: GLUA-21-00002: SP-21-00001 / LL 21-00002

Mr. Walter and the Oregon City Planning Division,

I am writing on behalf of myself and my family regarding the Type II Limited Land Use Application for the proposed 60-unit residential condominium project for 535 and 545 Holmes Ln, Oregon City. My home is located on Mountainview Street next to the east side of Stafford Park, which will border this development.

I do not want this development moving forward without part of the plan including a traffic light being added to the intersection of Mountainview and Molalla, as well as more developed sidewalks on Mountainview.

My primary concern that may not have been addressed yet as part of this potential development is the increased vehicle and foot traffic on Mountainview Street—the street on the north end of the proposed complex that will be 1 of only 2 entry/exit points for this development—as there is currently a lack of traffic control mechanisms and sidewalks to handle such a dramatic increase in people and cars.

Mountainview Street is currently not used by many vehicles since there are not many houses in the area (24 homes on Mountainview, plus the Tuscany Villa Apartments, which also have an entrance on Holmes). Should this complex go in, Mountainview will be the primary street vehicles from the complex will use if they need to travel from the north end of the complex from/to Molalla, one of the main thoroughfares in the city. However, there is no stop light at this intersection and turning left out of Mountainview onto Molalla is a challenge already. During even moderately busy times throughout any weekday, the only option is often to turn into the middle lane and wait for a car traveling north-bound to wave you in.

Adding up to 120 vehicles suddenly on this same stretch of road with no traffic light will make this turn, and the overall intersection, incredibly crowded and lead to even more back-up and difficulty in turning off of Mountainview onto Molalla, both north and south-bound.

In addition, Mountainview has no sidewalks in the area where this development is going in, and while sidewalks are in place from the intersection with Molalla to the Tuscany Villa apartments and Cedar Ln, there are none on the north side of the street in front of Stafford Park or on the Mountainview side of the Tuscany Villa apartments. The edge of the Park itself juts out into the street rather significantly, meaning it may be best to widen the street there in order to accommodate 2 lanes, since right now it may not be wide enough to accommodate 2 cars going by each other. Overall, the combination of additional traffic and pedestrians being forced to walk into the street in these areas is a potential safety hazard.

Lastly, we're curious if the trees at the edge of the Stafford Park will be impacted by this due to the construction, as well as any plans for additional park maintenance, monitoring, or development due to increased use.

Thank you for reviewing my comment and you are welcome to contact me to follow up on any of these issues or with any additional questions.

Sincerely,

Timothy Keene

Timothy Keene
450 Mountain View St
Oregon City, OR 97045

Oregon City Planning Division
P.O. Box 3040
Oregon City, OR 97045

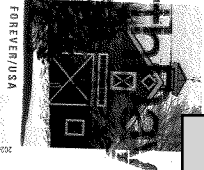
97045-030440



PORTLAND OR 972
20 MAY 2021 PM 4 L



Earth
April 2



May 28, 2021

To Pete Walter and who ever my has dealing with the Oregon City Plannin
Limited Land Use on 535 and 545 Holmes Lane, Oregon City, Or.

Item 3a.

Mark T. Beals General Contractor and DeAnn J. Beals Retired Teacher and
Family Advocate

We both own and live at 573 Holmes Lane, Oregon City, Or. since 1992
Before we lived at 515 Linn Ave, Oregon City, since 1990.

Mark's #971-322-4498 email mbeals@mtbcontractingllc.com

DeAnn Beals #503-407-4821 email deannsunshine@msn.com

Here is our letter of concern for you and committee, if there is one, to review
and consider.

This is written from our hearts. We have lived in Oregon City for 31 years. Mark
and I got married at the Oregon City Pioneer Church and had our wedding
reception here at our Holmes house.

Our daughter went to Mount Pleasant Elementary, 2 sons went to Gardiner
Middle School and the Oregon City High. One of our sons had the honor of a
letter of recommendation for the Air Force Academy by Oregon's
Congresswoman Darlene Hooley.

I have worked for the Clackamas County Children's Commission Head Start for
27 years, as a Teacher, and a Family Advocate. Serving Poverty level families,
to not only help their self, but learn how they are the most important teacher in
their children's life.

I volunteer to sever the needy and our local food and clothing banks.

My husband has continued to work in the construction field for over 45 years and
is a General Contractor of his own company.

We love our home, city and the state we live in. Only want what is the best for
our community.

That said, here are our concerns.

The Traffic survey is based on the 120 cars for the proposed building site.
Although the proposed building plans states 151 cars added to Holmes Lane.
That's an additional 31 street parking spots.

This survey was taken in September 2017 and is NOT current to 2021.

There has been additional traffic on Holmes Lane especially since the Building
Dept. and Police Dept. has moved to Linn Ave.

The survey states the speed limit on Holmes is 35, when actually it is 25 and
always has been.

There are No bike lanes on Holmes for children riding to school (Gardiner
Middle school) and adults also.

Nor are their crosswalks on Rilance nor any other cross road on Holmes for pedestrians.

Between 567 Holmes to the other side of Belle Ct. there is a long dip, creating a safety concern for not only people traveling on Holmes, but residence on Holmes (like us) who have difficulty getting a clear view to turn on to Holmes. The proposed 151 cars added to Holmes, would be detrimental and a huge pedestrian and traffic issue, especially when most people who drive on Holmes speed.

The traffic survey has No consideration for the additional traffic from Mountain View traveling through the proposed Rilance Ln. to Holmes Ln. Nor the School buses that may need to travel through or stop on one end or the other for children. NO survey was done on Mountain View St. Which is a 1 lane street. This brings up more safety and traffic issues along with Parking issues. Will condo families park on Mountain View St. or Holmes Lane? Where's the over flow parking for families and friends who come to visit the 60 units? Where is the Oregon City historical value? The Rose Farm, Barn and houses?

We have lived next to the Tuscan Villa apartments for 29 years. It's only 2 stories high. But we have had to call the police and fire department for Domestic violence, trash thrown over, fire works off their decks onto our home, cigarette butts and marijuana debris. And that's only 8 units next to us. We are really worried about the park next door to us. It's already over used, where folks don't pick up after their dogs, their dogs digging up holes. Let alone the Homeless sleeping and leaving their mess, Drug addicts and Marijuana users leaving their leftovers in the park where the picnic tables are. Even though the city has provided doggie bags and trash cans for folks to use. It's a shame that the Parks workers do such a great job mowing and blowing the picnic table area's so nicely for 98% of the people who don't care. Believe me, we know after 29 years.

There are right now a couple of young girls who are practicing for cheer girls in the middle of the park, I worry for their safety.

My own puppy just got sick from someone leaving behind either a joint or an edible or pot on the grounds and my pup suffered the consequence. And we always walk our pups with lease and harness.

One thing that happened this past week end in the park, a dog off lease ran towards another dog walking on Holmes at the end of the park, and ran into a car driving to fast to watch out.

Twenty seven years ago we proposed to build two duplexes on the lot that we used to own behind our current residence. Since there was no city sewer on Mountain View we were informed by Oregon City that we would have to put in a sewage pump at the end of Mountain View big enough to accommodate not only our duplexes but all the houses that are on septic systems in that area to connect to.

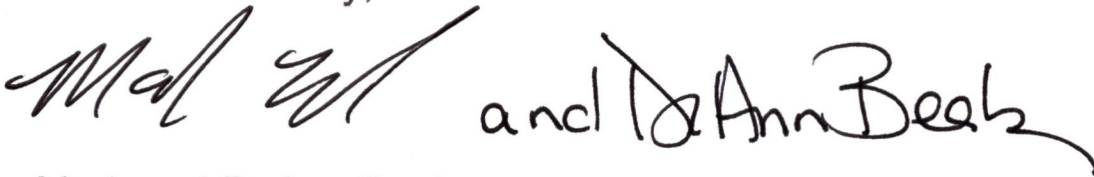
We did not have the resources to provide and install a sewage pump that large. Consequently we sold the property back to the original owner.

Our concern is if the proposed 60 units are allowed to be built, would the same be Required of them? If not, Why Not?

Because the issue is still the same.

All of those houses at the end of Mountain View St.
to this day are still on septic systems.

Thank You Kindly,

Handwritten signatures of Mark and DeAnn Beals. The signature for Mark is on the left, and the signature for DeAnn is on the right, with the word 'and' written between them.

Mark and DeAnn Beals

DATE: June 1, 2021

TO: Pete Walter, ACIP, Senior Planner, City of Oregon City

FROM: McLoughlin Memorial Association

RE: SP-21-00001/LL 21-00002- 60-unit condominium project

The McLoughlin Memorial Association, owner of the property at 536 Holmes Lane which includes two historic buildings - the Holmes House and the Stephenson House - submits the following comments regarding the application for Site Plan and Design Review for the property located at 535 and 545 Holmes Lane.

The proposal conflicts with our interests for the following reasons:

- The purposed statement as outlined in 17.62.010 as follows: *“.... protect lives and property from potential adverse impacts of development;conserve the city’s natural beauty and visual character and minimize adverse impacts of development on the natural environment...; ensure that structures and other improvements are properly related to their site and to surrounding structures’.*

The subject site is adjacent to several Goal 5 resources:

- Singer Creek Park- a natural park and part of the Singer Creek watershed
- Stafford Park- donated by the Stafford family to the City of Oregon City
- WB Stafford House- c.1898- local historic landmark
- Dr. Daniel Stephenson House- c.1863- local historic landmark
- O.A. Pace/A.J. Rilance House- 1930- local historic landmark
- William L. Holmes House (on 1.9-acre site)- 1847- National Register of Historic Places

All these Goal 5 resources are part of the city’s listed goal 5 resources and were originally part of the original 640-acre donation land claim (DLC) of William L. Holmes.

The application (a site plan or plans to scale showing the following 17.060 (A)-) does not show or indicated anywhere as per 17.60.040 A(5) or (6)- the location of inventoried historic or cultural resources within one hundred feet of the boundaries of the site and location of natural resource area on or within hundred feet.....including habitat ..trees, wetlands, streams...or area within the NROD area.....

- The application contains no elevation to show how the proposed development relates to the adjacent Goal 5 resources, especially the property on the National Register. We are unable to ascertain the impact of the development on the historic properties. How does the development relate to all of the adjacent goal 5 resources? what is the visual impact on the adjacent on the historic structures?

- The subject property is zoned R-2, high density residential district. Several of the adjacent properties are zoned single family residential. A 20 foot landscaped buffer is required. There is no indication that the proposal meets this requirement. The site plan shows a 3-foot buffer adjacent to the Stafford House, Stafford Park, or across the street.
- The traffic analysis is deficient. Holmes Lane is a heavily traffic street. It is a “straight-shot” for vehicles between Molalla and Linn Avenues. The posted speed limit is 25 miles per hour (mph). However, vehicles travel beyond the posted speed as there are no traffic devices to slow the traffic down. The street is also substandard with a narrow sidewalk on the east side, no bikes lanes and a substandard pavement surface. There is also a sight distance issue from Rilance Lane to Holmes Lane.
- The development shows two access points- Holmes Lane and Mt. View Street. Mt. View is little more than one-lane road. It has a substantial sight distance problem at its intersection with Molalla Avenue. The existing problems will be exacerbated by the additional traffic volumes.
- The traffic analysis has other error and omissions, not limited to but including the outdated traffic data from 2014 & 2017. It does not adequately address the traffic problems.
- In addition, the narrative submitted by the applicant does not address the criteria in all applicable chapters. The following statement is used: “The above standards are not actual development approval criteria”. All the standards in chapters 12, 13, 15, 16 and 17 need to be addressed.

The statement does not address the criteria. The entire report lacks sufficient details to determine how it affects adjacent properties and whether the criteria is met.

Until our questions and concerns are addressed, the project conflicts with our interests.

May 27, 2021

Oregon City Planning Division
Pete Walter
Senior Planner
P.O. Box 3040
Oregon City, OR 97045

Re: File Numbers- GLUA-21-00001/ LL 21-00002

Dear Mr. Walter,

I am writing to share my concerns as an Oregon City resident regarding the land use application File Numbers- GLUA-21-00001/ LL 21-00002 for the construction of a condominium project. I highly recommend that Oregon City require the following assessments before approval of this application:

1. Rose Farm, one of Oregon's earliest settler structures and donation land claims (DLC), is adjacent to the property and there is a very high likelihood of finding subsurface archaeological resources that can provide us with important information about the early settlement of Oregon City. Also, there is a possibility of the precontact Native American archaeological sites in this location. Note that ORS 358.920 states that a person may not excavate, injure, destroy or alter an archaeological object on public or private lands unless that activity is authorized by a permit issued under ORS 390.235. This includes any site over 75 years of age. Rose Farm was settled in 1844, with an antiquity of 177 years old as well as precontact archaeological sites could be thousands of years old. In turn, an archaeologist should be hired to assess if significant cultural resources are within the project area and the Oregon State Historic Preservation Office should be consulted.
2. The project area appears to be the watershed of Singer Creek. In turn, careful consideration of pollutants from the 120 off-street parking vehicles and landscaping chemicals for this type land use should be considered for the health of our city's waterways and aquifers.
3. With a significant increase in population in this area of Oregon City, a study on street use of Linn Avenue and Molalla Avenue should be conducted. Please note that Linn Avenue vehicular travel speeds can be 45-50 miles per hour (MPH) in a posted 35 MPH zone, which does not allow for pedestrians to use Linn Avenue as a viable route to walk to downtown Oregon City safely given there are no sidewalks.

Thank you for considering my concerns. If you have any further questions, please contact me at 971-304-4026 or njnelson1818@gmail.com

Sincerely,



Nancy J. Nelson
142 Narain Ct.
Oregon City, OR 97045

Nelson
141
Or
Item 3a.
Or
City, OR
97045



Oregon City Planning Division
Pete Walter
Senior Planner
P.O. Box 3040
Oregon City, OR
97045

97045-030440



To: Oregon City Officials

Re: Proposed apartment complex on Holmes Lane

My family has lived on Holmes Lane since 1994. Holmes Lane between Molalla Ave and 5th Street is a very busy road for traffic and pedestrians.

Reasons for **opposition** to adding the proposed apartment complex:

- A. **Safety** – Additional people and additional auto traffic created by 60 new dwellings poses an increase danger to pedestrians and higher risk of traffic accidents.
 - 1. There are sparsely spaced street lights on Holmes Lane.
 - 2. There is a hill that obscures visibility to Westbound traffic from Molalla Ave in the proposed area. There is an actual blind spot where approaching traffic and/or pedestrians are completely obscured for several seconds.
 - 3. There is a hill that obscures visibility to Eastbound traffic from 5th Ave in the proposed area. There is an actual blind spot where traffic and/or pedestrians beyond the hill are completely obscured for several seconds.
 - 4. Oregon City Public Works equipment storage area has increased traffic on Holmes Lane significantly since upgrading the ingress and egress to the City lot.
 - 5. Remodeling and improvements to the Grocery Outlet store has increased both auto traffic and pedestrian traffic since the improvements were made. There are large 18 wheel tractor/trailer rigs that necessarily block traffic on Holmes Lane when making deliveries to the store. This is a major congestion factor.
 - 6. The not so infrequent “hotrodders” who exit the Grocery Outlet parking lot onto Holmes Lane punch the accelerator and speed down the road going West. With more and more pedestrians and traffic, this is an accident waiting to happen.
 - 7. Holmes Lane narrows just West of the proposed location and the bike lane ends. Cyclists would experience even greater danger with additional traffic in this area.
 - 8. My wife Nancy is a piano teacher and has many students coming and going. Additional traffic on Holmes Lane is a danger to all.
- B. **Reducing park and green space areas**
 - 1. Who benefits from additional high-density housing and destroying a nice little park in Oregon City?? I for one enjoy the few existing parks and object to more people and traffic on Holmes Lane. I would be happy to gather a list of neighbors who share this sentiment.

Sincerely,

Terry and Nancy Lingmann

602 Holmes Lane

Pete Walter

From: Aaron Wolf <aaron@wolftune.com>
Sent: Friday, June 4, 2021 4:53 PM
To: Pete Walter
Subject: Comment on GLUA-21-00002 Holmes Lane Condominiums

Greetings,

I am writing this as a formal public comment on GLUA-21-00002 Holmes Lane Condominiums.

There are many things I support about this project. This land is poorly used now, neither agricultural, residential, commercial, or natural. As an open field in the middle of the City, it makes sense to develop it. I'm glad to get more missing-middle housing.

I know the developer has offered to help improve the nearby Singer Creek and Stafford parks, and the City should take them up on that offer while engaging the community better in determining what those updates might be.

All this said, I wish the development had more cohousing emphasis, community-focused design such as the style of the duplexes at Juneberry Ln and Fisher Ave. I'm also concerned about truly affordable housing. Putting 3.5 baths and a master soaking tub in a 1200 square foot duplex seems primarily to boost the price and reduce affordability. Those sorts of features are unnecessary and are not likely choices that residents would make on their own. For lower- and middle-income families, these extravagances mainly increase their housing costs. Wealthier people are less likely to consider a duplex development like this anyway.

I noticed some glaring errors in the Transportation Impact Study which makes me question the quality of it overall. The report listed Holmes as 35mph and Mollala at 40mph. In reality, those are 25mph and 35mph respectively.

I hope every effort could be made to retain any large shade trees. I also urge the developer to plant trees that will grow into wider canopy shade trees as opposed to the smaller columnar varieties that seem to be used too often.

I'm also concerned that the proposed new road is wider than necessary. Narrower roads are safer by discouraging speeding.

Regards,
Aaron Wolf
703 Barclay Hills Drive

Laura Terway

To: Laura Terway
Subject: FW: Comments Land Use 535 & 545 Holmes 1/15

From: Karla Laws <karla.laws@gmail.com>
Sent: Friday, June 4, 2021 12:41 PM
To: Pete Walter <pwalter@orcity.org>
Cc: Christina Robertson-Gardiner <crobertson@orcity.org>; Laura Terway <lterway@orcity.org>
Subject: Comments Land Use 535 & 545 Holmes 1/15

Here are comments from Jim Donnelly, owner of Historic Stafford House, concerning 535 & 545 Holmes. 1/15 pages. He gave me permission to share on his behalf. This is also at City Hall time stamped since your doors are locked at Planning (even tho Online says otherwise). Each page will be a separate email.

Karla Laws
BHNA Chair

To Oregon City Planning Division
in regards to 535,545 Development Holmes Lane
Attention: Pete Walter

From: James Donnelly
567 Holmes Lane
Oregon City, OR 97045
503-309-0759
jamesdonna@comcast.net

PAID
JUN 04 2021
BY: 11:59 AM
[Signature]

PhotoScan by Google Photos

Karla Laws

Sent from my iPhone

Laura Terway

Subject: FW: Comments Land Use 535 & 545 Holmes 2/15

From: Karla Laws <karla.laws@gmail.com>

Sent: Friday, June 4, 2021 12:43 PM

To: Pete Walter <pwalter@orcity.org>

Cc: Christina Robertson-Gardiner <crobertson@orcity.org>; Laura Terway <lterway@orcity.org>;
Jamesdonn@comcast.net

Subject: Comments Land Use 535 & 545 Holmes 2/15

Item #1 Traffic Impact Study

The report is full of mistakes and is inaccurate. Wrong speed limits for Holmes Lane, and Molalla Ave. Mountain View Street is not two lanes.

The addition of the proposed new street connecting Holmes Lane with Mountain View St. is unsafe and a danger to Residents living on those streets. Page 8 refers to Holmes Lane again being a 35 MPH street. It is not.

The findings of the report are from 2018, not 2020. Page 11 Peak hour rate only includes 28 Cars in the a.m., and 34 Cars in the P.M. This number is half of the total units = 60, and does not include other traffic.

12.04.195

Sight obstructions

The view from proposed road, and Holmes Lane is at a low point, difficult to see Cars coming from the East on Holmes Lane. Cars are not visible until they are at the West end of Stafford Park. Cars constantly speed on Holmes Lane. I spoke with an officer parked at the New China Restaurant he was giving speeding tickets. He said Cars driving down Holmes Lane go as fast as 60 MPH.

* I request a Speed Monitor device on Holmes Lane to get a realistic idea of actual speeds.

Karla Laws

Sent from my iPhone

Laura Terway

Subject: FW: Comments Land Use 535 & 545 Holmes 3/15

From: Karla Laws <karla.laws@gmail.com>

Sent: Friday, June 4, 2021 12:44 PM

To: Pete Walter <pwalter@orccity.org>

Cc: Laura Terway <lterway@orccity.org>; Christina Robertson-Gardiner <crobertson@orccity.org>;
Jamesdonn@comcast.net

Subject: Comments Land Use 535 & 545 Holmes 3/15

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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

*12.04.195 - Traffic sight obstructions.

All streets shall comply with the traffic sight obstructions in OCMC 10.32.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

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 chapter, 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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

Chapter 12.08 - PUBLIC AND STREET TREES^[2]

Footnotes:

— (2) —

Karla Laws

Sent from my iPhone

Laura Terway

Subject: FW: Comments Land Use 535 & 545 Holmes 4/15

From: Karla Laws <karla.laws@gmail.com>

Sent: Friday, June 4, 2021 12:44 PM

To: Pete Walter <pwalter@orcity.org>

Cc: Christina Robertson-Gardiner <crobertson@orcity.org>; Laura Terway <lterway@orcity.org>;
Jamesdonn@comcast.net

Subject: Comments Land Use 535 & 545 Holmes 4/15

To Sum up. The Traffic impact study is based on The wrong Speed Limits, old data, an extremely low amount of Traffic, and no knowledge of the high number of Cars Speeding on Holmes Lane.

* This Traffic Impact Study Should be Thrown out.

item #2 Trees. Speaking with Pete Walter he said all trees to be removed will have an X on them. No where on the drawings does it show any trees to be removed with an X. Picture is Starbord Park, taken from Mountain View



Karla Laws

Sent from my iPhone

Laura Terway

Subject: FW: Comments Land Use 535 & 545 Holmes 5/15

From: Karla Laws <karla.laws@gmail.com>

Sent: Friday, June 4, 2021 12:45 PM

To: Pete Walter <pwalter@orcity.org>

Cc: Christina Robertson-Gardiner <crobertson@orcity.org>; Laura Terway <lterway@orcity.org>;
Jamesdonn@comcast.net

Subject: Comments Land Use 535 & 545 Holmes 5/15

Please note the row of Trees on the Property
Line of northeast corner of proposed development
and North West Corner of Grafford Park.
No mention of these trees on drawing.

Picture taken from Mountain View St Looking South.
This is northeast side of proposed development.
You can very clearly see the Mature Trees

* Why are these trees being removed? 12-08-010 Purpose



Please see notes on Next Two pages

Karla Laws

Sent from my iPhone

Laura Terway

Subject: FW: Comments Land Use 535 & 545 Holmes 6/15

From: Karla Laws <karla.laws@gmail.com>

Sent: Friday, June 4, 2021 12:46 PM

To: Pete Walter <pwalter@orcity.org>

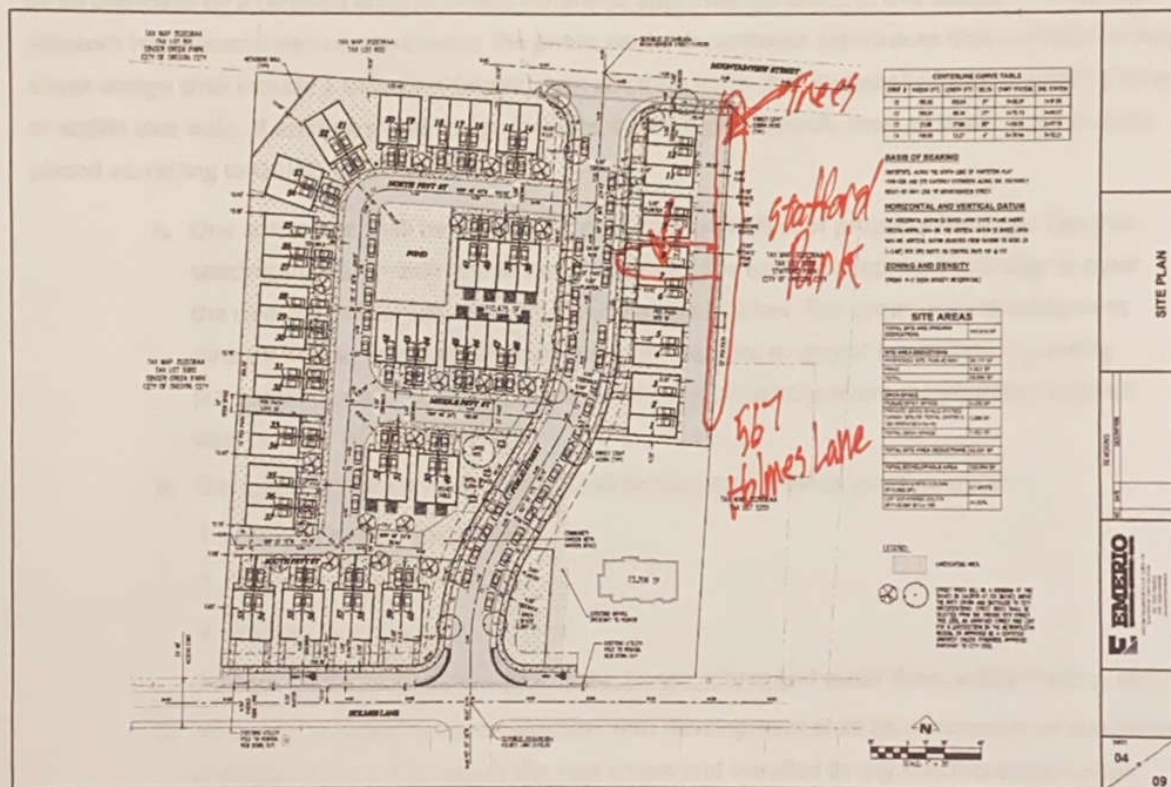
Cc: Christina Robertson-Gardiner <crobertson@orcity.org>; Laura Terway <lterway@orcity.org>;
Jamesdonn@comcast.net

Subject: Comments Land Use 535 & 545 Holmes 6/15

Vicinity Map



Site Plan



Karla Laws

Sent from my iPhone

Laura Terway

Subject: FW: Comments Land Use 535 & 545 Holmes 7/15

From: Karla Laws <karla.laws@gmail.com>

Sent: Friday, June 4, 2021 12:47 PM

To: Pete Walter <pwalter@orcity.org>

Cc: Christina Robertson-Gardiner <crobertson@orcity.org>; Laura Terway <lterway@orcity.org>;
Jamesdonn@comcast.net

Subject: Comments Land Use 535 & 545 Holmes 7/15

Editor's note— Ord. No. 18-1009, § 1(Exh. A), adopted July 3, 2019, amended Chapter 12.08 in its entirety to read as herein set out. Former Chapter 12.08, §§ 12.08.010—12.08.050, pertained to similar subject matter, and derived from Ord. No. 08-1014, adopted July 1, 2009.

12.08.010 - Purpose.

The purpose of this chapter is to:

- A. Develop tree-lined streets to protect the living quality and beautify the city;
- ~~B.~~ Establish physical separation between pedestrians and vehicular traffic;
- ~~C.~~ Create opportunities for solar shading;
- ~~D.~~ Improve air and water quality; and
- ~~E.~~ Increase the community tree canopy and resource.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

12.08.015 - Street tree selection, planting and maintenance requirements.

All development shall provide street trees adjacent to all street frontages. Species and locations of trees shall be selected based upon vision clearance requirements, but shall in all cases be selected from the Oregon City Street Tree List, an approved street tree list for a jurisdiction in the Metropolitan region, or be approved by a certified arborist unless otherwise approved pursuant to this section. If a setback sidewalk has already been constructed or the public works department determines that the forthcoming street design shall include a setback sidewalk, then all street trees shall be installed with a planting strip or within tree wells. If existing street design includes a curb-tight sidewalk, then all street trees shall be placed according to OCMC 12.08.035.C.

- A. One street tree shall be planted for every thirty-five feet of property frontage. The tree spacing shall be evenly distributed throughout the total development frontage to meet the clearance distances required in subsection B below. The community development director may approve an alternative street tree plan, or accept fee-in-lieu of planting pursuant to OCMC 12.08.035, if site or other constraints prevent meeting the required total number of tree plantings.
- B. The following clearance distances shall be maintained when planting trees:
 - 1. Fifteen feet from streetlights;
 - 2. Five feet from fire hydrants;
 - 3. Twenty feet from intersections;
 - 4. Five feet from all public utilities (i.e. sewer, storm and water lines; utility meters, etc.).
- C. All street trees planted in conjunction with development shall be a minimum of two inches in caliper at six inches above the root crown and installed to city specifications. Larger

Karla Laws

Sent from my iPhone

Laura Terway

Subject: FW: Comments Land Use 535 & 545 Holmes 8/15

From: Karla Laws <karla.laws@gmail.com>

Sent: Friday, June 4, 2021 12:48 PM

To: Pete Walter <pwalter@orcity.org>

Cc: Christina Robertson-Gardiner <crobertson@orcity.org>; Laura Terway <lterway@orcity.org>;
Jamesdonn@comcast.net

Subject: Comments Land Use 535 & 545 Holmes 8/15

Item #3 Nutty Family residential development
abuts a parcel zoned R-6 there shall be
a landscaped yard of ten feet on the side
abutting the adjacent zone in order to provide
a buffer area.

See Next Page

Picture taken from R-6 Property, pointing
at R-2 development Property Line



Karla Laws

Sent from my iPhone

Laura Terway

Subject: FW: Comments Land Use 535 & 545 Holmes 9/15

From: Karla Laws <karla.laws@gmail.com>

Sent: Friday, June 4, 2021 12:49 PM

To: Pete Walter <pwalter@orccity.org>

Cc: Christina Robertson-Gardiner <crobertson@orccity.org>; Laura Terway <lterway@orccity.org>;
Jamesdonn@comcast.net

Subject: Comments Land Use 535 & 545 Holmes 9/15

Municipal Code	Standard	R-2
Multi-family	75 feet	
Minimum front yard setback	5 feet, except	
	0 feet — Porch	
Maximum front yard setback	20 feet	
Minimum interior side yard setback		
All, except	5 feet ¹	
Single-family attached	0 feet (attached)/5 feet (side)	
Minimum corner side yard setback	5 feet	
Minimum rear yard setback	10 feet ¹ , except	
	5 feet — Porch	
Garage setbacks	20 feet from ROW, except	
	5 feet from alley	
Minimum required landscaping (including landscaping within a parking lot)	15%	

Notes:

1. If a multi-family residential development abuts a parcel zoned R-10, R-8, R-6, there shall be a landscaped yard of ten feet on the side abutting the adjacent zone in order to provide a buffer area.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

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

Karla Laws

Sent from my iPhone

Laura Terway

Subject: FW: Comments Land Use 535 & 545 Holmes 10/15

From: Karla Laws <karla.laws@gmail.com>

Sent: Friday, June 4, 2021 12:50 PM

To: Pete Walter <pwalter@orcity.org>

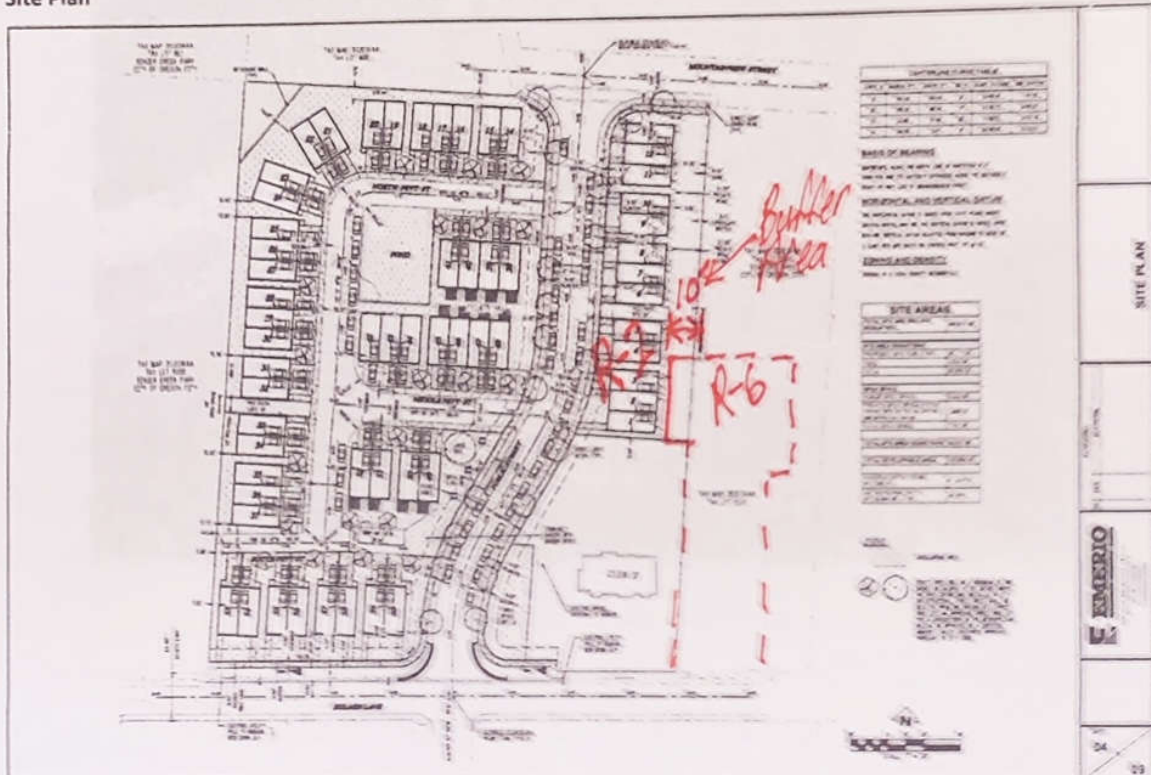
Cc: Christina Robertson-Gardiner <crobertson@orcity.org>; Laura Terway <lterway@orcity.org>;
Jamesdonn@comcast.net

Subject: Comments Land Use 535 & 545 Holmes 10/15

Vicinity Map



Site Plan



Karla Laws

Sent from my iPhone

Laura Terway

Subject: FW: Comments Land Use 535 & 545 Holmes 11/15

From: Karla Laws <karla.laws@gmail.com>

Sent: Friday, June 4, 2021 12:50 PM

To: Pete Walter <pwalter@orcity.org>

Cc: Christina Robertson-Gardiner <crobertson@orcity.org>; Laura Terway <lterway@orcity.org>;
Jamesdonn@comcast.net

Subject: Comments Land Use 535 & 545 Holmes 11/15

Picture shows 3 Feet from Surveyors Bench
Mark Between Fence post and Metal Fence post.
Developers Drawing shows a five Lane at
this point. Clearly not a 10" Buffer



Karla Laws

Sent from my iPhone

Laura Terway

Subject: FW: Comments Land Use 535 & 545 Holmes 12/15

From: Karla Laws <karla.laws@gmail.com>

Sent: Friday, June 4, 2021 12:51 PM

To: Pete Walter <pwalter@orcity.org>

Cc: Christina Robertson-Gardiner <crobertson@orcity.org>; Laura Terway <lterway@orcity.org>;
Jamesdonn@comcast.net

Subject: Comments Land Use 535 & 545 Holmes 12/15

Item #4 Parking. There will not be enough parking for the number of residents living in the new 60 unit project. No parking allowed in the Fire Lanes. No Resident Parking in Stafford Park. No Parking on Holmes Lane. No parking on Mountain View Street. Drawing shows cars parked on both sides of new road through project. Two cars can not pass on new road with both sides full of parked cars. overflow parking will be on Rialto St., Haley Ct., Belle Ct. this will cause parking problems for current residents.

See next page

Karla Laws

Sent from my iPhone

Laura Terway

Subject: FW: Comments Land Use 535 & 545 Holmes 13/15

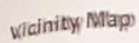
From: Karla Laws <karla.laws@gmail.com>

Sent: Friday, June 4, 2021 12:52 PM

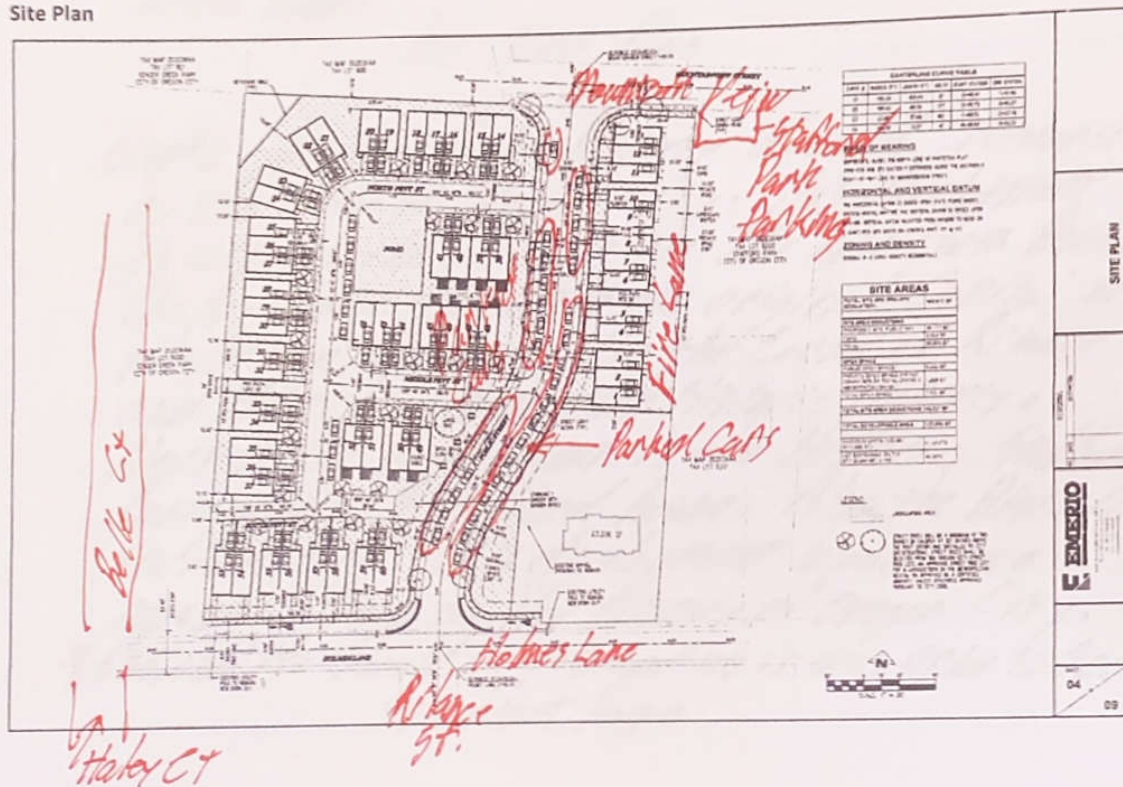
To: Pete Walter <pwalter@orcity.org>

Cc: Christina Robertson-Gardiner <crobertson@orcity.org>; Laura Terway <lterway@orcity.org>;
Jamesdonn@comcast.net

Subject: Comments Land Use 535 & 545 Holmes 13/15



Site Plan



PhotoScan by Google Photos

Karla Laws

Sent from my iPhone

Laura Terway

Subject: FW: Comments Land Use 535 & 545 Holmes 14/15

From: Karla Laws <karla.laws@gmail.com>

Sent: Friday, June 4, 2021 12:53 PM

To: Pete Walter <pwalter@orcity.org>

Cc: Christina Robertson-Gardiner <crobertson@orcity.org>; Laura Terway <lterway@orcity.org>;
Jamesdonn@comcast.net

Subject: Comments Land Use 535 & 545 Holmes 14/15

Item #5 Singer Creek and Water Collection Pond.

Will water from the new pond drain into Singer Creek? Is it Street run off?
Street run off contains oil and chemicals from cars, and pesticides, herbicides, from new homes.

Will there be mosquito prevention with large new pond?

Construction that close to Singer Creek will inevitable contaminate the creek with Mud.

See Next Page

Item #6 Distance from Property deemed Historic by the City of Oregon City. This development is across the street from The Rose Farm Museum. The Rose Farm Museum is the original Capital of the Oregon Territory. On the Corner of Rilance and Holmes Lane is another Historic Property.

Next to the Development is the Historic Stafford Barn and W.B. Stafford house. Also the Historic Stafford Park. This development would have a negative effect on The History of Oregon City.

* 535, and 545 should be rezoned as it was prior to 2004.

See Next Page

Karla Laws

Sent from my iPhone

Laura Terway

Subject: FW: Comments Land Use 535 & 545 Holmes 15/15

From: Karla Laws <karla.laws@gmail.com>

Sent: Friday, June 4, 2021 12:53 PM

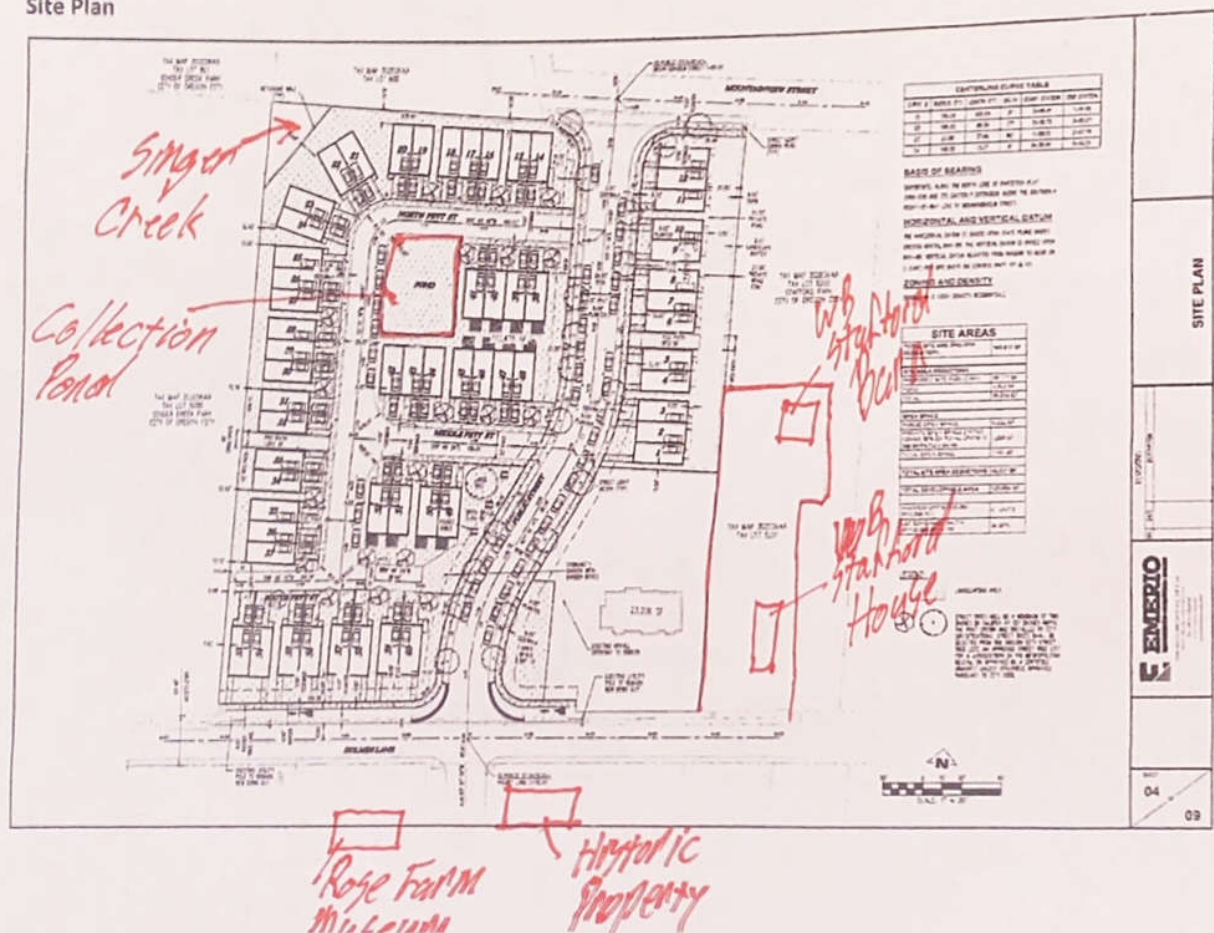
To: Pete Walter <pwalter@orcity.org>

Cc: Christina Robertson-Gardiner <crobertson@orcity.org>; Laura Terway <lterway@orcity.org>;
Jamesdonn@comcast.net

Subject: Comments Land Use 535 & 545 Holmes 15/15



Site Plan



Karla Laws

Sent from my iPhone

Laura Terway

From: Karla Laws <karla.laws@gmail.com>
Sent: Friday, June 4, 2021 1:02 PM
To: Pete Walter; Laura Terway; Christina Robertson-Gardiner
Cc: Aaron Wolf; Dorothy Dahlsrud; Jamesdonn@comcast.net
Subject: Re: Public Comments on Holmes Lane Development

Pete,

We should of had prior warning and this should be noted Online. This is disappointing! How can I serve my community as a volunteer if information is not forthcoming? Jim Donnelly had this dropped off and time stamped at City Hall. I have also scanned each page in an email (with his permission). Please make this process easier and more inviting for residents. Please update your information Online.

Sincerely,

Karla Laws
 BHNA Chair

Sent from my iPhone

On Jun 4, 2021, at 12:21 PM, Pete Walter <pwalter@orc.org> wrote:

Good afternoon Karla and Aaron,

Today is the public comment deadline for the condo development on Holmes Lane. Since our office is closed on Friday due to COVID, folks submitting comments in writing may submit them at City Hall today, and we will accept written comments through Monday from those who may have attempted to come to Community Development today and could not access the building. We can also accept comment via email and fax.

I have changed my outgoing voicemail with this message and will inform the Barclay Hills neighborhood association as well.

Apologies for any inconvenience.

Thanks,

Pete Walter

Peter Walter, AICP, Senior Planner (he / him)
 Community Development Department
 695 Warner Parrott Rd, Oregon City, OR 97045
 (503) 867-2574 *Mobile* / (503) 496-1568 *Desk* / (503) 722-3789 *Main Office*
 In the Office - Monday: 8:30 am – 4:00 pm
 Working Remotely - Tues-Friday: 8:30 am – 5:00 pm

[Anti-Racist Resources](#)

[What's your Vision for Oregon City?](#)

<image001.jpg>

[Interactive Maps and Apps](#)

[On-Line Submittal of Land Use Applications](#)

[COVID-19 \(Coronavirus\) Information](#)

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.

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



LAND USE APPLICATION TRANSMITTAL

Date: 5/10/2021

DISTRIBUTION OF APPLICATION			
☒	Building Official		Clackamas County Transportation
☒	Development Services		Clackamas County Planning
☒	Public Works Operations	☒	Clackamas Fire District #1
☒	City Engineer		ODOT – Division Review
☒	Public Works Director	☒	Oregon City School District
☒	Parks Manager	☒	Tri-Met
☒	Community Services Director		Metro
☒	Police	☒	PGE
☒	Economic Development Manager	☒	South Fork Water Board
☒	Traffic Engineer – Replinger and Assoc.	☒	Hamlet of Beavercreek
	City Manager's Office	☒	Holcomb Outlook CPO
☒	Oregon City Neighborhood Associations	☒	Central Point / Leland Road / New Era CPO
☒	N.A Chair and Vice-Chair – Barclay Hills		Other – See Email List
☒	Notice of the application mailed to all properties within 300 feet		Natural Resource Committee

COMMENTS DUE BY:	May 24, 2021		
DECISION BODY:	Staff Review ☒	Planning Commission ____	City Commission ____
DECISION TYPE:	Type I ____	Type II ☒	Type III ____ Type IV ____
FILE #S:	GLUA-21-00002: SP-21-00001 / LL 21-00002		
PLANNER:	Pete Walter, AICP, Sr. Planner	Phone: (503) 496-1568	Email: pwalter@orciv.org
APPLICANT:	Emerio Design, LLC Attn: Steve Miller		
REQUEST:	Site Plan and Design Review / Lot Line Adjustment – 60 unit condo project		
PROJECT WEBPAGE:	https://www.orcity.org/planning/project/glua-21-00002		
ZONING:	R-2		
ADDRESS(ES):	535 Holmes Ln Oregon City, OR 97045, Clackamas County APN: 3-2E-06AA-05001 545 Holmes Ln, Oregon City, OR 97045, Clackamas County APN: 3-2E-06AA-05100		

This application material is referred to you for your information, study and official comments. If extra copies are required, please contact the Planning Department. Your recommendations and suggestions will be used to guide the Planning staff when reviewing this proposal. If you wish to have your comments considered and incorporated into the staff report, please return the attached copy of this form to facilitate the processing of this application and will insure prompt consideration of your recommendations.

Please check the appropriate spaces below.

☒	The proposal does not conflict with our interests.
☐	The proposal conflicts with our interests for the reasons attached.
☐	The proposal would not conflict our interests if the changes noted below are included.

Signature _____

CONTACT THE PLANNING DIVISION IF YOU HAVE ANY QUESTIONS ABOUT THIS APPLICATION



LAND USE APPLICATION TRANSMITTAL (Revised Application)

Date: 5/21/2021

DISTRIBUTION OF APPLICATION

☒	Building Official		Clackamas County Transportation
☒	Development Services		Clackamas County Planning
☒	Public Works Operations	☒	Clackamas Fire District #1
☒	City Engineer		ODOT – Division Review
☒	Public Works Director	☒	Oregon City School District
☒	Parks Manager	☒	Tri-Met
☒	Community Services Director		Metro
☒	Police	☒	PGE
☒	Economic Development Manager	☒	South Fork Water Board
☒	Traffic Engineer – Replinger and Assoc.	☒	Hamlet of Beavercreek
	City Manager's Office	☒	Holcomb Outlook CPO
☒	Oregon City Neighborhood Associations	☒	Central Point / Leland Road / New Era CPO
☒	N.A Chair and Vice-Chair – Barclay Hills		Other – See Email List
☒	Notice of the application mailed to all properties within 300 feet		Natural Resource Committee

COMMENTS DUE BY:	June 4, 2021
DECISION BODY:	Staff Review <u> X </u> Planning Commission <u> </u> City Commission <u> </u>
DECISION TYPE:	Type I <u> </u> Type II <u> X </u> Type III <u> </u> Type IV <u> </u>
FILE #S:	GLUA-21-00002: SP-21-00001 / LL 21-00002
PLANNER:	Pete Walter, AICP, Sr. Planner Phone: (503) 496-1568 Email: pwalter@orc.org
APPLICANT:	Emerio Design, LLC Attn: Steve Miller
REQUEST:	Site Plan and Design Review / Lot Line Adjustment – 60 unit condo project Note: the revised application includes modified building elevations for units 14, 38, 48, and 60
PROJECT WEBPAGE:	https://www.orcity.org/planning/project/glua-21-00002
ZONING:	R-2
ADDRESS(ES):	535 Holmes Ln Oregon City, OR 97045, Clackamas County APN: 3-2E-06AA-05001 545 Holmes Ln, Oregon City, OR 97045, Clackamas County APN: 3-2E-06AA-05100

This application material is referred to you for your information, study and official comments. If extra copies are required, please contact the Planning Department. Your recommendations and suggestions will be used to guide the Planning staff when reviewing this proposal. If you wish to have your comments considered and incorporated into the staff report, please return the attached copy of this form to facilitate the processing of this application and will insure prompt consideration of your recommendations.

Please check the appropriate spaces below.

☒	The proposal does not conflict with our interests.
☐	The proposal conflicts with our interests for the reasons attached.
☐	The proposal would not conflict our interests if the changes noted below are included.

Signature _____

CONTACT THE PLANNING DIVISION IF YOU HAVE ANY QUESTIONS ABOUT THIS APPLICATION



LAND USE APPLICATION TRANSMITTAL

Date: 5/10/2021

DISTRIBUTION OF APPLICATION			
☒	Building Official		Clackamas County Transportation
☒	Development Services		Clackamas County Planning
☒	Public Works Operations	☒	Clackamas Fire District #1
☒	City Engineer		ODOT – Division Review
☒	Public Works Director	☒	Oregon City School District
☒	Parks Manager	☒	Tri-Met
☒	Community Services Director		Metro
☒	Police	☒	PGE
☒	Economic Development Manager	☒	South Fork Water Board
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	City Manager's Office	☒	Holcomb Outlook CPO
☒	Oregon City Neighborhood Associations	☒	Central Point / Leland Road / New Era CPO
☒	N.A Chair and Vice-Chair – Barclay Hills		Other – See Email List
☒	Notice of the application mailed to all properties within 300 feet		Natural Resource Committee

COMMENTS DUE BY:	May 24, 2021		
DECISION BODY:	Staff Review ☒	Planning Commission ____	City Commission ____
DECISION TYPE:	Type I ____	Type II ☒	Type III ____ Type IV ____
FILE #S:	GLUA-21-00002: SP-21-00001 / LL 21-00002		
PLANNER:	Pete Walter, AICP, Sr. Planner	Phone: (503) 496-1568	Email: pwalter@orc.org
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ADDRESS(ES):	535 Holmes Ln Oregon City, OR 97045, Clackamas County APN: 3-2E-06AA-05001 545 Holmes Ln, Oregon City, OR 97045, Clackamas County APN: 3-2E-06AA-05100		

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Please check the appropriate spaces below.

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☐	The proposal conflicts with our interests for the reasons attached.
☐	The proposal would not conflict our interests if the changes noted below are included.

We have capacity at our middle schools and high schools. Would expect few elementary students from such a higher end, high density development

Signature _____

CONTACT THE PLANNING DIVISION IF YOU HAVE ANY QUESTIONS ABOUT THIS APPLICATION



LAND USE APPLICATION TRANSMITTAL (Revised Application)

Date: 5/21/2021

DISTRIBUTION OF APPLICATION

☒	Building Official		Clackamas County Transportation
☒	Development Services		Clackamas County Planning
☒	Public Works Operations	☒	Clackamas Fire District #1
☒	City Engineer		ODOT – Division Review
☒	Public Works Director	☒	Oregon City School District
☒	Parks Manager	☒	Tri-Met
☒	Community Services Director		Metro
☒	Police	☒	PGE
☒	Economic Development Manager	☒	South Fork Water Board
☒	Traffic Engineer – Replinger and Assoc.	☒	Hamlet of Beavercreek
	City Manager's Office	☒	Holcomb Outlook CPO
☒	Oregon City Neighborhood Associations	☒	Central Point / Leland Road / New Era CPO
☒	N.A Chair and Vice-Chair – Barclay Hills		Other – See Email List
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COMMENTS DUE BY:	June 4, 2021
DECISION BODY:	Staff Review <u> X </u> Planning Commission <u> </u> City Commission <u> </u>
DECISION TYPE:	Type I <u> </u> Type II <u> X </u> Type III <u> </u> Type IV <u> </u>
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Please check the appropriate spaces below.

☒	The proposal does not conflict with our interests.
☐	The proposal conflicts with our interests for the reasons attached.
☐	The proposal would not conflict our interests if the changes noted below are included.

This application falls outside the CRW water district, no written comments will be provided.

Signature _____

CONTACT THE PLANNING DIVISION IF YOU HAVE ANY QUESTIONS ABOUT THIS APPLICATION

REPLINGER & ASSOCIATES LLC
TRANSPORTATION ENGINEERING

May 28, 2021

Mr. Pete Walter
City of Oregon City
PO Box 3040
Oregon City, OR 97045

**SUBJECT: REVIEW OF TRANSPORTATION IMPACT STUDY – MOUNTAINVIEW
TOWNHOMES – GLUA21-02**

Dear Mr. Walter:

In response to your request, I have reviewed the Transportation Impact Study (TIS) submitted for the proposed construction of 60 multi-family dwelling units at 535 and 545 Holmes Lane. The TIS was prepared under the direction of Dana Beckwith, PE of Global Transportation Engineering. The TIS is dated December 2020.

Overall

I find the TIS addresses the city's requirements and provides an adequate basis to evaluate impacts of the proposed site development.

Comments

1. Study Area. The study addresses the appropriate intersections. The engineer evaluated traffic patterns and traffic volumes and analyzed two locations. The key locations were:

- Holmes Lane at Rilance Lane
- Holmes Lane at Molalla Avenue

The study area is appropriate.

2. Traffic Counts. Due to the COVID pandemic, current traffic counts were likely to be lower than normal and would underestimate reasonable volumes. Rather than relying on such counts, traffic volumes at the two key intersections were developed from road tube counts from 2017 and adjusted to reflect traffic growth. Intersection turning volumes were derived from the road volumes. The engineer consulted with me on the approach used for developing traffic volumes used for the analysis.

3. Trip Generation. The property, currently occupied by two single-family dwellings, is proposed to be developed with sixty units. The engineer used trip rates from the Institute

Mr. Pete Walter
May 28, 2021
Page 2

of Transportation Engineers' *Trip Generation Manual* using land use category 220 – low-rise multi-family residential. After subtracting for the current use, the engineer predicted 27 new AM peak hour trips; 32 new PM peak hour trips; and 420 new daily trips. The calculated trips appear reasonable.

Although the proposed development meets the definition of multi-family residential dwellings, some of the attributes of the proposed development, such as individual driveways and garages, suggest trip generation may be somewhat higher and could approach trip rates associated with detached, single-family homes. It is worth noting that even if the development were to generate as many trips as 60 detached, single-family homes, the overall conclusion about the adequacy of the transportation system to accommodate the development is unchanged.

- 4. Trip Distribution.** The engineer's trip distribution was based on an analysis of existing traffic patterns and likely origins and destinations throughout the city. The engineer used what is referred to as a conservative analysis by assuming all traffic to and from the site would use Holmes Lane. This assumption would maximize the traffic using the Molalla/Holmes intersection, which was judged to be the intersection with most potential for operational limitations. The engineer indicates that some of the traffic destined for the north will likely use Mountainview Street. The distribution shows somewhat less than half going to and from the west on Holmes Lane; a slightly lower volume going to and from the north on Molalla Avenue; and the smallest portion going to and from the south on Molalla Avenue.

The distribution of trips appears reasonable. I agree with the engineer's assessment that some traffic will use Mountainview Street. For traffic going to and from the north on Molalla Avenue, Holmes Lane will be an attractive route for use by residents of the development. The presence of the traffic signal at Holmes Lane and Molalla Avenue will make it easy to make left turns onto northbound Molalla Avenue from the development. Additionally, the narrowness of Mountainview Street will help to reinforce slow travel speeds on Mountainview Street. This, in turn, will cause some residents to prefer Holmes Lane to Mountainview Street for access to the development. Mountainview Street can accommodate additional traffic from the development without a significant impact on safety.

- 5. Traffic Growth.** To account for background traffic growth, the traffic counts were adjusted by one percent per year through 2023, the year associated with completion of the development. The traffic growth assumptions and methodology appear reasonable.
- 6. Analysis.** Traffic volumes were calculated for the intersections described in #1, above. At each location, the level of service (LOS) and delay calculations and the volume-to-capacity (v/c) ratios were provided to assess traffic operations relative to the city's operational standards. The analysis was undertaken for the AM and PM peak hours and included year

Mr. Pete Walter
May 28, 2021
Page 3

2021 existing conditions, 2023 background conditions, and year 2023 total traffic conditions with the development.

According to the analysis, the study area intersections are predicted to meet city performance standards in under existing conditions and in year 2023 with and without the development. The poorest performance is calculated to be LOS B, which easily meets city performance standards.,

The engineer concluded no mitigation measures were necessary. I concur.

- 7. Turn Lanes at Site Entrance(s).** The engineer noted that turn volumes at the site are low and concluded a turn lane is not warranted. I concur.
- 8. Crash Information.** The TIS provides crash information for the most recent five-year period (2014 through 2019) for the locations identified in #1, above. There were no reported crashes at the intersection of Holmes Lane and Rilance Lane. There were ten reported crashes at the intersection of Molalla Avenue and Holmes Lane. Six crashes were rear end crashes; four were turning movement crashes. Both types are typical of signalized, urban intersections. The calculated crash rate was low. The engineer concludes there are no trends or patterns that warrant additional analysis. I concur.
- 9. Pedestrian and Bicycle Facilities.** The TIS describes pedestrian and bicycle facilities in the area. Sidewalks are currently intermittent along some of the streets in the study area. Sidewalks will be provided on the site frontage on both Holmes Lane and on Mountainview Street and on the public street running through the site. The additional sidewalks constructed in connection with the development will help improve pedestrian connections and safety.
- 10. Site Plan and Access.** Two site access points are proposed: to Holmes Lane opposite Rilance Lane; and on Mountainview Street approximately 400 feet west of the intersection with Cedar Lane. The access points are appropriate. A shared driveway would serve as access to the garages for 13 units located along the east part of the development. The access for this driveway is near the east property boundary and about 70 feet from the new intersection established at Mountainview Street. All access to individual units is to the internal street system. No access from individual units is proposed to Holmes Lane or Mountainview Street.
- 11. Intersection Spacing.** A new intersection would be created on Mountainview Street. As noted above, it is approximately 400 feet west of the intersection of Mountainview Street and Cedar Lane. The intersection spacing is appropriate.
- 12. Sight Distance.** The engineer measured sight distance at the new access point on Mountainview Street and the new access at the intersection of Holmes Lane and Rilance

Mr. Pete Walter
May 28, 2021
Page 4

Lane. The engineer indicated sight distance exceeds 400 feet at the access points. This exceeds the recommended sight distance associated with the posted speed for both Holmes Lane and Mountainview Street. The engineer incorrectly identified the posted speed for Holmes Lane as 35 mph rather than the correct 25. This error actually reduces the required sight distance so the misstatement of the speed is of no consequence. The engineer concludes sight distance is adequate and recommends no mitigation. I concur.

13. Consistency with the Transportation System Plan (TSP). The frontage improvements appear consistent applicable standards.

14. Conclusions and Recommendations. The engineer concludes that traffic operations would be adequate at the analyzed intersections. The engineer concludes no mitigation is needed for traffic operations and no safety mitigation is necessary. I concur with the engineer's conclusions and recommendations.

Conclusion and Recommendations

I find that the TIS provides an adequate basis upon which to assess the impacts of the proposed development. I agree that off-site mitigation for traffic impacts or safety issues is not required.

For all site access points, I recommend fencing, vegetation, signing and related structures be located and maintained to avoid unnecessarily restricting sight distance. I recommend that driveways be constructed to meet city standards.

If you have any questions or need any further information concerning this review, please contact me at replinger-associates@comcast.net.

Sincerely,

Principal



John Replinger, PE

Oregon City\2021\GLUA21-02

REPLINGER & ASSOCIATES LLC
TRANSPORTATION ENGINEERING

July 19, 2021

Ms. Laura Terway
City of Oregon City
PO Box 3040
Oregon City, OR 97045

**SUBJECT: REVIEW OF PUBLIC COMMENTS – MOUNTAINVIEW TOWNHOMES –
GLUA21-02**

Dear Ms. Terway:

In response to your request, I have reviewed the public comments provided in relation to the Mountainview Townhomes project.

The comments I reviewed included those from Wolf, Sloomans, Keene, Donnelly, Nelson, and the McLoughlin Neighborhood Association.

Some comments related to the incorrect speed limits cited on some facilities. This error makes no difference to the conclusions and, in fact, led the engineer to specify greater sight distance than is actually needed.

The use of traffic volumes based on adjustments to 2017 volumes was based on my conclusion that traffic volumes during 2021 would be unrealistically low due to reduced travel during the Covid 19 pandemic. The engineer requested my guidance on an appropriate approach prior to beginning the study and followed my recommendations.

As stated in my comment letter, the engineer evaluated the impact of the development by concentrating traffic on Holmes Lane since this would have the greatest potential for identifying a deficiency in the performance of the street system – the Molalla/Holmes intersection.

I concluded that Mountainview Street can accommodate traffic from the proposed development and that most traffic will use Holmes for access due to the presence of the traffic signal at Molalla Avenue. The configuration of Mountainview Street will tend to discourage traffic and will help cause motorists to operate at slow speeds.

Ms. Laura Terway
July 19, 2021
Page 2

As for traffic speeds in the neighborhood and other issues of livability associated with traffic, I note that these are existing problems and I find no reason to believe that the proposed development will have a disproportionate impact. I find nothing in the comments to alter my conclusion that the transportation system is adequate to accommodate the proposed development. None of the comments leads me to conclude that the transportation study needs to be corrected or supplemented.

If you have any questions or need any further information concerning this review, please contact me at replinger-associates@comcast.net.
Sincerely,

A handwritten signature in black ink that reads "John Replinger". The signature is written in a cursive, flowing style.

John Replinger, PE
Principal

Oregon City\2021\GLUA21-02COM



Oregon
Kate Brown, Governor

Parks and Recreation Department
State Historic Preservation Office
725 Summer St NE Ste C
Salem, OR 97301-1266
Phone (503) 986-0690
Fax (503) 986-0793
www.oregonheritage.org



October 31, 2019

Ms. Diliaana Vassileva
City of Oregon City Planning
221 Molalla Ave
Ste 200
Oregon City, OR 97045

RE: SHPO Case No. 19-1623

City of Oregon City Project PA19-45, Townhouse Development
46 unit townhouse development
535-545 Holmes Lane (3S 2E 6 TL 5001 and 5100), Oregon City, Clackamas County

Dear Ms. Vassileva:

Our office recently received a request to review your application for the project referenced above. Thank you for your submittal.

In checking our statewide archaeological database, it appears that there have been no previous surveys completed near the proposed project area. However, the project area lies within an area generally perceived to have a high probability for possessing archaeological sites and/or buried human remains. In the absence of sufficient knowledge to predict the location of cultural resources within the project area, extreme caution is recommended during project related ground disturbing activities. Under state law (ORS 358.905 and ORS 97.74) archaeological sites, objects and human remains are protected on both state public and private lands in Oregon. If archaeological objects or sites are discovered during construction, all activities should cease immediately until a professional archaeologist can evaluate the discovery. If you have not already done so, be sure to consult with all appropriate Indian tribes regarding your proposed project. If the project has a federal nexus (i.e., federal funding, permitting, or oversight) please coordinate with the appropriate lead federal agency representative regarding compliance with Section 106 of the National Historic Preservation Act (NHPA).

If you have any questions about the above comments or would like additional information, please feel free to contact our office at your convenience. In order to help us track your project accurately, please reference the SHPO case number above in all correspondence.

Sincerely,

Shane P. James, M.S., RPA
SHPO Archaeologist
(503) 986-0805
shane.james@oregon.gov

Pete Walter

From: THPO THPO <thpo@ctwsbnr.org>
Sent: Monday, July 20, 2020 9:52 AM
To: Diliana Vassileva
Cc: Robert Brunoe
Subject: Re: Development Review in Oregon City - Multiple Properties
Attachments: PastedGraphic-1.pdf

Follow Up Flag: Follow Up
Flag Status: Flagged

Hi Diliana,

Thank you very much for the opportunity to provide comment on the Multiple Properties Development Review in Oregon City.

General Comment:

As the technical reviewer for NHPA Section 106 and other cultural resource issues for the Confederated Tribes of the Warm Springs Reservation of Oregon (CTWSRO), the CTWSRO Tribal Historic Preservation Office (THPO) has concerns with the potential effects to historic properties or cultural resources within the Project Area of Potential Effects (APE). The Project APEs are within the areas of concern for the CTWSRO.

Project-specific Comment(s):

Project PA-20-10: Recommend cultural resources survey, consistent with Oregon SHPO standards (including historic buildings review)

Project PA-20-11: Recommend cultural resources survey, consistent with Oregon SHPO standards

Project PA-20-12: Recommend cultural resources survey, consistent with Oregon SHPO standards

Project PA-20-13: Recommend Inadvertent Discovery Plan

Project PA-20-14: Recommend Inadvertent Discovery Plan

Project PA-20-15: Recommend Inadvertent Discovery Plan

Project PA-20-16: Recommend cultural resources survey, consistent with Oregon SHPO standards

Project PA-20-17: Recommend Inadvertent Discovery Plan

Please contact me with questions or concerns.

Thank you for your efforts to protect cultural resources.

Best Regards,

Christian

Christian Nauer, MS
 Archaeologist
 Confederated Tribes of the Warm Springs Reservation of Oregon
 Branch of Natural Resources

christian.nauer@ctwsbnr.org

Office 541.553.2026

Cell 541.420.2758

Standard Disclaimers:

*The Confederated Tribes of the Warm Springs Reservation of Oregon have reserved treaty rights in Ceded Lands, as well as Usual and Accustomed and Aboriginal Areas, as set forth through the Treaty with the Middle Tribes of Oregon, June 25, 1855.

*Please know that review by the Tribal Historic Preservation Office does not constitute Government-to-Government consultation. Please ensure that appropriate Government-to-Government consultation is made with the Confederated Tribes of the Warm Springs Tribal Council.

*The opinions expressed by this author do not necessarily represent those of the Confederated Tribes of the Warm Springs Reservation of Oregon. Information, contents, and attachments in this email are Private and Confidential.

On Jun 23, 2020, at 8:12 PM, Dilia Vassileva <dvassileva@orcity.org> wrote:

Good afternoon,

Oregon City's Municipal Code requires that notice be sent to selected Tribes and SHPO before development involving ground disturbance may occur. Oregon City will not be reviewing projects on archeological criteria but we want to make sure that the applicant is aware of any potential archeological issues as early in the process as possible.

Please review the attached documents and return any comments regarding potential archeological issues to me within 45 days and your comments will be forwarded to the applicant.

Thank you and feel free to contact me with any additional questions or concerns.

Thank you.

<image001.png>

Diliana Vassileva
Assistant Planner
Planning Division
 City of Oregon City
 PO Box 3040
 695 Warner Parrott Road,
 Oregon City, Oregon 97045
Same Location, New Address
 Direct - 503.974.5501
 Planning Division - 503.722.3789
 Fax 503.722.3880

[What's your Vision for Oregon City?](#)

<image002.jpg>

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.

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

<06232020 SHPO Letter .pdf>

My Name is James (Jim) Hall. My family and I have lived in Oregon City for over 40 years. Some of the events that are now occurring are in my opinion not best for Oregon City. As a result I have some important questions that pertain to an application that is before the City Commission - AP21- 00004 and AP-00005 of GLUA-2100002/ SP-21-0000 & 2100001 & 21-00002 which was mailed on August 11, 2021.

The questions which I wish to have addressed are the following.

1. Who is the owner or owners of the property and or properties and how long have they owned the property and its total size in square feet?
2. What entity or entities applied for the afore noted applications?
3. Is there more than one owner-ship within the applications?
4. Is there a registered architect in the application?
5. It is my understanding that the development is for a 60 condominium housing development, is this within the zoning code density??
6. Will the water source be sufficient to serve the development and the present needs?
7. Is the sanitary sewer adequate to supply the development?
8. Has the obvious problem of fire safety and how fire service access will serve the development and the surrounding development?
9. Considering the status of the present traffic and street patterns, will the present pattern create many more street problems?
10. What Geologic considerations have been taken, if any, in reference to storm patterns?
11. What impact will the development have on the adjacent topography and native vegetation?
12. What will the impact be to the surrounding character of the present development?
13. Has the developer even thought about the resultant traffic pattern?
14. Will this development have a deleterious effect on the character the present development?

These are some of the problems, in my opinion, that will result if the he City allows this development this historic area of the City.

James and Ardith Hall
1006 Clearbrook Drive.
Oregon City, OR 97045
503-655-1716

PL0520 0302PM

Laura Terway

From: Rachel Lyles Smith
Sent: Tuesday, August 31, 2021 6:14 PM
To: Laura Terway
Subject: Fwd: 535 \$ 545 Holmes Land Use Oregon City
Attachments: warm_springs_recommendation.20.2021_0.pdf

I assume I was bcc'd on this email. Also for your records.

Rachel

Rachel Lyles Smith, Mayor
City of Oregon City

Sent from my Verizon, Samsung Galaxy smartphone

From: Karla Laws <karla.laws@gmail.com>
Sent: Wednesday, August 25, 2021, 1:59 PM
To: christian.nauer@ctwsbnr.org
Subject: 535 \$ 545 Holmes Land Use Oregon City

Christian:

Here is the letter the City of Oregon City is using in you endorsing this land use on behalf of Confederated Tribes of the Warm Springs Reservation of Oregon:

https://www.oregoncity.org/sites/default/files/fileattachments/planning/project/32351/warm_springs_recommendation.20.2021_0.pdf

Here is where it is used in the entire online file:

<https://www.oregoncity.org/planning/project/glua-21-00002>

Just in case, I will screenshot this if it is removed.

11:37



orcity.org — Private

(303 KB)

 Updated Elevation Drawings - J type Units with street facing facades (403 KB)

 Updated Elevation Drawings - K type Unit D2 with street facing facades (226 KB)

 Updated Elevation Drawings - K type Unit D1 with street facing facades (406 KB)

 Property Line Application (217 KB)

 SHPO Response Letter (31 KB)

 Property Line Form (552 KB)

 Warm Springs Recommendation (105 KB)



Item 3a.

11:37

 **orcity.org** — Private

1

2 of 3

Christian Nauer, MS
Archaeologist
Confederated Tribes of the Warm Springs Reservation of Oregon
Branch of Natural Resources

christian.nauer@ctwsbnr.org

Office 541.553.2026

Cell 541.420.2758

Standard Disclaimers:

*The Confederated Tribes of the Warm Springs Reservation of Oregon have reserved treaty rights in Ceded Lands, as well as Usual and Accustomed and Aboriginal Areas, as set forth through the Treaty with the Middle Tribes of Oregon, June 25, 1855.

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Please review the attached documents and return any comments regarding potential archeological issues to me within 45 days and your comments will be forwarded to the applicant.

Thank you and feel free to contact me with any additional questions or concerns.

Thank you.

Diliana Vassileva

Our land use appeal hearing is 9/1/21 at 7pm at our new police station at 1234 Linn Ave Oregon City. The City of Oregon City is trying to throw out our appeal for Barclay Hills NA and not allow due process for the residents. I am hoping to understand what happened here. I am afraid if the city falsely used you as a resource, that it will be covered up by city staff to our city commission.

This is not ethical or fair to the tribe!

Here is our elect advocacy for our residents and our local community, I am confident they would care if your name is being used falsely. Here is there contact info:

<https://www.orcity.org/citycommission>

Please let me know what you are willing to share or if there is anything I can do to help. I look forward to touching base with you at your earliest convenience.

Sincerely,
Karla Laws
BHNA Chair, Oregon City
5039560634

Sent from my iPhone

Pete Walter

From: THPO THPO <thpo@ctwsbnr.org>
Sent: Monday, July 20, 2020 9:52 AM
To: Diliana Vassileva
Cc: Robert Brunoe
Subject: Re: Development Review in Oregon City - Multiple Properties
Attachments: PastedGraphic-1.pdf

Follow Up Flag: Follow Up
Flag Status: Flagged

Hi Diliana,

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General Comment:

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Project PA-20-15: Recommend Inadvertent Discovery Plan

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Project PA-20-17: Recommend Inadvertent Discovery Plan

Please contact me with questions or concerns.

Thank you for your efforts to protect cultural resources.

Best Regards,

Christian

Christian Nauer, MS
 Archaeologist
 Confederated Tribes of the Warm Springs Reservation of Oregon
 Branch of Natural Resources

christian.nauer@ctwsbnr.org

Office 541.553.2026

Cell 541.420.2758

Standard Disclaimers:

*The Confederated Tribes of the Warm Springs Reservation of Oregon have reserved treaty rights in Ceded Lands, as well as Usual and Accustomed and Aboriginal Areas, as set forth through the Treaty with the Middle Tribes of Oregon, June 25, 1855.

*Please know that review by the Tribal Historic Preservation Office does not constitute Government-to-Government consultation. Please ensure that appropriate Government-to-Government consultation is made with the Confederated Tribes of the Warm Springs Tribal Council.

*The opinions expressed by this author do not necessarily represent those of the Confederated Tribes of the Warm Springs Reservation of Oregon. Information, contents, and attachments in this email are Private and Confidential.

On Jun 23, 2020, at 8:12 PM, Dilia Vassileva <dvassileva@orcity.org> wrote:

Good afternoon,

Oregon City's Municipal Code requires that notice be sent to selected Tribes and SHPO before development involving ground disturbance may occur. Oregon City will not be reviewing projects on archeological criteria but we want to make sure that the applicant is aware of any potential archeological issues as early in the process as possible.

Please review the attached documents and return any comments regarding potential archeological issues to me within 45 days and your comments will be forwarded to the applicant.

Thank you and feel free to contact me with any additional questions or concerns.

Thank you.

<image001.png>

Diliana Vassileva
Assistant Planner
Planning Division
 City of Oregon City
 PO Box 3040
 695 Warner Parrott Road,
 Oregon City, Oregon 97045
Same Location, New Address
 Direct - 503.974.5501
 Planning Division - 503.722.3789
 Fax 503.722.3880

[What's your Vision for Oregon City?](#)

<image002.jpg>

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.

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

<06232020 SHPO Letter .pdf>

Laura Terway

From: Denyse McGriff
Sent: Tuesday, September 7, 2021 9:09 AM
To: Laura Terway
Cc: Tony Konkol
Subject: FW: Trees Of Stafford Park

Please see the information below. If these trees are on Park property they should not be removed and should be protected during the proposed construction. Thank you, Denyse

From: Karla Laws <karla.laws@gmail.com>
Sent: Monday, September 6, 2021 3:38 PM
To: Amy <awillhit@yahoo.com>
Cc: Dorothy Dahlsrud <dorothydahlsrud@gmail.com>; Jamesdonn@comcast.net; mbeals@mtbcontractingllc.com; Aaron Wolf <aaron@wolftune.com>; Terry Lingmann <tlingmann@tanaxis.com>; cftrft@comcast.net; Leon <lhliegel@aol.com>; Catherine P <clpies1950@gmail.com>; Troy Brummell <t_brummell@hotmail.com>; Jesse Buss <jessebuss@gmail.com>; Aaron Wolf <aaron@wolftune.com>
Subject: Re: Trees Of Stafford Park

This developer plans on taking a few trees bordering the park beyond Jim's property, not as magnificent but still worth while saving. The interesting part of the last city commission, it sounds future wise, this developer may purchase the house potentially at 545. Indirectly in the convos, sounds like this is a possibility.

These trees are part of the park and as of now, we know Jim (Stafford House owner) will not disturb. The concern tho is the developer plans future residents utilizing Stafford Park. No barrier of a fence between the park and the development. I am confident our city commission will advocate for this. This project will have a huge impact on this small park. The developer advocates that their townhomes will utilize this park and Singer Creek as their green space.

Karla Laws

Sent from my iPhone

On Sep 6, 2021, at 3:24 PM, Amy <awillhit@yahoo.com> wrote:

How have I missed noticing these trees? Just goes to show we don't always appreciate what is right around us. I hope we can save these.

Amy

On Monday, September 6, 2021, 2:06 PM, Karla Laws <karla.laws@gmail.com> wrote:

Didi,

These cool trees is what the developer wants to take down, how can we stop this? Can we make these heritage trees? Jim Donnelly pointed this out to me, owner of Historic Stafford House.

<0906211214.jpg>

He also pointed me this article:

<https://www.1017thebull.com/2017/09/20/if-you-see-a-bent-tree-look-around-you-could-find-something-cool/>

I've cc'd other residents who I think will care as well.

Karla Laws
BHNA Chair

Sent from my iPhone

<0906211214.jpg>

Laura Terway

From: Tony Konkol
Sent: Wednesday, September 1, 2021 6:52 PM
To: Jakob Wiley
Cc: crichter@batemanseidel.com; Laura Terway
Subject: FW: Public Comments on Holmes Lane Development

Ex-parte contact related to the Holmes Lane appeal.

From: Rocky Smith, Jr. <rsmith@orccity.org>
Sent: Wednesday, September 1, 2021 6:45 PM
To: Tony Konkol <tkonkol@orccity.org>
Subject: Fw: Public Comments on Holmes Lane Development

Tony-

Here is the second chain of email I recieved. Also regarding Holmes Lane.

Rocky

From: Karla Laws <karla.laws@gmail.com>
Sent: Friday, June 4, 2021 1:01 PM
To: Pete Walter <pwalter@orccity.org>; Laura Terway <lterway@orccity.org>; Christina Robertson-Gardiner <crobertson@orccity.org>
Cc: Aaron Wolf <aaron@wolftune.com>; Dorothy Dahlsrud <dorothydahlsrud@gmail.com>; Jamesdonn@comcast.net <Jamesdonn@comcast.net>
Subject: Re: Public Comments on Holmes Lane Development

Pete,

We should of had prior warning and this should be noted Online. This is disappointing! How can I serve my community as a volunteer if information is not forthcoming? Jim Donnelly had this dropped off and time stamped at City Hall. I have also scanned each page in an email (with his permission). Please make this process easier and more inviting for residents. Please update your information Online.

Sincerely,

Karla Laws
 BHNA Chair

Sent from my iPhone

On Jun 4, 2021, at 12:21 PM, Pete Walter <pwalter@orccity.org> wrote:

Good afternoon Karla and Aaron,

Today is the public comment deadline for the condo development on Holmes Lane. Since our office is closed on Friday due to COVID, folks submitting comments in writing may submit them at City Hall today, and we will accept written comments through Monday from those who may have attempted to come to Community Development today and could not access the building. We can also accept comment via email and fax.

I have changed my outgoing voicemail with this message and will inform the Barclay Hills neighborhood association as well.

Apologies for any inconvenience.

Thanks,

Pete Walter

Peter Walter, AICP, Senior Planner (he / him)
 Community Development Department
 695 Warner Parrott Rd, Oregon City, OR 97045
 (503) 867-2574 *Mobile* / (503) 496-1568 *Desk* / (503) 722-3789 *Main Office*
 In the Office - Monday: 8:30 am – 4:00 pm
 Working Remotely - Tues-Friday: 8:30 am – 5:00 pm
[Anti-Racist Resources](#)
[What's your Vision for Oregon City?](#)
[<image001.jpg>](#)
[Interactive Maps and Apps](#)
[On-Line Submittal of Land Use Applications](#)
[COVID-19 \(Coronavirus\) Information](#)

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.

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

Laura Terway

From: Rachel Lyles Smith
Sent: Tuesday, August 31, 2021 6:12 PM
To: Laura Terway
Subject: Fwd: Sept. 1, 2021 City Commissioners Meeting

Laura,

You likely already received this email from others regarding the Holmes Ln appeal. Since Carrie asked us to forward emails to you, I am forwarding this just in case you haven't received it.

Rachel

Rachel Lyles Smith, Mayor
 City of Oregon City

Sent from my Verizon, Samsung Galaxy smartphone

From: Catherine P <clpies1950@gmail.com>
Sent: Saturday, August 28, 2021 7:38:53 PM
To: Rachel Lyles Smith <rlsmith@orcify.org>
Subject: Fwd: Sept. 1, 2021 City Commissioners Meeting

28 August 2021

Dear Oregon City Mayor and City Commissioners,

We recently learned that a letter was sent to City Commissioners by a law firm requesting dismissal of a Barclay Hills Neighborhood Association (BHNA) appeal in opposition to a 60-Unit Residential Condominium Project at 535 and 545 Holmes Lane. Reportedly, this law firm was hired by Emerio Design, LLC, a Beaverton, OR, firm representing an individual land developer whose name remains unknown to us. We are concerned that this legal action is another attempt by the unknown developer to quash BHNA and other Oregon City local area resident exhortations against the condo proposal.

Legal action requesting dismissal of appeal directly affects those of us who live near proposed condo development. The BHNA and we local residents are in an untenable position; we have no financial resources for legal representation to counter a request for appeal dismissal.

We work hard to support ourselves and our families. We support local businesses, shop at the Saturday Farmers Market, and volunteer in various organizations such as Volunteers in Medicine. This is our city. We live in Oregon City because we value our town. We pay local taxes and share rising costs of maintaining a city we proudly call H--O--M--E, *home*.

There are several aspects of the 60-unit condo development "process" that have ignored or restricted local citizen input. For example, we and our neighbors on Cedar Ln. never received any official notification allegedly sent to us in January 2020 that condo development was being planned on Holmes Ln. We did not receive either of two May 2021 notifications of a Final Comments deadline from the Oregon City Community Development - Planning (CD-P) office. This meant inability to make comments and, therefore, the right to appeal.

The same CD-P office has offered little help. Past and current staff have made it difficult to formally submit citizen comments and appeals. Log-in day/time stamping of neighbor-submitted documents has been denied. From the outside looking in to “Oregon City planning,” was the 60-unit condo proposal for Holmes Ln. a “done deal” as soon as it was initially submitted?

Lastly, it is our hope that City Commissioners will give us some latitude in Citizen Comments and Public Hearing portions of the next City Commission Regular Meeting at 7 PM on Wednesday, Sept 1, 2021. We ask that you allow us to ask our questions; share our concerns; and explain additional safety, traffic, and other neighborhood problems facing us on a future daily basis if a 60-unit, Holmes Ln., condo project is approved.

Sincerely,

Leon Liegel / Catherine Pieslewicz
710 Cedar Ln.
Oregon City, Oregon 97045

Laura Terway

From: Tony Konkol
Sent: Wednesday, September 1, 2021 6:52 PM
To: Jakob Wiley
Cc: crichter@batemanseidel.com; Laura Terway
Subject: FW: Barclay Hills NA postcard for Sept 2021

Ex-parte contact related to the Holmes Lane appeal.

From: Rocky Smith, Jr. <rsmith@orccity.org>
Sent: Wednesday, September 1, 2021 6:44 PM
To: Tony Konkol <tkonkol@orccity.org>
Subject: Fw: Barclay Hills NA postcard for Sept 2021

Tony-

Here is an email chain that was forwarded to me regarding the Homles Lane item on the agenda tonight.

Rocky

From: Karla Laws <karla.laws@gmail.com>
Sent: Monday, August 16, 2021 6:53 AM
Subject: Fwd: Barclay Hills NA postcard for Sept 2021

Kattie Riggs would help Kelsi a lot as well.

Karla Laws

Sent from my iPhone

Begin forwarded message:

From: Karla Laws <karla.laws@gmail.com>
Date: August 16, 2021 at 6:46:26 AM PDT
Subject: Fwd: Barclay Hills NA postcard for Sept 2021

I blind copied on you on this bc my suspicion is this was not an accident! The dates and my explanation make it very clear. Christina just took over the postcards. Kelsi needed help with everything. Usually Laura or Christina would help, Christina has been on vacation a lot this summer.

Karla Laws

Sent from my iPhone

Begin forwarded message:

From: Karla Laws <karla.laws@gmail.com>
Date: August 15, 2021 at 9:39:32 PM PDT

To: Aaron Wolf <wolftune@gmail.com>

Cc: Christina Robertson-Gardiner <crobertson@orcity.org>, Kelsi McNall <kmcnall@orcity.org>, print@buelssprinting.com, Dorothy Dahlsrud <dorothydahlsrud@gmail.com>

Subject: Re: Barclay Hills NA postcard for Sept 2021

Christina,

The previous postcard I did not get and this last postcard sent meeting was 7/13/21 and I got it last week (8/9/21). The submission was approximately around 6/15/21. This is happening to neighbors on Holmes, Mountainview, Cedar Lane, and Maggie Place as well. This contributed to many not being informed on the 535 & 545 Holmes Lane Use. It is discouraging neighbors are not getting these postcards on time and some not at all. I'd appreciate any assistance you can to speed this along!

Thank you,

Karla Laws
BHNA Chair

Sent from my iPhone

On Aug 15, 2021, at 9:14 PM, Aaron Wolf <wolftune@gmail.com> wrote:

Hi Christina, I'm told that Kelsi moved on or something and you will be handling postcard processing.

PDF attached

Barclay Hills Neighborhood Association Postcard Deadlines

Meeting Date: Sept 14, 2021

Postcards emailed to Kelsi McKnall & Buels: Aug 15, 2021

Preferred date for arrival in mailboxes (if possible): ASAP

Please process this quickly. We had reports of some neighbors getting postcards late last time, and we have a notable land-use presentation.

Thanks!

BHNA vice-chair (acting as secretary),

Aaron Wolf

--

Aaron Wolf

wolftune.com

<BHNA-postcard-2021-09.pdf>

Laura Terway

From: Catherine P <clpies1950@gmail.com>
Sent: Tuesday, September 14, 2021 10:49 PM
To: Karla Laws
Cc: Adam Marl; Frank O'Donnell; Denyse McGriff; Laura Terway; Rachel Lyles Smith; Rocky Smith, Jr.; Tony Konkol; crichter@batemanseidel.com; recorderteam
Subject: Re: 535 & 545 Land Use

The application for the development shows Emiero Design, LLC as the Applicant and Steve Miller who repeatedly stated he represents the developer. The lawyer stated he represents the applicant. Then the lawyer is representing Emerio Design, LLC? There is no documentation anywhere in the file that shows that a developer has authorized a representative. Neither of the property owners have made any formal statement that they are personally developing their properties.

Is there a legal basis that states any one who claims to represent a developer, without signed and notarized documents?

I already made "public comment" at the last meeting so don't know if I am allowed to again. If not I would like this question brought up. Also, the lawyer said the "private streets" are drive alleys." Then an amended application would have to be filed and hasn't.

One more item, the site plan shows "private" access to the parks on each side. Is it legal to restrict access to a public park? Current access to that section of Singer Park is off of Holmes. The North end borders private property. There has never been private access to Stanford Park.

Catherine

On Tue, Sep 14, 2021 at 12:10 PM Karla Laws <karla.laws@gmail.com> wrote:

Please submit this for public record to the city commissioners for 9/15/21.

I would like to read this out loud for the public. I'm asking my neighborhood tonight to give me 5 minutes for public comment. I am not sure if I am able to talk during the appeal hearing. Is this possible (without disturbing someone else's time)? I want the residents have their own time to speak for BHNA.

Sincerely,
 Karla Laws
 BHNA Chair

Oregon City – City Commissioners Meeting
September 15th, 2021

RE: Agenda Item 8a – AP 21-0004 and AP 21-00005 – Two appeals for Planning File
GLUA 21-0002: SP 21-00001/LL21-00002
60 Unit Residential Condo Project on Holmes Ln

Testimony of: Christine Kosinski, Unincorporated Clackamas County. Testimony to include the Oregon City Natural Hazards Mitigation Plan

I am moved to comment about the proposed development for many reasons. I support the people's concern over the high density R-2 zoning for this Condo Project. The R-2 zoning was used for the development on Thayer Road and it has led to many cars being parked on the street leading to safety problems. The R-2 zoning was brought up again during the Beavercreek Rd. Concept Plan, however it was presented in a way that R-2 would be sprinkled throughout the R-5, R-6, R-8 zones and it was to be for duplexes. The R-2 zoning for this large of a project will lead to safety problems, it is out of character for the neighborhood. The R-2 zoning will mean that the people will take more trips by car to get out as 2000 ft is just not enough, people become agitated, bored and tired of being kept in such a small space. They have no backyards, no place for small animals or for children to play, it's like a prison. This dense zoning will NOT lead to a pleasant neighborhood, rather in about 20 years, it will become a Ghetto complete with violence, fighting and crime. Is this really what Oregon city wants to build? Do you want this label?

There are many environmental concerns here. I would be concerned the semi-permeable membrane will leak chemicals, pesticides, herbicides and other toxic substances into Singer Park and Creek. Allowing these toxic chemicals to travel, non-filtered, into the Willamette River could create drastic environmental problems. Even DEQ apparently states a disaster in this location could be a very high possibility. It does not appear that collection ponds are possible as many have failed here already.

Other concerns are for the trees, will they be removed? My answer to this is that NO mature tree should every be removed. We need every healthy mature tree to take up carbon emissions and we need the life giving oxygen they give to us I am interested to have a better understanding of the stormwater facility, someone says it is privately owned? I would like to know where the runoff will go, there will be runoff due to the slopes at this location.

I would suggest the City use the “Oregon City Natural Hazards Mitigation Plan” as well as “A land use guide for Oregon - DLCD-DOGAMI landslide hazards”. Because this location, on Holmes Ln, is in a difficult Earthquake Zone, it is important that the people and their property be protected from natural hazards. This is where the guidelines from State Land Use Goal 7 should be applied, as natural hazards are defined as earthquakes, landslides, floods and related hazards.

If Oregon City is not using it's Natural Hazards Mitigation Plan, then I would say this is shameful as the City signed and agreed to these FEMA requirements in 2019. This agreement with FEMA asks local governments to integrate risk reduction into their comprehensive planning. I have testified to the City on several occasions asking them to be sure their Natural Hazards Mitigation Plan is integrated into both their Ordinances and Comprehensive Plan, my last testimony was for this plan to be incorporated into the recent upgrade to the Hazards Regulations. To date, I do not see that it has been added. For the City to enter into this agreement with FEMA, then take money from them for ice storm damages is wrong if they do not intend to support the requirements of this Hazards Mitigation Plan.

This is what the City of Medford states in their Comprehensive Plan about Environment.

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**.

Proposing this very dense project in the older part of Oregon City is not a wise decision. The infrastructure here is very old and not reliable. Traffic will be a huge problem as these streets are small and cannot take this amount of traffic. It could be difficult for emergency vehicles to get in and out and certainly many Natural Hazards here need to be addressed. I do not see the City complying with many of our Statewide Land Use Goals, and bottom line, who would want to live in such a small space with nothing to do, with heavy traffic and noise to contend with 24 hours a day?

I ask you to please listen to the concerns of the people, they are valid and need to be addressed. If you will apply the requirements of Oregon city's Natural Hazards Mitigation Plan, as well as the Land Use Guide for Oregon, DLCD-DOGAMI Landslide Hazards, you will easily see that the requirements from both of these plans alone, will not allow this project to be approved. The R-2 zoning alone would never be allowed, especially in an area highly exposed to earthquake hazards.

From Oregon City's Natural Hazards Mitigation Plan. Page OC-46, under Implementation

1. Use zoning codes to regulate development in hazard prone areas.
2. 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 disaster and hazards through planning strategies that restrict development in areas of known hazards.

Testimony about Holmes Lane and Singer Creek

Folks:

Many years ago, the Environmental Learning Center did a complete assessment of Urban Streams in Oregon City with a particular focus on those descending through historic areas and those contained in culverting historic "catacombs". You are reviewing the proposed development at Singer Creek's source. I have no standing in this matter except to speak as a person of knowledge regarding the sensitive nature of that stream corridor. Here are my thoughts:

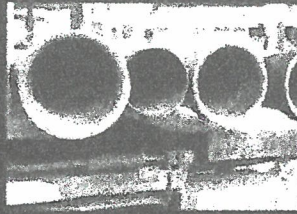
1. The neighborhood association is correct in its concern about degradation of water quality.
2. Disturbance of upland lands without serious attention to siltation will introduce high sediment flows to the creek that will never be polished out adequately as it goes through 40 some acres in Singer Creek Park.
3. Silts and runoff will then flow and accumulate in nearly one-half mile of underground piping and "historic catacombs" (hand-cut rock channels) that exist from the Jacob's block (Pioneer Community Center)
These are all underground conveyances that have no ability to cleanse or bioremediate those waters.
4. These waters then emerge as very visible outfall at the Works Progress Administration water courses and waterfalls that can be seen by all from Downtown Main Street.
5. Many years ago, the Environmental Learning Center worked with Oregon Department of Fish and Wildlife to raise and release nearly 10,000 winter Steelhead (raised at the college and released in Singer Creek because of its extremely high-water quality)
6. Those fish reared in the waterfalls previously described and ate all the "tender viddals" (mosquitoes, flies etc.) They then went on to the Willamette and returned to the Clackamas, which was accessible for spawning. After Mount St. Helens eruption, the toutle and Cowlitz rivers were heavily damaged and the fish returned to healthy side creeks and streams.

It worked! The fish kept people from getting bitten! The water quality of Singer Creek uniquely served the community. Your decisions regarding this important waterway can make a difference now and in the future!!!

Jerry Herrmann
Founding Director Environmental Learning Center

A

City Commission Sends Two Ballot Measures to Voters



Water System

Oregon City's water master plan identifies over \$81 million in capital improvements to strengthen the water system and improve its ability to recover from adverse events. A priority is to cost-effectively replace the oldest pipes before they break. Most of these are in the city's historic neighborhoods. Another priority is added storage to ensure everyone receives safe, reliable drinking water - no matter where they live - even in summer months.

The Ballot Measures

The City seeks a balanced approach to funding the improvements by borrowing money to minimize rate increases above 3% Charter limit. The Borrowing Ballot Measure would authorize the City to borrow money. The Rate Ballot Measure would allow the City to temporarily raise water rates above the 3% City Charter.

If money is not available to make improvements, they will be delayed, areas of town will not have city water service and mandatory water curtailment plan will be put in place during high demand periods.

Don't Forget to Vote!
Election Day is November 2
www.oregoncitywater.org

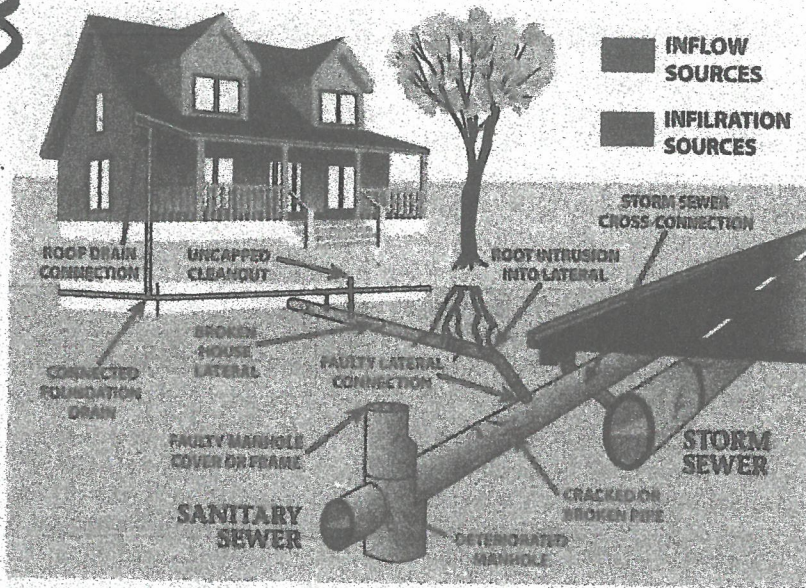


Public Works

122 S Center Street

503.657.8241

B



Sanitary Sewer I/I Rehabilitation RIVERCREST BASIN

The Inflow and Infiltration (I/I) Abatement Program guides the City to reduce surface and subsurface water from getting into the sanitary sewer system. I/I needs to be controlled so that this additional water does not add more volume to the sanitary sewer system that does not need to be treated at the treatment facility. Extra water volume in the sewer system equals higher treatment costs.

Infiltration typically occurs through holes, cracks, joint failures, and faulty connections in pipes or manholes because of age or disturbance. The City is working to address infiltration sources found in public right-of-way.

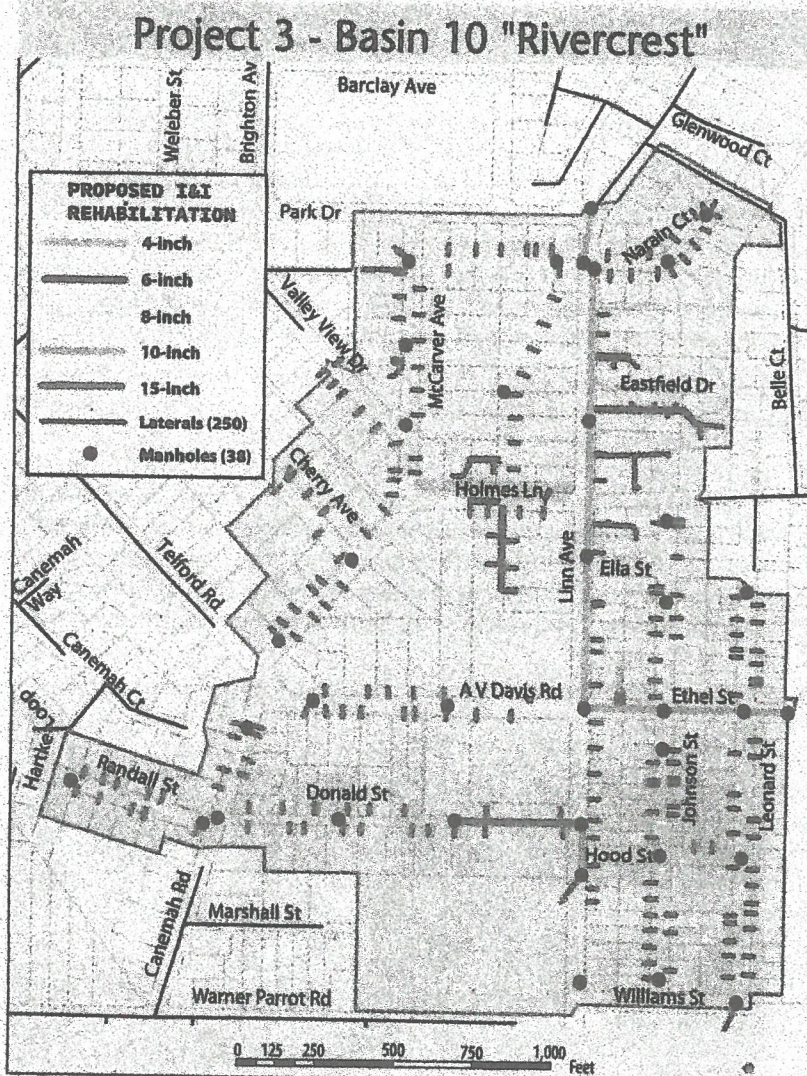
The City entered into a contract with Century West Engineering last December for engineering design services of the Sanitary Sewer I/I Rehabilitation – Rivercrest Basin project. Design services included pipe condition assessments and method of rehabilitation recommendations. The rehabilitation project includes approximately 14,000 linear feet of mainline sewer pipes that range in size from 4-inch to 10-inch, 38 sewer manholes, and 214 sewer service laterals in City right-of-way.

Three methods that are commonly used for mainline and lateral repairs are open trench, pipe bursting, and cured-in-place-pipe (CIPP) lining. Each method has its advantages and disadvantages. Open trench is the most traditional method where the existing pipe is dug up and is removed and replaced with new pipe. This method requires extensive roadway restoration and typically costs more. Trenchless technologies such as pipe bursting and CIPP lining are the least invasive methods in terms of ground disturbance on private property, but they may not correct severely damaged pipes. Each method will be taken into consideration based on the current pipe conditions to determine the best approach.

The assessment and selection of rehabilitation methods for the Rivercrest Basin project is nearly completed. The City anticipates final design and construction bidding to occur this Fall.

More information about the City's Sanitary Sewer I/I Rehabilitation – Rivercrest Basin project can be obtained at:

<https://www.oregoncity.org/publicworks/project/ci-20-010>



Do I Need a Permit?

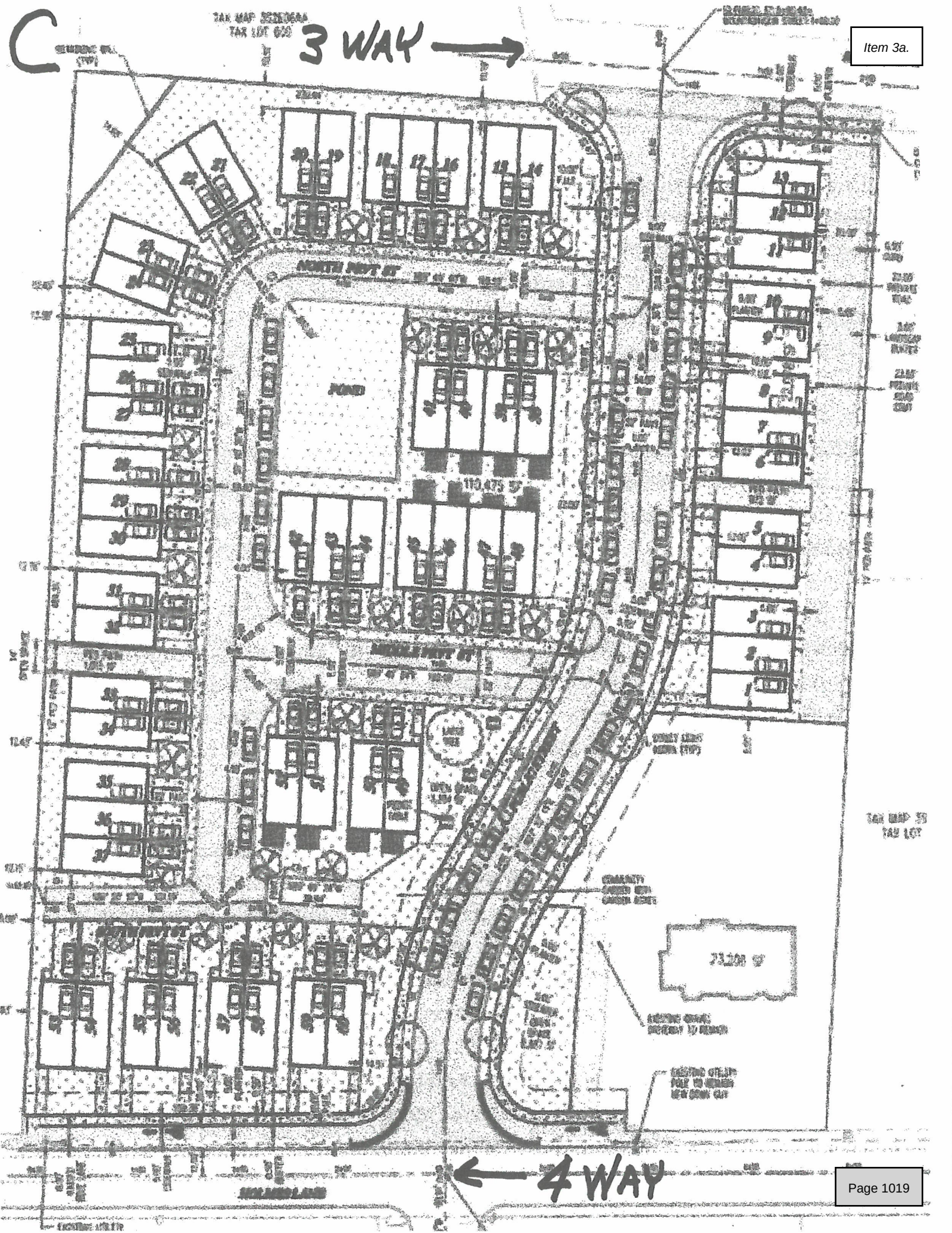
To find out when you need a permit for your home project, call the Oregon City Building and Planning Departments at 503.722.3789.

C

TAX MAP 35250604
TAX LOT 000

3 WAY →

Item 3a.



← 4 WAY

D

Conditions of Approval
Planning File GLUA-21-00002: SP-21-00001 / LL 21-00002

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

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

(B) = Verify that condition of approval has been met with the Building Division.

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

The following conditions of approval shall be met to the satisfaction of the City during the process of design and prior to issuance of public improvement or building permits for construction associated with the proposed multi-family development.

1. The development plans shall comply with all current Oregon City Public Works design standards, specifications, codes, and policies prior to receiving a permit and beginning construction. (DS)
2. The developer shall submit or address all items in section 16.12.014 of the Oregon City Municipal Code based on the timing requirements contained therein and as deemed applicable by the City. (DS)
3. The development shall provide the following along the development's frontage of Holmes Lane on the development side of the centerline: 11'-12'-wide drive lane, 0.5' curb, 5-foot-wide landscape strip, 6-foot-wide raised bike lane, 6-foot-wide sidewalk, and a 0.5-foot-wide buffer. The development shall dedicate right-of-way (ROW) to achieve 29' to 30' of ROW. (DS)
4. The alignment of the new north-south street (Rilance Lane) shall have at least fifty feet of tangent adjacent to the intersection (measured from the nearest curb line) unless topography requires a lesser distance.
- * 5. The development shall provide street lighting plans with photometric information for Holmes Lane, the new north-south street (Rilance Lane) and Mountainview Street which conforms with all City standards, specifications, codes, and policies and is approved by Portland General Electric (PGE) prior to receiving a permit and beginning construction. (DS)
6. The development shall provide new fire hydrant(s) in, and around, the property as required by Clackamas Fire District Number 1 and extend water main(s) (public and/or private) as necessary to supply required fire hydrants. (DS)
7. For proposed dead-end drive aisles, an approved turnaround contained in an access easement with appropriate no-parking signs or markings for large emergency vehicles and other long vehicles in the form of a hammerhead or other design in accordance with Clackamas Fire District No. 1 shall be provided. (P)
- * 8. All intersections, existing and proposed, adjacent the development property, shall have pedestrian crossings for each direction of travel which complies with Americans with Disabilities Act (ADA). Approved curb ramp design(s) will need to be included on engineering plans following proper engineering technical standards prior to receiving a permit and beginning construction. (DS)
9. The development shall minimize taps to the existing sanitary sewer main within Holmes Lane to the maximum extent practicable while providing the development with connection to the City's sanitary sewer system. The sanitary sewer design shall be in accordance with the City's sanitary sewer design standards. (DS)
10. The development shall extend an 8-inch water main from Holmes Lane to, and through, the development and shall connect to the existing water main within Mountainview Street to create a loop. (DS)
11. The engineering plans shall provide a local benchmark, onsite, using the NAVD88 datum prior to receiving a permit and beginning construction. (DS)
12. The applicant shall provide finalized engineered drainage plan(s), drainage report(s), and design flow calculation report(s) stamped and signed by a licensed engineer addressing all items from the Section 9.3 & 9.4 of the Public Works Stormwater and Grading Design Standards. (DS)

are likely to change slightly with the redesigned site plan required to accommodate the larger landscaped buffer between the site and a neighboring property as well as with the placement of streetlights, utility meters, etc. as required by this code section. Prior to issuance of construction plans of the right-of-way improvements, the applicant shall submit a street tree plan which includes the correct number of street trees evenly distributed throughout the total development in accordance with OCMC 12.08. The street tree plan will be submitted to and reviewed by PGE during the construction plan review process. The city may accept fee-in-lieu of planting pursuant to OCMC 12.08 if site or other constraints prevent meeting the required total number of tree plantings. The engineer of record shall confirm that the final street tree plan conforms to this chapter. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

12.08.035 - Tree removal and replacement.

Existing street trees, trees in the right-of-way, and trees on public property shall be retained and protected during development unless removal is specified as part of a land use approval or in conjunction with a public capital improvement project, in accordance with OCMC 17.41.

Finding: Not applicable. The applicant did not propose to remove any existing street trees.

CHAPTER 13.12 – STORMWATER MANAGEMENT

13.12.050 - Applicability and exemptions.

This chapter establishes performance standards for stormwater conveyance, quantity and quality. Additional performance standards for erosion prevention and sediment control are established in OCMC 17.47.

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

- 1. The conveyance facilities are located entirely on one privately owned parcel;*
 - 2. The conveyance facilities are privately maintained; and*
 - 3. The conveyance facilities receive no stormwater runoff from outside the parcel's property limits.*
- Those facilities exempted from the stormwater conveyance requirements by the above subsection will remain subject to the requirements of the Oregon Uniform Plumbing Code. Those exempted facilities shall be reviewed by the Building Official.*

Finding: Applicable. As part of the submitted application materials, the Applicant has provided a preliminary stormwater management report. Additionally, the submitted plans show that the proposed stormwater facility will be located entirely on one privately owned parcel, the conveyance facilities will be privately maintained, and private conveyance facilities will receive not stormwater runoff from outside the parcel's property limits. **Connection to a public stormwater conveyance system is required to serve this development.**

B. Water Quality and Flow Control. The water quality and flow control requirements of this chapter shall apply to the following proposed uses or developments, unless exempted under subsection C:

- 1. Activities located wholly or partially within water quality resource areas pursuant to OCMC 17.49 that will result in the creation of more than five hundred square feet of impervious surface within the NROD or will disturb more than one thousand square feet of existing impervious surface within the NROD as part of a commercial or industrial redevelopment project. These square footage measurements will be considered cumulative for any given five-year period; or*
- 2. Activities that create or replace more than five thousand square feet of impervious surface, cumulated over any given five-year period.*

Finding: Applicable. The proposed development will create or replace more than 5000 square feet of impervious surface; therefore, the requirements of this section apply

